The regular meeting of the Board of Zoning Appeals was held on January 5, 1971 in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. Richard Long, Mr. George Barnes, Mr. Joseph P. Baker and Mr. Loy Kelley.

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

Election of Officers: Mr. Daniel Smith was re-elected Chairman; Mr. Richard Long, Vice-Chairman; and Mrs. Betty Haines, Clerk.

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TED A. AND JEAN E. HALEY, application under Section 30-7.2.6.1.3 of the Ordinance, to permit day nursery - 20 children - 2 thru 6 years of age; 7 a.m. to 6 p.m., 3206 Glen Carlyn Road, Mason District, (R-12.5), 51-4 ((5)) 3, 4, S-232-70

Mrs. Haley did not have a copy of her contract to purchase the property. The Board proceeded to the next item while waiting for her to obtain a copy of the contract.

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RITA C. MARSH, application under Section 30-7.2.6.1.5 of the Ordinance, to permit home beauty shop, 7101 Bull Run Post Office Road, Centreville District, (RE-1), 64 ((1)) 61, S-229-70

Mr. Thomas Marsh stated that he and his family have lived in this house for six years. They have a statement from Luck Quarries giving permission to have a beauty shop in the home. He is employed by Luck Quarries and has worked for the Company for 15 years. His wife would like to have a one chair beauty shop.

Mrs. Marsh stated that she wished to operate the shop in her home for several reasons: She has two children, both of school age, and she felt that a mother's place is in the home with her children, and the cost of living today requires two incomes. She enjoys her work and would like to work at it at home. She would probably work five days a week, from 9:00 to 3:00, including Saturdays. There is plenty of room for parking.

No opposition.

In application S-229-70, application by Rita C. Marsh, under Section 30-7.2.6.1.5 of the Zoning Ordinance, to permit home beauty shop, property located at 7101 Bull Run Post Office Road, also known as tax map 64 ((1)) 61, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 5th day of January, 1971, and

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

1. Owner of the subject property is Fairfax Quarries. The applicant is lessee.
2. The present zoning is RE-1.
3. Area of the lot is 17.552 ac. of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to the date of expiration.

RITA C. MARSH - Ctd.

3. 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, whetheror not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The hours of operation shall be from 9 am. to 5 p.m. six days a week.

5. The operation shall be limited to one chair, owner-operated. No signs will be allowed.

6. The applicant shall provide two parking spaces on the premises for this use.

7. The permit is for a one year period and may be extended for four successive years by the zoning administrator.

Seconded, Mr. Barnes. Carried unanimously.

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ALLAN KIISK AND KARIN KIISK, application under Section 30-6.6 of the Ordinance, to permit construction of garage closer to property line than allowed by Ordinance, 9215 Presidential Drive, Mt. Vernon District, (RE 0.5), 110-4 ((3)) 90, V-237-70

Mr. Kiisk stated that the reason for the request is that the lot is narrow and long and the house is situated so that a garage of adequate size for two cars cannot be constructed within the existing setback requirements. They have determined that the location shown on the plats is the only feasible location as they cannot build in the back; there is a storage shed and concrete slab there, and very valuable oak trees. They have also determined that the garage is not objected to by their neighbors. Most of them feel this will enhance the neighborhood. There is a 72 ft. separation between his house and the neighbor on the side of the proposed garage. There are trees between the two houses and the neighbor would not be able to see the garage. The house is brick and aluminum siding and the garage would be brick. He had one of his cars stolen three years ago, demolished and dumped into the lake, at a loss of $2,000 his expense. This was what initiated the desire to build a garage. Most of the houses have two car garages or carports.

Is this lot the only 100 ft. lot in the area, Mr. Baker asked?

In the immediate vicinity this is probably true, Mr. Kiisk agreed, however, he did not know about the other lots. A carport would not protect against vandalism.

No opposition.

In application V-237-70, application by Allan and Karin Kiisk, under Section 30-6.6 of the Ordinance, to permit construction of garage closer to property lins than allowed by Ordinance, property located at 9215 Presidential Drive, also known as tax map 110-4 ((3)) 90, 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 requirements of all applicable State and County Codes and in accordance with 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 5th day of January, 1971 and

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

1. Owner of the subject property is the applicant.
2. Present zoning is RE 0.5.
3. Area of the lot is 21,043 sq. ft. of land.
4. Required setback for an enclosed garage is 30 ft. from the property line.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinanceawould result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: (a) exceptional topographic problems and location of trees on the land;

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted for the location and specific structure or structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The garage must be located a minimum distance of 15 ft. from the side property line.

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4. The construction and architecture must conform with the existing dwelling.

Seconded, Mr. Barnes.

Mr. Long amended the motion to read that the garage may be extended toward the rear to a maximum distance of 10 ft. or making a 36 ft. garage in depth.

Accepted by Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

SUMMIT LODGE, INC., application under Section 30-7.2.5.1.4.1 of the Ordinance, to permit establishment and operation of private club or association, located on 25.0899 ac. bounded on the east by Annandale Road, on the south by Mason Lane, on the west by Arnold Lane, and on the north by the Holmes Run Stream Valley Park, Providence District, (R-12.5) 60-1, ((1)) 6, 7, 8, 13, 14, 15, S-220-70 (deferred from 12/15/70)

Mr. Smith said he was disappointed in the amount of information received and the date the Board received it. He would like to clear up the section of the Ordinance under which this is being heard. He read a memorandum from Mr. Wallace S. Covington to Mr. Gilbert R. Knowlton:

> "It is the decision of the Zoning Administrator that the proposed Science-Engineering Private Club, as outlined in the attached brochure, would be permitted as a Group V-Institutional Use, under the category of a private club. You will note that under section 30-7.2.5.1.4.1, Sub-section d., this section would prohibit the construction of multi-dwelling units.
>
> There is no definition of a private coub in the Ordinance, or Webster's Dictionary, stating that the criteria for a private club be a non-profit or profit organization. I do not feel that the profit motive has any bearing in the definition of a private club."

The Board has certain guidelines set forth in the Ordinance, Mr. Smith stated, for private clubs. Is this an existing club, he asked?

The property for many years has been used for various political organizational meetings and conferences, Mr. Adams replied, and at least for twenty years probably, has been used for civic, charitable and political meetings.

Political meetings are permitted under the Ordinance, Mr. Smith noted, and he did not believe that this constitutes a private club.

The request is for a use permit to operate a private club, Mr. Adams explained, and conference center in connection therewith. The applicant, Summit Lodge, is a wholly owned subsidiary of D. C. Realty and Development Corporation, which in turn is a wholly owned subsidiary of D. C. Transit of Delaware. D. C. Transit of Delaware is a publicly owned corporation of approximately 14,000 stockholders and Mr. O. Roy Chalk is the principal stockholder of the parent corporation, and is also president of Summit Lodge, Inc. The corporation is a corporation in good standing under Virginia law. The property is presently zoned R-12.5. There are 25+ acres and bounded by Holmes Run Stream Valley Park, and approximately 30 homes in the area. The grounds contain a manor house, a lodge which is approximately 600 ft. and 850 ft. long, living quarters for maid and caretaker, garage, stable, tackroom, two tennis courts, swimming pool, and a large barbecue. There are 184 parking spaces shown on the amended plan. It is 25 ft. from the boundary. The only change on the amended version, is the parking area which has been moved back to meet the required setback.

Mr. Adams reviewed the qualifications and activities. The club would be called the Walnut Hill Club, it would be a private club, to be used for that purpose and as a conference center, the members would be selected on the basis of their scientific, environmental, social, economic and political interests, and would be people of very high calibre, drawn from the metropolitan area.

If the Board had the list of membership, they might be able to determine that, Mr. Smith said. The Board has nothing other than the fact that it's a proposal and now you come up with a new name. The application was in the name of Summit Lodge, Inc., now we are told it's to be operated as Walnut Hill Club.

Summit Lodge will operate it, will have a manager to operate it, Mr. Adams said. He pointed out that it is very impractical with an estate ofthis size, moneythat would have to be put into it, to go to the point of having the members already arranged. The Board can understand the business problems connected with it, other than outlining the type of proposal they would like to put into effect here, until they have the Board's approval.

Under the Section of the Ordinance the application was filed, Mr. Smith said, "private lodges, clubs, meeting rooms, offices for mutual benefit associations, recognized by the Commonwealth of Virginia as labor unions" -- how do you characterize this in this particular group, he asked?

Mr. Adams said he read that language and it's about as difficult language to interpret as any he has seen, and he felt that Mr. Covington gave it very meritorious effort.

There was an amendment to the ordinance to allow labor unions to have offices in buildings in residentially zoned property, Mr. Smith said.

He got into this case after it had been filed, Mr. Adams stated, and one of his first questions was whether it came under this section; he went to see Mr. Pammel's office, discussed with them his concern, they said the interpretation had been given, that the use would be permitted under this section. He would be the first to admit, Mr. Adams continued, that the language of that section is not very clear. It's the only section a private club can fall under. Elks Lodge, Country Club of Fairfax -- he did not check, but could only assume that they came under this same section, and a number of other private clubs.

These are fraternal organizations, Mr. Smith said. They are in a different category and do not come under this section of the Ordinance. They are community uses and this is not.

It does have certain community aspects, Mr. Adams stated. The staff felt this was a logical use and would have to come under this category.

If someone went to the property and said they wanted to have a three day insurance meeting, Mr. Barnes suggested, for the northern Virginia area -- mechanics, plumbers, or similar group, would that come under community use?

That is their intention, Mr. Adams agreed. It is very logical for conferences of this type - Bar Association, all kinds of professional organizations.

Community uses as outlined by the ordinance does not take into consideration a regional situation, it's basically for the people living in the immediate community, Mr. Smith pointed out.

Mr. Adams read the definition of community uses in the Ordinance.

There is no indication that this is a non-profit organization, Mr. Smith said.

The brochure says "non-profit basis", Mr. Barnes stated.

There would be certain "non-profit" aspects to it, Mr. Adams agreed; with a property this valuable, there will have to be a return to the stockholders from the use of the property.

The living quarters would be prohibitive under the section of the Ordinance which they have applied, Mr. Smith pointed out.

The only ones who would be given overnight accommodations, Mr. Adams explained, would be the employees of the organization. Maids and caretakers, possibly an occasional guest speaker at one of the seminars. There are to be no overnight accommodations other than that. This is not going to be a motel.

The membership would not be restricted just to scientists and engineers, Mr. Adams replied in answer to a question from Mr. Long, but to any people having an interest in the four categories mentioned and many of these people will, in fact, be local people. Mr. Adams suggested going on with the hearing, since there was a question regarding the Section under which they filed, and if the Board could not see fit to grant the application, the hearing could be continued for an opportunity to reconsider and amend the application, if necessary.

Mr. Adams stated that he had spoken to the type of club, the kind of members, talking about 1,000 resident members and 1,000 non-resident members, out of state or from foreign countries. The property will be used for recreational and social purposes, primarily, and in addition to that, the property lends itself to educational programs, seminars and conferences. When this proposal was made several months ago, this Board gave encouragement to the project. The use will preserve a beautiful 25 acre estate, which lends variety and quality to the community. It will not be detrimental to the development and character of adjacent land. To the contrary, it will remain a distinct asset, not only to the immediate community but to the County and Northern Virginia metropolitan area of Washington. The use is one permitted in a residential zone and is in harmony with the comprehensive plan of development in the area. Again, in terms of language of the Code, they have gone into this in site plan, with the written material that was passed on to the Board, the location, size of use, and the nature and intensity of the use, its site layout, relation to streets giving access to us, is such that the use will not be hazardous or inconvenient to the predominant residential character of the community. Lastly, its use will not hinder or discourage appropriate development of adjacent land. The area is 99% developed. This is the nature of the application. He felt that most of the citizens were for this use because it preserves this open area.

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The residents have feared that the use of this land would be too intense for them to tolerate, Mr. Adams said. It is obvious that in order to make this function, there will have to be restrictions placed on it. By granting this application, the character will be preserved, and the quality of the community will in no way be hindered.

Frederick A. Babson, Jr., attorney, 8301 Arlington Boulevard, Fairfax, Virginia, retained by a number of citizens in the immediate vicinity of Walnut Hill, stated that it is not accurate to say that people of the community are in favor of the proposal before this Board today. They have over 200 signatures on a petition which can be submitted later, unfortunately one of the citizens left it at home, opposing the plan to Mr. Chalk. His position and his clients' position all along has been one of reasonableness, Mr. Babson said. They want to be reasonable and he told them that he wouldn't represent them unless they were reasonable. He would characterize this in a nutshell as a brilliant idea which not enough work has been done on today. If the Board had a list of proposed members and a more concrete proposal as to precisely what the rules and regulations would be, then the Board would be in a position to vote yea or nay. The Code does provide for protection for the residential neighborhood surrounding this Walnut Hill and Mr. Adams had adverted to sections of it. He would say that no one would deny that if this were a rezoning application before the Board of Supervisors for a commercial use, it would be denied. The beauty of the Board of Zoning Appeals is that they can tie an applicant down with a Special Use Permit to conditions which protect the surrounding community. Unfortunately, today the Board does not have enough information to tie anybody down. The citizens want to know that they are protected. They have not been provided with a copy of a site plan covering the vehicular traffic, they have only heard various proposals as to new points of ingress and egress. These are all single family homes surrounding Walnut Hill, there are many children, Annandale Road is a busy road, it is four lane and parking is permitted along either side.

To demonstrate their reasonableness, Mr. Babson continued, the citizens themselves met repeatedly and attempted to come up with reasonable restrictions, they were submitted to Mr. Adams. He submitted copies to the Board. The applicant has not consented to all of these. These conditions will be left with the Board for consideration at a later date. They feel that the proposal set forth by the applicant is so vague that they cannot determine what to expect and they submit that the Board cannot determine what to expect. The membership qualifications set forth in the list submitted by the applicant is awfully broad - first, they say persons involved in matters of scientific interest; then, the next one would include just about anybody in the world, matters of environmental interest; third, persons involved in matters of socio-economic interest, and again, anybody who has to buy a loaf of bread or earn a dollar is involved in socio-economic matters. Fourthly, the persons involved in matters of policital interest, and he guessed this would let Rap Brown in. He certainly would be classified as a man involved in matters of political interest. The point in a nutshell, there is not a concrete proposal to which they can react reasonably, and the matter of the applicant's counsel's statement that it is difficult to obtain members at this point in the game, simply does not hold water because most clubs or new banks are formed on a subscription basis, where persons who are interested in becoming members put their deposit on the line to the effect that they will join, or purchase a number of shares of stock at a stated price. For that reason, he would request that the Board direct the applicant to proceed to formulate his plans in a more concrete fashion so the Board, the citizens and the community, can react with reasonableness.

Ed Nicholas, 7419 Brad Street, Falls Church, Virginia, represented the Raymondale Citizens Association, not represented by Mr. Babson. The homes that comprise their association are the homes to the north and southeast of the Summit Lodge property. Their association has met twice on this application, most recently last night. The following resolution was adopted: "That the Raymondale Civic Association request a continuation of this case until such time as full public disclosure of the intended use and method of operation is given. We have studied the application as filed by Summit Lodge, as well as a document entitled proposed membership qualifications and activities furnished by Mr. Adams last Saturday. These documents raise more questions than they answer. In an area that is entirely single-family, we need to know how many individuals will come and go each day, what means of ingress and egress will be used, whether outdoor loudspeakers will be contemplated, and the like. We would be happy to furnish the applicant on his request the specific information we seek."

Do you feel, if the use permit is granted, that the facilities should be made available to local groups, Mr. Long asked?

If it's going to be a truly high class club with John Kenneth Golbraithe, and the like on the one extreme, and Barry Goldwater on the other, and they pay $1,000 or $2,000 for initiation, frankly no, local communities should not have half the facilities set aside for their Bingo games any more than Fairfax County Club has to do that.

Mr. Adams questioned whether they would be able to sell memberships not knowing what type of restrictions were going to be placed on this club by the Board.

Mr. Smith said he still had not found a section of the Ordinance under which this could be granted.

SUMMIT LODGE, INC. - Ctd.

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Mr. Adams stated that he only received the list of restrictions yesterday and had not had time to really study them. He was sure that they could come up with restrictions to reasonably satisfy the citizens in the area. It is difficult at this time to arrive at restrictions.

Mr. Barnes suggested why not have the citizens get together with the applicant, and discuss this and try to come up with some solution?

Mr. Roy Chalk stated that it is proposed that the people who would be invited to membership in this would fall under the following categories and they are the same people who have visited him as his guests in the past: these would include the President of the United States, Vice President of the United States, Supreme Court, United States Congress, the Senate, House of Representatives, the leading citizens of Fairfax County, Chamber of Commerce, Governors of the various states of the United States, Presidents and Chairman of Boards, Presidents of Universities in the area, Presidents and Chairman of the Board of the leading transportation companies of the United States, Presidents of the National Labor Union, American Federal of Labor, etc. President of the Steel Workers Union, President of the Automobile Union, etc. This is the quality of people he intends to invite to membership.

Mr. Smith asked if the parking could be moved away from the property line further?

That could be worked out, Mr. Chalk agreed.

Mr. Morris Look, 3346 Arnold Lane, stated that in the past it had been necessary because of extreme noise, the annoying lighting system, and the loudspeakers, to call the police. There have been a lot of restrictions in the past that have not been lived up to and he doubted that they would be in the future unless the restrictions were in black and white.

Mr. Barnes moved to defer for sixty days to see whether or not the citizens can get together with Mr. Babson and Mr. Adams to work out the ingress and egress, restrictions, etc. Defer to the second Tuesday of March, 1971. Seconded, Mr. Long.

Mr. Smith pointed out that if there is any intent of placing a golf course here, it should be added to the plat. At the present time there is no application for a golf course.

Carried unanimously.

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CAMBRIDGE COVINGTON, LTD., application under Section 30-7.2.6.1.1 of the Ordinance, to permit softball field, basketball court, tot lot and adult exercise area, located on Beulah Road (Rt. 613), Georgetown Woods, Section 3, Lee District, (RT-10), 91-1 ((1)) 46, 47, S-223-70

Mr. Russell Sherman represented the applicant. This application is for improvements in a park area, he said. It is proposed to have a basketball court, softball diamond, adult exercise area, two tot lots plus the leaving of an area for a swimming pool. When the original plat was drawn, the staff said why not show some equipment in the area. It was shown and they went to the Board of Supervisors with it, and were granted permission with the improvements and the staff said they now needed a Use Permit to put these improvements in.

What kind of equipment do you put in an adult exercise area, Mr. Smith asked?

Mr. Victor Ghent, engineer, stated that this would be chinning bars, parallel bars, and similar equipment.

Mr. Sherman pointed out that Section I of this development was built before the park area was required. They want to put in whatever the citizens desire, however some of them don't want anything, some want parking and some want equipment but are not sure it is located exactly as they want it. They are trying to please sixty home owners. Section I has their own Association and they have no interest in this really because this is for Section II. When it is built and sold it is proposed that all members will belong to a single association.

Was this all rezoned at the same time, Mr. Smith asked?

No, Mr. Sherman replied.

Opposition: Fred Coleman, 6481 Gildar Street, stated that when he bought his house he was informed that this would be included for all three sections. There are 76 houses built now and there will be 130 when completed.

This is a very small recreation area to serve this number of people, Mr. Smith commented.

The point is, Mr. Coleman stated, the playground area does not provide any parking. If it were more centrally located, it would not require parking. There has been no association turned over - this is one of the things he would like to get done.

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Possibly the developer should donate the money for the proposed equipment to the Association and let them put in whatever they want, Mr. Smith suggested.

Mr. Knowlton recalled some of the background on this application. When the development plan was first submitted with the rezoning, this area was shown blank. The staff made comments that this was not properly located to serve both sections and that it should be developed because there is almost no developed recreation area in the vicinity. A comment to that effect was put in the Staff report. Action of the Planning Commission was to recommend approval of the rezoning in accordance with the staff report. The zoning category of RT-10 does not require any developed recreational space but apparently it was thought at the time of rezoning that it should be developed in some form.

This will be turned over to the community association to serve all three sections, Mr. Sherman said. They plan to turn it over shortly to the community association.

Mr. Smith suggested deferring action on this today until the developer can come in with a new plan after he findsout what the citizens want and allow him to continue to develop in the meantime.

This would be acceptable to the home owners, Mr. Coleman agreed.

The home owners could come in with a plan to develop the area, Mr. Smith said. The proposed pool is shown on the street and this is not a proper place.

They would like to have tennis courts, also, Mr. Coleman said.

The space for the pool is 60' x 100' and the pool will be 40' x 80', Mr. Ghent said. Mr. Rose wanted basketball and softball facilities, so he put it on the plat, he said. The plat was never actually presented at the hearing, but one copy did get into the hearing at the Board of Supervisors, and it was not a condition. There was no condition that they actually install the equipment. The only condition was that the staff insisted that since they saw a plan with equipment on it, that the developer put it in. He wanted to go ahead and seed and grace it and let the home owners put it in.

Mr. Long suggested giving the use permit for the softball fields and basketball courts and they could get their plans approved and come back to modify it. This would not hold up the development plans.

Mr. Ghent agreed that if they could get approval of this, then it would give the developer and the citizens time to modify and come back with their remodification. The developer would have to be bonded to put in certain amounts of equipment and he will definitely have the money in his bond. They will get together with the citizens and come back with a modified plan prior to construction.

Mr. Coleman said this sounded like a logical solution to the problem.

It has always been understood that when Section III was built, there would be a green area that would be available to all the citizens, Mr. Sherman stated.

Mr. Coleman stated that the citizens fear that the developer will do the same thing he has done in the past - he has not completed the other sections.

Mr. Ghent stated that at the time they developed Sections I and II there was no requirement for open space. This is a peculiarly shaped piece of land and since that time the County has modified their requirements to require open space. He regretted that it came too late for Sections I and II. They could have done a better job at that time if it had been required.

The Board discussed fencing requirements. Mr. Smith felt the entire recreation area should be fenced.

Mr. Coleman pointed out that some of the residents had lived in their houses for one year and had never gotten their occupancy permits. They cannot get final approval of their electrical inspection. They would like to see Sections I and II completed before he starts on Section III.

Mr. Smith was amazed that the developer would allow these people to occupy these dwellings without an occupancy permit.

Mr. Woodson was asked to check into this matter and report back to the Board.

In application S-223-70, an application by Cambridge Covington, Ltd., under Section 30-7.2.6.1.1 of the Ordinance, to permit softball field, basketball courts, tot lots and adult exercise area, located at Beulah Road, also known as tax map 91-1 ((1)) 46, 47, 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 the Fairfax County Board of Zoning Appeals, and

008

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 5th day of January, 1971 and

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

1. Owner of the subject property is the applicant.
2. Zoning of the property is RT-10.
3. Area of the property is 1.3 acres of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. That 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 Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. A softball field and basketball court shall be located in compliance with all County requirements within the 1.3 acre recreation area.

5. The recreational area shall be fenced in accordance with the requirements of the Planning Engineer's office.

6. Minor recreational facilities shall be provided within the tot lot adjacent to Lot 129.

Seconded, Mr. Barnes. Carried unanimously.

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TED A. AND JEAN E. HALEY, application under Section 30-7.2.6.1.3 of the Ordinance, to permit day nursery, 20 children, 2 thru 6 yrs. of age; 7 a.m. to 6 p.m., 3206 Glen Carlyn Road, Mason District, (R-12.5), 51-4 ((5)) 3, 4, S-232-70

Mrs. Haley returned with a copy of her contract. She stated that the facility will be operated to provide care, protection and guidance to a small group of twenty children separated from their parents on the average of nine to ten hours a day. The center will operate from 7 a.m. to 6:30 p.m. daily. The use will not be detrimental to the character and development of adjacent land. Walkways on both sides of the street are adequate to contain pedestrians and the road is designed to carry a high traffic volume. Parking space has been allotted for six automobiles with room for more if necessary. This will be operated on a non-profit basis. This will be hooked to public sewer and water.

No opposition.

In application S-232-70, application by Ted A. and Jean E. Haley, under Section 30-7.2.6.1.3 of the Ordinance, to permit day nursery - 20 children - 2 thru 6 years of age, 7 a.m. to 6:00 p.m., property located at 3206 Glen Carlyn Road, also known as tax map 51-4 ((5)) 3, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 5th day of January, 1971, and

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

TED A. AND JEAN E. HALEY - Ctd.

1. Owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 41,500 sq. ft. of land.
4. Compliance with Article XI (Site Plans) is required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 this application and is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted forthe buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. This permit is for three years and may be extended for two successive one year periods by the Zoning Administrator.

5. Any vehicles used for the transporting of children must conform to the Fairfax County School Board requirements forlighting and color.

6. The house must be connected to public sewer and water.

7. A play area must be enclosed with a chain link fence conforming to State and County Codes.

8. There may be a maximum of 20 children, ages 2 thru 6, 7 a.m. to 6 p.m., five days a week, Monday through Friday.

Seconded, Mr. Barnes. Carried unanimously.

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INTERSTATE STONE CORP. AND SALEM STONE CORP., application under Section 30-7.2.1.3.1 of the Ordinance, to permit stone quarry, located on Alban Road, Springfield District, (RE-1), 99 ((1)) pt. 1, S-209-70 (deferred from 12/15/70)

Mr. Smith stated that the Chairman has been appraised of a situation during a break earlier in the day that there were certain property owners who were not aware of this application and have not had the opportunity to be heard. In all fairness, to all of the contiguous property owners, the Board should hear them and limit the time involved.

Mr. Hobson noted that they were not prepared to go through another public hearing on this matter. They don't have their expert witnesses present. By hearing additional testimony in opposition after the public hearing is closed, without prior notice to the applicant, this puts the applicant to some disadvantage.

What the Board is being asked to do is to consider further evidence that could not have been presented at the original hearing, Mr. Smith said. He did not know that the Board had actually closed its ears to anything that might help in reaching a decision on this application. Normally they do proceed to a point where they allow everyone to be heard who could be affected by it. The Chairman ruled that they would listen to only the contiguous property owners.

Mr. Long suggested limiting the speakers as there was a full hearing on this and it was referred to the Restoration Board. The Board has had several hearings on this.

Opposition: Mr. A. Burke Hertz, attorney in Falls Church and adjoining property owner, stated that he heard about this for the first time yesterday afternoon. He pointed out the location of his property on the map. The former owner of this particular property was sent the notice of this hearing and he has been deceased for several years. Mr. Hertz' deed was recorded in 1969 and apparently the County records still list the previous owner.

January 5, 1971

INTERSTATE STONE CORP. AND SALEM STONE CORP. - Ctd.

Mr. Hertz stated that before the meeting he had an opportunity to speak with Mr. Hobson and some of his clients, and they were kind enough to give him information on just what they plan to do. However, after listening to them, he was more unsure than ever exactly what is going to occur on this parcel of land adjoining him. He understood that it was going to be a stone quarry and it's going to be quite deep, they anticipate an operation that might go on for 15 years, but now we are only concerned at this point, with a five year permit, and he has been assured by Mr. Moore that there will be devices that will suppress noise, dust, etc. and that the explosives will not offend anybody. He was glad to hear these things but he does regret not being able to make a more thorough investigation of just what the effect of these devices will be. He has a piece of property across the creek, Mr. Hertz continued, which he has owned for several years, he paid considerable taxes and interest on it, and he hopes to sell it soon to some industry that may want to buy it. He felt that the quarry operation across the creek would be an absolute deterrent to any possible interest that anybody would have in this property. He has observed quarries in other areas, and from his limited knowledge of quarries, he finds that they are very disruptive to an area. He pictures a great deal of noise, dust, and of course, the interference from the explosive devices is something that he cannot even imagine. He has been told what the amounts of the explosives are, and yet, being a layman, he does not know what the effect of these explosives may have. He does not know how many potential buyers of his property might be deterred from buying it because of the fact that the explosives might be set off across the creek. An electronics industry for instance would test instruments and might be completely deterred from locating in that particular relationship to an operation where there is a full blown quarry going on.

There was a previously operated quarry operation by Mr. Dodd, Mr. Hertz stated; that permit would have expired this year. Things have changed a great deal in the last five years in this area and there is a lot of development going on. He hoped that this area would develop in industry of a desirable nature. He could not imagine that type of industry locating near the quarry. He objected to not having had adequate notice of the hearing. If he could have looked at an operating quarry maybe he would not have been excited as he is now, he said, but he has never observed a quarry that did not disturb the neighborhood considerably. Furthermore, the County stands to lose a lot of money. He presented the figures to the Board, and a petition signed by land owners in the area in opposition. He introduced Mr. Paul Horsey of the furniture store.

Mr. Horsey stated that he has an operation in Woodbridge, Virginia, 1 1/4 miles from the quarry at Occoquan. He described the vibrations that are felt in the store with every blast.

Mr. A. Z. Tyler stated that he was out of town during the original hearing. He has a considerable amount of property that is contiguous to this. The proposed right of way will go alongside of his property. This land has been purchased as an investment and a prime price was paid for it. At the present time he has a plan in the County developing the tract to the left of the access road which is now in for approval. The plan is being held up trying to get more access for this proposed road, increasing the width to 90 ft. because of the traffic. If a stone quarry goes in, that's going to increase the traffic in the front and will have a bearing on their access road.

Mr. Hertz, representing himself and his co-owner, Dr. Rodrigues, asking for additional time to investigate to see what kind of operating this is going to be. He would not want to come in six months from now when this is in operation and file a lawsuit to abate a nuisance.

Mr. Jim Bell, Director of the Fairfax County Park Authority, stated that his statement would not be based pro or con to the application. Out of their interests in the Accotink Stream valley, they have the following comments: The Accotink stream valley which borders part of this application running south along Shirley Highway is all shown in the adopted Springfield Plan. They are addressing their remarks as to what effect it will have on the slope of the property as it goes into the main stream. (1) The original clearing made on the first quarry work established protection at the top of the ridge. They would request that the excavation line on the east be moved westward to the tree line on the top of the ridge. (2) It is requested that the southeast line be moved to the northwest to the existing tree line or existing fence line. This complies with the original permit. (3) Mr. Hobson has presented most of this to the Board in terms of amended plan and reclamation -- detailed plans showing all controls for siltation and foreign objections and reclamation details should be submitted with sufficient bond posted to cover same - that would be required. They have concern as to what effects might happen in a matter of time. Has a time limit been specified for reclamation? All existing damage or silt areas on the east and southeast portions of the property which face the Accotink stream valley should be repaired immediately if the permit is granted. There is some erosion going on at this time.

Mr. Smith commented that there is a bond on this property now and he assumed this would be repaired whether this is granted or not.

Mr. Bell continued -- the area designated originally for stockpile area be restricted in such a way that the 100 ft. contours be the limit for clearing particularly where it faces directly into the stream valley. On the plan the slope is much greater than 25% and that's where they would want to take it as near the top as much as possible.

Mr. Bell stated that the area of the quarry site outside the excavation line where it faces the Accotink Stream Valley should be restricted to prohibit clearing, storage, stockpiling and dumping of any materials.

Mrs. Greta Masello, 8511 Alban Road, expressed opposition to the application, and agreed with statements made by Mr. Lewis and Mr. Hertz.

Fourteen people stood in opposition.

Mr. Ronald Lewis, part owner of the tract to the north, stated that he spoke in opposition at the previous hearing. They are tremendously afraid of the damage that will occur to their property if this application is granted.He has looked at other quarries - there is no development around them. Seemed to him, he continued, there was some question as to whether the access across the VEPCO easement could be used.

Mr. Hobson, in rebuttal, stated that this question was raised before, and he stated that they did have access and could cross that right of way. He presented a copy of the letter from VEPCO. (See file.) Mr. Lewis states that his opposition is because of the impact on the development of his property. At the public hearing on this case, page 460 of the minutes, Mr. Lewis said "naturally, he would rather not have a stone quarry next door because they have a tremendous amount of dusty land, but with proper controls on blasting, noise, etc., and a bond for damages to adjoining property, they would not object too much". Mr. Lewis says he would like to have the case deferred so he can obtain a permit to put a road into his property. Mr. Lewis' major objection at that time was on the question of access.

Mr. Hobson said he answered Mr. Hertz, talked with him on the telephone for some time, and as he said, until he heard, apparently from Mr. Lewis yesterday, he did not know about the application. He certainly wants to express that there was no intentional slighting of Mr. Hertz. The notice was sent to the previous land owner.

In response to a very natural concern on the part of Mr. Hertz, with respect to what a quarry could or would do to his property in terms of dust, noise and blasting, Mr. Hobson said, he did not have the benefit of the testimony before the Board before, of the people, including Mr. Barris, who testified as to blasting impact, and the discussion this Board had about blasting that was taking place now in the Fort Belvoir area. He submitted that none of the quarries that Mr. Hertz mentioned are operating under a Special Use Permit in Fairfax County, with the controls that this Board, if the permit is granted, imposes upon a permit as to noise, dust, and control of the blasting. These controls would give the adjoining land owners the type of protection that is not ordinarily present in quarries.

With respect to the changes in the area during the past five years, Mr. Hobson said, there have been some changes -- the fact that industrial uses have come into the area does not mean that they necessarily oppose a controlled quarry on this site. There is a letter in the file from Alban Tractor in support of the application, and from Humble across Shirley Highway. Mr. Horsey's reaction to what Vulcan Materials apparently is doing at some other site, he is not that familiar with what is going on at that site, Mr. Hobson said. Some of the operations of Vulcan Materials are under Special Permit from this Board and some of the sites are pre-existing sites.

Mr. Tyler's comments that he did not oppose this at the original hearing, Mr. Hobson said, a notice was specifically sent to Mr. Tyler of the public hearing on this case. There have been three consecutive meetings on this matter and if this was of violent concern of Mr. Tyler, he should have come forward at the prior hearings.

Mr. Hobson continued -- the lady who spoke said she lived about 1/2 mile away; the Board can see the distance on the map. Finally, in summary, this application for quarry, and first of all, we are dealing with land for which a previous application has been approved on this site, this property is admirably located from the point of impact on surrounding areas. Rarely will you find a potential quarry location where rock deposits are available so close to the intersection of this interstate highway and this one is the one where the major destination of products from the quarry are going to go. There are no residences close by. The blasting would be subject to controls of this Board if the application is approved. Noise and dust are also subject to controls of this Board.

Mr. Baker said he was still not clear as to what the applicant would contribute to the road.

Mr. Hobson said he had set forth in a letter to Mr. Lewis certain statements which were not acceptable to Mr. Lewis. They stipulated a total of 54% of a figure - $45,000 valuation on steel and $10,000 valuation on stone for the road.

A gentleman who did not identify himself stated that there were two comments made with respect to what Mr. Lewis had said. He is an equal owner in that land that Mr. Lewis talks about, and he has never wanted a stone quarry as a neighbor, and he has never agreed to it. Mr. Lewis has led the talking, but when he went back to the record where Mr. Lewis spoke, he was speaking for himself, as an equal owner. The gentleman stated that he owns 13 acres just north of Command Chevrolet and represents people who own 4 acres

January 5, 1971

INTERSTATE STONE AND SALEM STONE CORP. - Ctd.

of industrial land. They would very much be against this. They were not asked at any time to make a representation of what those people thought who would be directly affected. In answer to Mr. Hobson's statement that this is the best place in the County to put this, if it was developed as it is zoned in the vicinity, the County would never allow a quarry to go there. It was zoned that way and permitting the quarry would be a blight.

The Board recessed for 15 minutes.

In application S-209-70, an application by Interstate Stone Corporation and Salem Stone Corporation under Section 30-7.2.1.3.1 of the Ordinance, to permit stone quarry, on property located at Alban Road, also known as tax map 99 ((1)) 1, County of Fairfax, Virginia, Mr. Baker 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, letters to contiguous property owners, and a public hearing by the Board of Zoning Appeals held on the 5th day of January, 1971 and

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

1. Owner of the subject property is Vernon M. Lynch Sons. The applicant is the lessee.
2. Present zoning is RE-1.
3. Area of the lot is 39.832 acres of land.
4. Sanitary sewer is now available to properties in this vicinity. The main trunk line running along the Accotink Creek has been constructed through a portion of the property.

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

1. The applicant has not presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will be detrimental to the character and development of the adjacent land and will not be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

3. The property lies in the Springfield comprehensive plan and is proposed for residential development and park land with a maximum density of 2.5 dwelling units per acre.

4. The adjoining property owners are contemplating development of their property now that sanitary sewer is available.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied.

Seconded, Mr. Kelley.

There has been considerable change in the area since 1966, Mr. Smith agreed, and basically the sewer is there and the industrial area is now ready for development.

Mr. Long voted against the motion. Carried 4-1.

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Ted A. Haley - request for rehearing - dental office in a house that he would not be living in. The original application was denied. The basis for the request for rehearing was that another part of the yard could be used for parking purposes and this was not new evidence as far as he was concerned, Mr. Smith said. There was objection to the application at the original hearing.

Mr. Barnes moved to deny the request for rehearing. Seconded, Mr. Baker. Carried Carried 5-0.

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The Board approved the minutes through December 1, 1970.

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The Board discussed with Mr. Covington the problem of storage and rental of trailers in connection with gas stations. No action was taken. The Board will take this under advisement.

Meeting adjourned at 6:07 p.m.

By Betty Haines, Clerk

Daniel Smith, Chairman — June 8, 1971 Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, January 12, 1971 at 10:00 a.m. in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes, Mr. Richard Long, Mr. Loy P. Kelley, and Mr. Joseph P. Baker.

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

DRS. JAMES McLEOD & GERALD TE PASKE, application under Section 30-7.2.10.5.2 of the Ordinance, to permit small animal hospital in existing building, located S. side of Rt. 29-211 approximately 1600 ft. east of its intersection with Rt. 620, Centreville District, (C-G), 54-4 ((1)) pt. 109, S-224-70

Mr. Hansbarger represented the applicant. This is a request for a Use Permit for an animal hospital in a building that already exists, he explained. Some two or three years ago this land was rezoned to C-G and since its zoning has been occupied both as a residence and an electrical contracting shop. It was recently sold by the owner at the time of rezoning to these applicants. There is an acre of ground in this application plus the acre in the rear which is owned by the applicants but not a part of this application. Both of the applicants are well qualified and licensed in the State of Virginia to practice veterinary medicine and have been practicing in Maryland and Arlington for some years. The animals would be kept in the basement which has an entrance to the rear, or perhaps some animals might be kept in one room of the house, but the entire house would not be used for the animals. The house is on septic and well, but public water is available if it becomes necessary. The water was inspected on December 7, 1970 by the Health Department and was conditionally approved as the well was built prior to present requirements and they are unable to say what the construction of the well is.

On the septic system, Mr. Hansbarger continued, in response to a request from Mr. Clayton of the Health Department, Dr. McLeod wrote the following letter: "I have applied to the Board of Zoning Appeals to locate a small animal hospital at 13663 Lee Highway. I feel that the use of this property as a small animal hospital will generate less sewage than it would if used as a home, and anticipate a low volume practice at this location, as I plan a sizable portion of this practice to consist of house calls. Presently the kitchen sink does not drain into the septic tank. It drains on top of the soil on the back acre of the property. In conjunction with the use of this property as an animal hospital, I plan to connect the kitchen sink to the septic tank. If the septic tank - drainfield sewage system fails, I will have the septic tank pumped as needed. In the event it still fails, I will seal off the drain field from the septic tank and pump all of the sewage out of the tank."

Dr. James McLeod stated that the hospital would be staffed seven days a week with a doctor. They anticipate installing outdoor runs immediately behind the building with a chain link fence completely enclosed with a high wooden fence. Initial plans are for two 8' x 4' runs.

Mr. Smith felt the runs should be completely enclosed to be in accordance with the Zoning Ordinance, however, the doctor felt that some of the dogs needed sunlight and if the tops of the runs were covered, they would not be of any use.

Mr. Hansbarger's interpretation was that the Ordinance did not require the runs to be covered. It says the building shall be adequately soundproofed.

Mr. Long suggested limiting runs to exercise only.

If the barking of the dogs does get to the point where it is detrimental, the applicants would do whatever is necessary at the time to do away with the noise, Mr. Hansbarger said. The property has to be adequately fenced and constructed so no animals or odors or noises would be detrimental to adjoining property owners. This does not mean "no noise or odor".

Mr. Smith said he felt the application should be deferred for plats showing the runs.

In application S-224-70, application by Drs. James McLeod and Gerald TePaske, under Section 30-7.2.10.5.2 of the Zoning Ordinance, to permit small animal hospital, on property located at south side of Route 29-211, 1600 ft. east of its intersection with Route 620, also known as tax map 54-4 ((1)) pt. 109, County of Fairfax, Virginia, 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 12th day of January 1971 and

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

1. Owner of the property is the applicant.
2. Present zoning is C-G.
3. Area of the lot is one acre.
4. Compliance with Article XI (Site Plan Ordinance) is required.

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

1. The applicant has presented testimony indicating compliance with Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. That 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 Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with the 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 use permit to be re-evaluated by this Board.

4. There will be a minimum of eight standard parking spaces provided for this use.

5. A minimum of two dog runs will be allowed, enclosed with a six foot chain link fence, screened with a six foot stockade fence and planting as approved by the Planning Engineer. These runs will be used for exercising of animals only.

6. This permit is for a five year period at which time the permit must be reviewed by the Board.

7. There is not to be any boarding of animals in connection with this use.

Seconded, Mr. Barnes.

Carried 4-0, Mr. Smith abstaining because he felt the applicant should have presented plats showing parking and runs before the Board took action. He would not vote against it, however, as it is a good use.

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HUMBLE OIL & REFINING CO., application under Section 30-6.6 of the Ordinance, to permit enclosed storage area attached to rear of building 10 ft. closer to rear property line than permitted by Ordinance, located SW corner of intersection of Lockheed Boulevard and U. S. Route 1, Lee District, (C-G), 92-4 ((1)) 78D, V-225-70

Mr. Hansbarger stated that the applicants intend to build a storage area in the rear of the property 10 ft. in depth. It will be of brick construction similar to that on three sides of the station. The back wall is painted cinderblock. The brick and roof line will follow the same lines of the station and will enhance the back wall esthetically. The storage area would be enclosed on three sides with the only entrance being from the inside of the station. They hope to cut down on vandalism in the area. There would be no windows in the store room. This would be for service station use only - no rental of U-Hauls, trailers, cars, etc.

No opposition.

In application V-225-70, application by Humble Oil & Refining Co. under Section 30-6.6 of the Ordinance, to permit enclosed storage area attached to rear of building on property located at southwest corner of intersection of Lockheed Boulevard and U. S. Rt. 1, also known as tax map 92-4 ((1)) 78D, County of Fairfax, Virginia, Mr. Long moved that the Board 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, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 12th day of January 1971 and

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

1. Owner of the property is the applicant.

2. The present zoning is C-G.
3. Area of the lot is 30,000 sq. ft. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:

(a) unusual condition of location of existing buildings.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. Architecture and construction material of proposed addition shall conform to the existing building. The roof lines shall be similar and there is not to be any outside entrance to the addition.

4. The rear westerly ten feet of the property shall be landscaped with evergreen trees of a type, size and planting arrangement as approved by the planning engineer.

Seconded, Mr. Barnes. Carried unanimously.

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POTOMAC BUILDERS, INC. AND DEFENSE BUILDING, INC., application under Section 30-6.6 of the Ordinance, to permit brick security and protective wall to remain that has a height in excess of that permitted by Ordinance, located on Shreve Road immediately east of its intersection with Gordons Road, Providence District, (RTC-10), 40-3 ((1)) 115, 115B, V-226-70

Mr. William Hansbarger represented the applicants. He submitted pictures of a wall that already exists. It is 6.4 ft. high. Since it is on the street, the Ordinance only allows a 4 ft. wall. If it were a side or rear yard, a 7 ft. fence or wall would be permitted. In this instance, looking at the narrow side and the long side, if it were not for the street, this would be the side yard. Mr. Jacobson is a Maryland builder and is a stranger in Virginia. He felt that the wall was required. It was required, but not to this height. It is a wall that shields the first floor of these very fine homes that has been built there from the view of the neighboring industrial areas in the County and City of Falls Church.

There is a concave situation at the corner which provides adequate view at the corner, Mr. Hansbarger continued. It also protects the properties from traffic, lights, etc. Under the circumstances, since the wall is there with no intention of doing injustice to the Zoning Ordinance, perhaps under these circumstances it would be permitted to remain.

Mr. Jacobson said he presumed that walls and fences were required and he had received no request from anyone to show them on the first site plan submission.

VA and FHA require a six foot security fence and people not familiar with County requirements put them on the property line, Mr. Long said. He thought this builder had done a commendable job. It was an honest error.

Mr. Jacobson said he did not construct these under FHA and was not familiar with FHA provisions. The reason the wall was constructed was to protect the property owners, and to give maximum marketability.

No opposition.

In application V-225-70, application by Potomac Builders, Inc. and Defense Building, Inc., application under Section 30-6.6 of the Ordinance, to permit brick security and protective wall to remain that has a height in excess of that permitted by the Ordinance, on property located at Shreve Road and Gordon Road, also known as tax map 40-3 ((1)) 115, 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 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, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 12th day of January 1971 and

016

and WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is RTC-10.

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

1. That the Board has found that non compliance was the result of an homest error, and,
2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. The fence at the corner of Gordon Road and Shreve Road shall be Re-located as required by the Planning Engineer, if in his opinion, the present sight distance is inadequate.

Seconded, Mr. Barnes. Carried unanimously.

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LEE H. MICHELITCH, application under Section 30-6.6 of the Ordinance, to permit addition to house closer to property line than allowed, 10029 Colvin Run Road, Dranesville Distric, (RE-1), 18-2 ((1)) 16, V-234-70

Deferred to January 26, 1971 at the applicant's request.

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KYUNG SOO WOOFTER, application under Section 30-7.2.6.1.5 of the Ordinance, to permit one operator beauty salon in basement, located 7618 Devries Drive, Lee District, (R-12.5), 108 ((2)) 244, S-231-70

Mr. Gerald F. Woofter and his wife were present. They would not change the exterior of the house at all, Mr. Woofter stated. The only changes would be in the basement of the premises. His wife would be the only operator. They would install a restroom in the basement and construct one more wall to separate a part of the basement from the working area plus the required space for hairdryers, etc.

Mrs. Woofter said her hours of operation would be 9 a.m. to 5 p.m. five days a week, Tuesday through Saturday.

No opposition.

In application S-231-70, application by Kyung Soo Woofter, under Section 30-7.2.6.1.5 of the Ordinance, to permit beauty salon in basement, property located at 7618 Devries Drive, also known as tax map 108 ((12)) 244, County of Fairfax, Virginia, Mr. Long moved that the Board 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals, and

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

1. Owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 10,891 sq. ft. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

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

1. Applicant has presented testimony indicating compliance with Standards for Special Use permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This permit 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 is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. Hours of operation shall be 9a.m. to 5 p.m. five days a week, Tuesday through Saturday.

5. The applicant shall be the sole operator.

Mr. Smith commented that no signs would be allowed.

Seconded, Mr. Barnes. Carried 5-0.

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FRANCIS E. AND LESTER A. MALCOLM, EXECUTORS, application under Section 30-6.6 of the Ordinance, to permit two one acre parcels to be divided with a frontage of 100 ft. instead of the required 150 ft., 9400-9408 Ox Road, Lee District, (RE-1), 106 ((1)) 77, 79, V-236-70

Mr. Malcolm stated that Mrs. Ada Malcolm was his mother. She is deceased and the property now is in the estate.

Mr. Baker moved to amend the applicant to include the Estate of Ada V. Malcolm. The Board agreed.

Mr. Malcolm stated that the request is for the division of two one acre parcelswith frontage of 100 ft. each instead of the required 150 ft. The estate contains 23+ acres. Granting the variance would correct the present non-conforming use of three dwellings on one parcel by placing each on a tract of one acre or more. This request is well within reason since it will only approve an existing non-conforming use and still meet all requirements of the RE-1 zone except for the frontage. Mrs. Malcolm and her sister lived in the house at 9402 until his mother's death in July, Mr. Malcolm said. The others are rental houses. The two houses will have one acre of land each; the other one will have the remainder of the land, or 21 1/2 acres. This is being done for estate purposes. Mrs. Malcolm got the land from her father when he died in 1939. He owned it for years prior to that. The newest house on the property was built in 1937.

Opposition: Mrs. William Cooke, 9410 Ox Road, owner of one-half acre of land purchased from the Malcolms in 1950, said she only had 90 ft. frontage. If these houses are granted variances, why can't she get one on her land, she asked?

Mr. Smith explained that Mrs. Cooke bought a non-conforming house - it was built before the zoning law. It is a lot of record and if this house were destroyed, another house could be built. Mr. Malcolm did not sell the land illegally - Mrs. Cooke bought a property that did not meet the requirements because the house was constructed prior to the Zoning Ordinance.

Mrs. Cooke said she had not been able to find her property lines as the pegs have been destroyed.

It would be to Mr. Malcolm's advantage, Mr. Smith said, if he could establish Mrs. Cooke's lot lines if this is granted.

They did establish the lines and gave her a survey when she purchased the property, Mr. Malcolm said. She received exactly what she was told she was going to receive and there was no opposition to it from any one.

In application V-236-70, an application by Francis E. and Lester A. Malcolm, Executors, under Section 30-6.6 of the Ordinance, to permit two one acre parcels to be divided with a frontage of 100 ft. instead of the required 150 ft. at 9400-9402 Ox Road, also known as tax map 106 ((1)) 77, 79, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 12th day of January, 1971 and

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

January 12, 1971
LESTER A. AND FRANCIS E. MALCOLM - Ctd.

1. Owner of the property is the Estate of Ada V. Malcolm.
2. Present zoning is RE-1.
3. Area of the lot is 23.5 acres of land.
4. There are presently three existing dwellings on the property.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use the land and buildings involved:
   (a) exceptionally narrow property;
   (b) unusual condition of the location of existing buildings;

NOW THEREFORE BE IT RESOLVED that the subject application be and the same is hereby granted.

Seconded, Mr. Barnes. Carried unanimously.

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VERNALD T. WORTHINGTON, application under Section 30-6.6 of the Ordinance, to permit variance to allow building up to property line, 7820 Cinder Bed Road, Lee District (I-G), 99 ((3)) 5, V-239-70

The request is made because the Ordinance requires a setback of 100 ft. from residentially zoned property, Mr. Worthington said. This property is 115 ft. and without permission to build up to the property line, it would be valueless.

Mr. Knowlton located the property on the map, pointing out the adjoining I-G on one side and residential on the other. Generally, because of a tributary flowing in this vicinity, the plan shows generally park land, he said. There is industrial land proposed slightly north of this property.

Mr. Worthington stated that he got a variance when the property was rezoned but because of conditions in his industry, he did not build within a year, and his variance expired. He owns the AC Oil Company and also this property. He will lease the property to AC Oil Company. None of the tanks will be completely underground, only partially underground. They pick up used oil from service stations and garages and re-refine it to be used again. They have been doing research in the last few years. They are getting to the point where they will probably make application for processing on the other end of this property.

Would the refining of oil be allowed in an I-G area, Mr. Smith asked?

Refining of petroleum products is allowed in I-G with a Special Permit granted by the Board of Supervisors, Mr. Knowlton replied.

Mr. Worthington described the process of re-refining the used oil. Oil is made better by re-refining, he said.

The 35 ft. high tanks would have to set back 35 ft. from the property lines under any conditions, Mr. Smith pointed out.

Mr. Long felt this was over-development of this property.

Mr. Worthington stated that he has to move his company from their present location because Highway #66 is coming through and he has his notice to be out by the end of the month.

Opposition: Mrs. Magdalene Baskin, property owner at 7717 Cinder Bed Road, stated that she has lived there for about 15 years. Mr. Worthington's tanks are there now but not put up. They would be very close to the road, she said.

Mr. Worthington said that his tanks were on the property, but they are just lying there. They have been there for about five years.

Mr. Long moved defer this for a recommendation from the Planning Commission.

Would you amend the motion to require a use permit from he Board of Supervisors, Mr. Smith asked?

Mr. Long said he was not satisfied that Mr. Worthington could not come in and utilize the property for just storage. He did not accept the proposed amendment. Seconded, Mr. Barnes. Carried unanimously.

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GILLS AUTO SERVICE, INC., app. under Section 30-7.2.10.5.4 of the Ordinance, to permit sale of used automobiles, 5700 Leesburg Pike, Mason District, (C-G), 61-2 ((1)) B-1, S-180-70

Letter from the applicant's attorney requested withdrawal. Mr. Baker moved that it be withdrawn without prejudice. Seconded, Mr. Kelley. Carried unanimously.

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January 12, 1971

DEVONSHIRE PROPERTIES PARTNERSHIP, application under Section 30-6.6 of the Ordinance, to permit dwelling under construction to remain 0.92 ft. too close to property line, 4109 Duvawn St., Lee District, (R-12.5), 82-4 ((17)) 16, V-191-70 (deferred from 11/24/70)

Mr. Burl Kendair stated that they had some problems originally with the stakes being removed and had them put back in. There was an error in the stake-out. It is a pre-fabricated house. The house should be 12 ft. from the side property line and it is only 11.08 ft.

Is this the first time you have appeared before this Board for this problem, Mr. Smith asked?

Yes, Mr. Kendair replied.

No opposition.

In application V-191-70, application by Devonshire Properties, Inc. under Section 30-6.6 of the Ordinance, to permit dwelling under construction to remain 0.92 ft. too close to side property line, property located at 4109 Duvawn Street, also known as tax map 82-4 ((17)) 16, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 12th day of January, 1970 and

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

1. Owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 19,009 sq. ft. of land.
4. Required side line setback is 12 ft.

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

1. The Board has found that non-compliance was the result of an honest error in the location of the building, and,

2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted. Seconded, Mr. Barnes. Carried 5-0.

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NATIONAL WILDLIFE FEDERATION - Request for extension of use permit granted January 27, 1970.

Mr. Baker moved to grant 180 days extension from January 27, 1971. Seconded, Mr. Kelley. Carried unanimously.

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Mr. James A. Morrison, Jr. requested a change of the actual building location due to the terrain of the land. The building would be 300 ft. from the nearest dwelling and exceeds the 100 ft. requirement from all property lines. They discovered this need to relocate the building in working with Mr. Bowman of the Health Department. Site plan will be submitted very shortly. The building will be "L" shaped with runs coming off the building. It is a smaller building than was proposed originally.

Mr. Long moved that the application be amended to substitute the plat submitted today in lieu of the ones filed with the original application, and that the building be as shown on this plan. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Chilton came before the Board regarding the Citgo service station on Rolling Road (H.D. Hall). The Board considered this several weeks ago in connection with the buffer strip of 54 ft., he said. There was a question of whether the buffer strip could be used for grading. The site plan has been submitted with the station and the parking and entrances completely out of the strip. The problem the staff has now is one of traffic flow. The State has constructed a median to a point beyond the southernmost entrance. The commercial uses and the service station can only be approached from the north by traffic on Keene Mill Road and leaving, can only turn right and go north. No one can get in from the north or leave going south. They have considered the possibility of extending

January 12, 1971
CITIES SERVICE OIL CO. - Ctd.

travel lane across the front about 40 ft.into the strip just at the front and to allow traffic to get around this median break where they could make a left turn and head south. They need the Board's approval to encroach into the buffer strip. This would be an easement for ingress and egress purposes. He did not think the State Highway Department would object to this arrangement, he said. He has talked with the Highway Engineer of the possibility of cutting off the median but this did not meet with favorable consideration. They like to keep them as long as they can.

A U-turn is far more hazardous than a left turn, Mr. Smith commented. This arrangement would serve the entire area.

Mr. Long moved that the permit for Cities Service Oil Company on Rolling Road south of Keene Mill Road, be amended to substitute a plat prepared by Runyon and Huntley dated 11/11/70 and that the entrance onto Rolling Road be allowed to extend into the 54 ft. buffer strip and be located as determined by the County Planning Engineer. Seconded, Mr. Baker. Carried unanimously.

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The Board again discussed the rental problems in connection with service stations and U-Hauls and similar trailers.

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Hilltop Sand and Gravel Company - Request for extension - Mr. Long disqualified himself from voting as his firm made the original plats.

Mr. Barnes moved to grant a two year extension and that all other provisions of the original granting and motion extending this use in 1968 be met. Seconded, Mr. Baker. Carried 4-0, Mr. Long abstaining.

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Meeting adjourned at 3:16 p.m.
Betty Haines, Clerk.

Daniel Smith
Mr. Daniel Smith, Chairman

June 8, 1971 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, January 26, 1971 in the Board Room of the Fairfax County Courthouse. All members were present except Mr. George Barnes. (Those present were: Daniel Smith, Chairman; Mr. Richard Long; Mr. Loy Kelley, and Mr. Joseph Baker.)

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

MRS. ROBERT L. L. McCORMICK, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school not to exceed 47 children, from 9 a.m. to 12 noon; 5 mornings a week; and 28 children from 1 to 4:30 p.m., five afternoons a week (total enrollment - 112; maximum number on property at any one time - 47) 7722 Georgetown Pike, Dranesville District, (RE-2), 20-2 ((1)) 26, S-235-70

Deferred to February 9 at the request of the applicant's attorney.

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AMERICAN OIL CO., application under Section 30-7.2.10.2.1 of the Ordinance, to permit service station, located E. side of Backlick Rd. between Oriole and Calamo St., Springfield District, (C-D), 90-2 ((1)) pt. 26 and 28, S-238-70

Mr. John T. Hazel, Jr. represented the applicant.

Mr. Hazel stated that American Oil Company had an option which was exercised and a copy of it has been submitted for the file. The applicant has lost a station in Springfield in connection with highway improvements in the past year. They have endeavored through rezoning to get a new site but have failed. It was with the failure of the zoning application on Rolling Road in mind that they pursued this application. This application and the one scheduled for 11:00 today constitute in fact a unit development of the two parcels. The dealership and service station are being tied together through a series of easements, travel lanes, etc. The station will be Avon Craft steel interior with brick exterior.

Where is the waste oil tank to be located, Mr. Smith asked?

Mr. Melvin Odell, 6420 Rotunda Court, Springfield, regional employee of American Oil stated that it does not show on the plat, but normally it is located to the rear of the building. He would go on record as saying that they would install a 550 gallon capacity tank in the rear of the colonial three stall station.

Mr. Smith brought up the subject of making the operators a part of the use permit - this would require coming back to the Board every time the operator changes. A lengthy discussion followed on this matter, with no real conclusions being reached.

Opposition: Mr. John Heinrich, Virginia Field Representative of the Virginia Gasoline Retailers Association, expressed opposition, stating that there was no need for another service station in this area.

John Chamberlin, 6614 Backlick Road, stated that this is a residential community and not a complete business community. They don't need another business of this type in the area to create more traffic.

Mrs. Virginia McInary, President of the Springvale Civic Association, said they did object to a gas station on this property. They objected to the rezoning of this property. It is immediately across the street from residential property on a two lane street which is very heavily traveled. This parcel was rezoned for a car dealership. If this is a car dealership with the service station as an accessory use, that is fine, but to split the parcel and create an eyesore on an already crowded street - that is something different.

Mr. Hazel said he did not represent this applicant at the time of rezoning.

Mr. Long moved to recess the hearing until after the hearing of the next application - S-240-70. Seconded, Mr. Baker. Carried unanimously.

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THOMAS A. CARY, INC., app. under Sec. 30-6.6 of the Ordinance, to permit houses closer to property lines than allowed, located on Novar Drive, north of Tabscott Drive, Brookfield, Centreville District, (R-17), 44-2, 45-1 ((1)) 560, 561, 562, 563, 564, V-237-70

Mr. John T. Hazel, Jr. represented the applicant.

A mistake was made in the stake out of the street, Mr. Hazel said, and the problem became a progressive one, ranging from 6 inches on Lot 560 to 5 ft. on 564. The houses on the opposite side of the street have a 41 ft. setback instead of 35 ft. The error was committed by Mr. Cary's own in-house engineering.

Has he had variances in this section of Brookfield, Mr. Smith asked?

He did not believe so, Mr. Hazel replied. Mr. Cary builds about 300 houses a year in the County.

Occasionally this type of thing does happen, Mr. Long said, particularly with the number of houses being constructed in the county.

No opposition present. However, Mr. Smith read a letter from Robert Eugene Lee, 13525 Pennsboro Court, Chantilly, Virginia, in opposition. (See file.)

In application V-237-70, application by Thomas A. Cary, Inc. under Section 30-6.6 of the Ordinance, to permit houses closer to property lines than allowed, property located on Novar Drive, also known as tax map 45-1 ((1)) 560, 561, 562, 563, and 564, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 26th day of January 1971,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject lots is the applicant.
2. Present zoning is R-17.

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

1. That the Board has found that non-compliance was the result of an error in the location of the building and

2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted.

Seconded, Mr. Kelley. Carried unanimously.

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B. MARK FRIED, TRUSTEE, application under Section 30-7.2.10.3.8 of the Ordinance, to permit operation of automobile dealership with outdoor display of vehicles, 6715 Backlick Road, Springfield District, (C-D), 90-2 ((1)) 25, 26, pt. 28, S-240-70

Mr. Robert Lawrence and Mr. B. Mark Fried were present in support of the application.

Part of Lot 28 is a small triangular piece that was subsequently attached to this parcel contiguous to Route 95, Mr. Lawrence explained. There are actually three parts of 28. The plan is to have a Datson agency on this property.

Do you have a rendering to submit like the one that was submitted with the rezoning application, Mr. Smith asked?

No, Mr. Fried said, not with him. The reason the building proposed is different, is because when site plan for rezoning was applied for, the staff advised that Oriole Street was going to be extended through the property. At the hearing it became apparent that Oriole Street was not going through the property, but was to be relocated south of the property. Therefore the building was moved southward and redesigned. The building will be smaller. Originally site plan showed a 100' x 70' building - the new one will be 60' x 150'. It would be a brick and glass building.

The rendering submitted at the time of the rezoning, which was since borrowed by Mr. Fried's office and not returned to the staff, would have been very helpful to the Board, Mr. Smith noted.

At the rezoning they submitted pictures of the Datsun Agency in Mount Vernon and indicated that this would be similarly constructed, Mr. Lawrence said.

Will these cars be allowed to park up to the property lines, Mr. Smith asked?

Mr. Woodson stated that they would not.

Mrs. Virginia McInary, 6649 Ridgeway Drive, President of the Springvale Civic Association, spoke in opposition. She referred to Section 30-3.4.10 of the County Zoning Ordinance which she said stipulated that there shall be no outside display of cars in required setbacks and all automobile sales must be within the building.

January 26, 1971

B. MARK FRIED - Ctd.

At the time of the rezoning, Mrs. McInary said, it was stated that there would be no outside display. Mr. Fried has stated that the master plan no longer calls for the overpass over this lot - two weeks ago she was going over the different plans for the Springfield master plan submitted to the Virginia Highway Department and none of these plans have been approved by the Highway Department nor has this overpass been deleted from the 1965 master plan so it is rather premature at this time to consider use of this property that is still in the study stage.

At the time of rezoning, Mr. Lawrence said, the possibility of a gas station use was discussed and there was never any conclusion reached on that aspect of the application. The auto dealership still maintains the largest portion of the full assemblage - over 2.3 acres is dedicated to the auto dealership.

The rezoning was obtained based on the statement that this was for an auto dealership, Mr. Smith said, and now there are two uses planned for this property. This is not keeping faith with the people in the area.

Mr. Fried stated that rather than jeopardize the request of American Oil, he would withdraw his request for the Datsun Special Use Permit.

Mr. Baker moved to allow the application to be withdrawn without prejudice. Seconded, Mr. Kelley. Motion defeated 2-2, Mr. Long and Mr. Smith voting against the motion.

Mr. Hazel said he did not think the Datsun dealership application had any bearing on the American Oil request. American Oil has acted in good faith and he requested favorable consideration.

This was zoned as one tract, Mr. Smith stated, the Board should have a development plan for the entire tract.

Mr. Long moved to recess the hearing until after lunch.

After lunch, Mr. Hazel stated that counsel for the applicant is present and has several restrictions that they would agree to regarding these applications - (1) that no other service station permits would be requested; (2) that the architectural approach would be the same as for the American application.

There should be a covenant placed on the land, Mr. Smith said, to insure that the architecture will be in conformity with the service station.

There will be a covenant in the deed to American Oil, Mr. Hazel said.

Mr. Lawrence asked to withdraw the application for the dealership.

The request for withdrawal without prejudice was denied, Mr. Smith said. He would have voted for the motion if it had been "with prejudice". Perhaps it should be denied for lack of proper plats and information.

The applicant would prefer to withdraw the case with prejudice rather than have it denied, Mr. Lawrence said.

Mr. Long moved to allow the application to be withdrawn, with prejudice. Seconded, Mr. Baker. Mr. Smith added that no new application for the same use could be filed for one year. This was accepted by Mr. Long and Mr. Baker. Carried 4-0.

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AMERICAN OIL CO. - Ctd.

In application S-238-70, application byAmerican Oil Company, under Section 30-7.2.10.2.1 of the Zoning Ordinance, to permit service station located on east side of Backlick Rd., located between Oriole and Calamo St. and also known as tax map 90-2 ((1)) pt. 26 and 28, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 26th day of January, 1971, and

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

1. Owner of the subject property is Allan H. Gasner and Mark Fried, Trustees. The contract purchaser is American Oil Company.

January 26, 1971

AMERICAN OIL COMPANY - Ctd.

2. The present zoning is C-D.
3. Area of the lot is 36,237 sq. ft. of land.
4. Compliance with Article XI, Site Plan Ordinance, will be required.
5. Mark Fried, Trustee, has stated there will not be another gasoline station placed on any part of the C-D zoned property.
6. The remaining C-D zoned property shall be developed with red brick Colonial design architecture in conformity with the American gasoline station.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. The station shall be of Colonial design red brick with three bays - rear entry.

5. There shall not be any storage, sale or rental of automobiles, motor vehicles, trailers, trucks and recreational equipment conducted on these premises.

6. The proposed 10' x 17' high rise sign on the rear of the property is to be eliminated. All signs shall conform with the sign ordinance.

7. Before the issuance of the use permit the Zoning Administrator shall obtain a copy of the deed setting forth the gasoline station and architectural restrictions for the remaining C-D property.

Seconded, Mr. Baker.

Mr. Long and Mr. Baker accepted an amendment to the motion by Mr. Smith -- that a 550 gallon capacity waste oil tank be shown on the site plan. 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, operation and maintenance of transmission lines (relocate two sets of transmission to another portion of property of same owners) located adj. to Interstate #495 from Rt. 236 north about 2400 ft., Annandale District, (RE 0.5), 59-4 ((1)) 9, 28A, S-243-70

Mr. Randolph W. Church, Jr., represented the applicant.

VEPCO has at the present time a 230 kv double circuit power line running from Ox sub-station to Idylwood sub-station, Mr. Church explained. He located the 115 kv H frame line adjacent to this one. He introduced Mr. R. W. Carroll, District Manager of the Potomac District of the Virginia Electric and Power Company.

Mr. Carroll stated that VEPCO has a double circuit 230 KV line on towers and a single circuit 115 KV line on wood H-frames along the Beltway through the Hirst property at the present time. There are, however, several steel towers in the H-frame line where it passes through the Route 236-Route 495 interchange. In 1970, the Board of Zoning Appeals and the Planning Commission approved conversion of the H-frames line to a double circuit 230 KV steel pole line. Construction of this new line is imminent.

Thomson M. Hirst and others own land on both sides of the Beltway north of its intersection with Route 236. They have proposed that VEPCO utilize their land west of the Beltway for the new pole line and that VEPCO move the existing 230 KV towers from the east side to the west side. VEPCO has agreed to do this provided necessary approvals can be obtained and provided that Mr. Hirst and the other owners pay the cost of moving the existing line, which amounts to approximately $85,000, Mr. Carroll continued.

January 26, 1971

VIRGINIA ELECTRIC & POWER CO. - Ctd.

The Power Company is willing to undertake relocations entirely on the property of the affected landowner to accommodate the land owner if such relocation can be accomplished at no cost to the Power Company and provided such relocation meets VEPCO operating standards and is sound from a land use and planning point of view. In our opinion, this proposal meets all of these criteria, Mr. Carroll stated.

The history of the existing right of way is necessary background, Mr. Carroll continued. In 1949 VEPCO obtained a 225 ft. right of way through the Hirst farm near Annandale. The Beltway had not been located or designed at that time and the right of way ran virtually in a straight line. In 1950, a single circuit H frame line was placed on the easement and another H-frame line was added in 1954-55. In 1960, to accommodate the Beltway, VEPCO was required to relocate both lines and in the area of the 236 interchange both were placed on steel towers which dog-legged through the interchange, crossed the Beltway from west to east and then picked up the 1949 easement and proceeded north. One of the H-frame lines was rebuilt entirely with 230 KV towers at this time while the other H-frame line remained except for the structures necessary to maneuver through the interchange which were converted to towers.

From an operating point of view, VEPCO prefers the route now being proposed to the one provided by the Highway Department in 1960. The new route is more nearly in a straight line, removes the severe angles in the vicinity of the interchange and provides a much better crossing of the Beltway from VEPCO's point of view. From a planning point of view, Mr. Carroll continued, they believe the new route is an improvement. The original easement took advantage of the prominent knolls on the old farm in order to provide optimum spans, and today the existing structures are in plain view of thousands of motorists who use the Beltway daily. The new route will take the lines through a low partially wooded and landlocked parcel of land thereby substantially reducing their visibility. The new route will free the best portions of the old farm for development in accordance with County plans and will certainly facilitate attractive use of that property to the benefit of the County's tax base and all citizens interested in attractive and sound development.

The same number of structures will be utilized with either route. Under the proposal two pairs of structures would be added to the west side of the Beltway and both lines would cross the Beltway about 2700 ft. from Route 236 to tower locations presently in place on the property north of the Hirst property. The existing route is shownin red and the new route in green on Exhibit 1. Two towers presently on the west side of the Beltway aill be converted to steel poles and relocated somewhat. No new easements will be required from any party other than the Hirsts.

The proposed line will meet or exceed the requirements of the National Electrical Safety Code, Mr. Carroll stated.. It will create no new traffic which will be hazardous or inconvenient to the neighborhood and it will not cause any interference with electronic equipment.

Mr. Smith noted a letter from Mr. Leon R. Johnson requesting that the entire transmission be put underground.

Mr. Carroll stated that from an engineering standpoint it would present a lot of problems and from a financial standpoint it would be very costly.

Mr. John T. Hazel, Jr., representing the Hirsts, stated that this would be of benefit to the County as well as the landowners.

Mr. McK. Downs, real estate broker and appraiser, gave the results of a study made by him in connection with this application, concluding that this would be in harmony with the character of the area and with the comprehensive plan of land use embodied in the existing ordinance.

Mr. Smith commented that the proposed line would certainly not be any more detrimental to Mr. Leon Johnson than what is there now.

It would be better for him, Mr. Church thought. At the present time there are two towers of the 230 KV circuit line and the 115 on H-frames and when this pole line is built they will take the 115 KV towers which is the closest structure to Lot 3 and replace it with a 230 KV pole. The closest structure to him when this job is done will be a steel pole and next to that will be the existing tower. There will be no change except that a 115 KV tower will be replaced with a pole.

Mr. Smith read the memo from the Planning Commission stating that they would not have an opportunity to hear this matter until their meeting of February 11.

Mr. Kelley moved to defer until after the Planning Commission has heard this - for decision only - February 16. Seconded, Mr. Baker. Carried unanimously.

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January 26, 1971

MARTIN L. SCHNIDER, application under Section 30-7.2.7.1.4 of the Ordinance, to permit golf driving range, 3051 Chain Bridge Road, Centreville District (CRMH), 47-2, 47-4 ((1)) 58, S-241-70

Mr. John D. K. Smoot represented the applicant who was also present.

Mr. Knowlton stated that the Board of Supervisors recently adopted an amendment to the Ordinance to permit this general use in a CRMH district with a use permit. Water is available to this property but sewer is not.

Mr. Smoot stated that his client wished to have a golf driving range with seven driving tees. This property is ideally located for this type of recreational use. It is one of the best interim uses they can think of for a high density property. At the time Route 66 was built his client contributed toward the tunnel under #66 for sewer but sewer has not been put through. It is impossible at the present time for his client to use the property in any form for the development to which it is put. He proposes to put a golf driving range on the property as an interim use and this was adopted by the Board of Supervisors as a use for this CRMH property.

Apparently the 18 hole miniature golf course shown on the plat is proposed in the future, Mr. Smith noted.

In reading the Ordinance, Mr. Smoot said, the amendment did not include miniature gold courses and he does not feel it is permitted in this area.

How many people can participate in the proposed operation at a time, Mr. Smith asked?

Thirty-four, Mr. Smoot replied. They show 50 parking spaces. Proposed hours of operation are 9a.m. to 11 p.m. seven days a week. The applicant has two golf pros who will have a financial interest in this. Their names are Tony Marlowe and Morgan Tiller. This will be a joint venture.

Mr. Baker moved that these two names be added to the application along with Mr. Schnider. Seconded, Mr. Kelley, carried unanimously.

Opposition: Mrs. Mary Scott Davis, 3029 Chain Bridge Road, pointed out three private residences close by which overlook this property. She has six small children, she said, and likes to go to bed at night to get their rest. There are three or four children in one of the other houses, and six in the other. She felt that the noise and lighting from this operation would be detrimental to the homes next to it. She told the Board that they propose a two story structure as part of the driving range.

Mr. Smoot showed a picture of a two story driving range located at Ocean City, Maryland, not necessarily what they plan to build, he said.

Mr. Smith was not in favor of a two story structure. What is the size of the snack bar and restrooms, he asked, and what will be in the pro shop?

They will not have a snack bar, Mr. Schnider stated. They will have vending machines. They have not laid out the building yet and don't know what the architecture will be. It will probably be a brick building of colonial design with picture windows in the front. It will be 50' x 30' with hip roof - similar to a Cape Code construction.

Mrs. Davis stated that she would definitely object to a super-structure. She felt that the 11 p.m. hour would have an adverse effect on her family, or even the 10 p.m. hour.

Mr. Smoot stated that the lights could be designed so they would stay within the boundaries of the property.

It is up to the permittees to see that this does not adversely affect living habits of people in the area through noise, lights, etc., Mr. Smith stated. If it becomes a nuisance, it might be necessary to curtail the use, or limit the hours.

In application S-241-70, application by Martin L. Schnider, under Section 30-7.2.7.1.4 of the Zoning Ordinance, to permit golf driving range, property located at 3051 Chain Bridge Road, also known as tax map 47-2 and 47-4 ((1)) 58, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 26th day of January 1971 and

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

1. Owner of the property is Martin L. Schnider.
2. Present zoning is CRMH.
3. Area of the lot is 18.102 ac. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

January 26, 1971
MARTIN L. SCHNIDER - Ctd.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. This permit is for a two year period with the Zoning Administrator being empowered to extend the permit for two additional years.

5. The miniature golf course and future parking is not included in this use permit.

6. All lighting shall be directed onto the property.

7. All noise from loudspeakers shall be confined to the premises.

8. Hours of operation shall be from 9 a.m. to 11 p.m. seven days a week.

9. There shall not be any double deck construction of golf tees. Seconded, Mr. Baker.

Mr. Smith felt the hours of operation should not extend beyond 10 p.m. to begin with. He could not vote for a resolution beyond 10 p.m. without a year's experience on it anyway. After one year's experience the applicant might come back for re-evaluation.

Mr. Long and Mr. Baker accepted the 10 p.m. closing time. Carried unanimously.

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DONALD L. HANBACK, application under Section 30-7.2.10.5.7 of the Ordinance, to permit Arnold Palmer miniature golf course and mini-driving range, located Cooper Road at Route 1 behind McDonalds Restaurant, Mt. Vernon District (C-G),109 ((2)) pt. 3, S-242-70

Donald Hanback, the owner of the property, stated that he would oversee the operation of this facility. They plan to hire either retired people or school teachers during summer months to operate the facility.

Mr. Long wondered if the rear of the miniature golf course shouldn't have a setback.

All the property is zoned C-G, Mr. Hanback said.

How many people can play at one time, Mr. Smith asked?

About 50 to 75 at the maximum, Mr. Hanback said. The mini-range is entirely enclosed with nylon mesh screening and there would be at the end of the drive approximately 40 ft. away, a plastic sheet from ground to ceiling which looks like a fairway.

Mr. Smith was concerned about the amount of parking.

On the final site plan they would put as many spaces as the Board would require, Mr. Hanback assured the Board. They felt like from 24 to 26 would be ample. They have the ground and if the planners want a site plan requiring more parking they would provide it. What is the normal requirement, he asked?

This is the first mini-range the Board has considered, Mr. Smith stated.

The building will be antique brick, Mr. Hanback stated. They are thinking about putting a few columns in front of it. There would be vending machines and ticket sales only in the building. There would be two bathrooms also. The building size is shown as 12' x 15' but it can be enlarged and cut down on the putting area.

January 26, 1971
DONALD L. HANBACK - Ctd.

It was pointed out that the plat indicates the size of the building as being 12' x 20'.

They would like the permit on the entire property, Mr. Hanback stated, and if the project is successful, they could expand.

The cabins would have to be torn down then, Mr. Smith said.

The application would stand as submitted then, Mr. Hanback stated. These people have been living there for about seven years and he would not like to have them move out.

If site plan requires them to tear down a building to put in parking, this would be done, Mr. Hanback stated. There is another 70 or 80 ft. on the other side of the cabin and he would like to put a parking lot over there.

The cabin could be moved to another area, Mr. Smith suggested, if he could get a building permit.

Mr. Long felt that the requirements of siteplan, curb, gutter, etc. would probably require tearing the cabins down.

They would not like to do this, Mr. Hanback said, but if it is required, they will comply.

One building could be left as the caretaker's premises, Mr. Woodson suggested.

Perhaps a stockade fence could be put along the boundary to separate the cabins from the golf course, Mr. Hanback said.

No opposition.

Mr. Long moved to defer to February 9 for a new plan in compliance with site plan requirements and the Ordinance regarding setback requirements. Seconded, Mr. Baker.

Could this be granted subject to site plan approval, Mr. Hanback asked? They have been working with the Arnold Palmer people since early November.

The Board should have a copy of the franchise arrangement, Mr. Smith said, for the record.

Motion to defer carried unanimously.

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LEE H. MICHELITCH - variance to allow addition closer to property lines than allowed - (deferred from January 12 at the applicant's request): Mr. Smith stated that this applicant has asked for an additional deferral as there is a possibility that she can obtain additional land and will not need the variance. This message was telephoned in today and she had no way to get here today.

The application was deferred to February 16, or February 9 if there is room on the agenda.

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The Board granted out of turn hearing requests on the applications of Stauffer Construction Co., Inc. and Gautney & Jones Communications, Inc. and Gulf Reston, Inc./ County of Fairfax, for February 16 hearing.

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A. McPherson - Request for extension. The Board granted an extension of 180 days.

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Mr. Smith noted a letter from Jim and Eva Wells regarding the educational museum on Lee Highway. This permit was granted to the applicants only, Mr. Smith said. This should be held off until Mr. Barnes gets back as there are only two members present at this time. Mr. Smith added that he couldn't vote for it, he did not support the original application. Deferred to February 16. Mr. Wells should be present.

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Mr. Smith read a letter from Mr. Leon Wolcott regarding the special permit issued to Dr. Argerson for medical facility on Sleepy Hollow Road. The Board will hold this for more information.

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Belle Haven Country Club, Inc. - Steve Reynolds was not present. The Board will take this up when he can be present.

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The minutes of December 8 and December 15, 1970 were approved as written.

Meeting adjourned at 6:30 p.m.
By Betty Haines, Clerk

Daniel Smith June 8, 1971
Daniel Smith, Chairman Date

029

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, February 9, 1971 in the Board of Supervisors Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. Richard W. Long, Mr. George P. Barnes, Mr. Joseph P. Baker and Mr. Loy P. Kelley.

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

AMERICAN HOUSING GUILD-VIRGINIA, application under Section 30-6.6 of the Ordinance, to permit resubdivision into lots at variance with minimum frontage requirements of R-12.5 conventional zoning, located E. of Larkspur Drive, Green Meadow, Sec. 3, Lee District, (R-12.5), 81-4 ((14)) Outlot B and Lot 48, V-244-70

The applicant's attorney, Mr. Robert Lawrence, requested deferral in order to straighten out a boundary line question. Mr. Henry Mackall, attorney representing the opposition, agreed to a deferral.

Mr. Baker moved to defer to March 9, seconded by Mr. Kelley and carried unanimously.

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HUMBLE OIL & REFINING COMPANY, application under Section 30-6.6 of the Ordinance, to permit a 24 ft. variance from Route 3672, located N. E. corner Old Dominion Drive and Chain Bridge Road, Dranesville District, (C-G), 30-2 ((1)) 52, 53, V-1-71

Mr. William Hansbarger represented the applicant. Humble Oil owns the land where the existing station is, he stated, and is contract purchaser of the Carper property (Lot 54). The two properties combined total 1.4 acre. This will be in the nature of a car care center with modern diagnostic equipment. There will be no major repairs of autos, body or fender work and no removal or replacement of transmissions or motors, or overhauling, Mr. Hansbarger said. They have worked rather closely with the McLean Planning Committee in this application. He showed a rendering of the proposed building. From the pump islands to the station itself, rather than asphalt, they will run the concrete mat all the way back to the building. The planting is unusual and the sidewalks around the property will be brick. Landscaping will be above normal requirements. In asking for the variance, the building will still be a greater distance from the property line than the existing station. There are three pump islands at the existing station and the proposed station will have three. The McLean CBD plan does not call for widening of Old Dominion - it calls for a by-pass. They have met all the requirements of the McLean CBD plan, Mr. Hansbarger continued.

Mr. Andrew J. Wagner, 3600 East West Highway, Hyattsville, Maryland (of Humble Oil Co.) described the layout of the proposed car care center.

Mr. Avery Falkner, 1161 Crest Lane, McLean, and Chairman of the Architectural Review Committee of the McLean Planning Committee, stated that the support that the McLean Planning Committee would like to give is based largely on the cooperation Humble has shown the Committee in implementing the McLean Plan. He presented a letter from Mr. Sawmelle giving twelve items of agreement between Humble and the McLean Planning Committee.

Mr. Smith stated that the Board should have a copy of the contract for the record.

Mr. Long felt that an affidavit would be acceptable. He could understand why the applicant would be reluctant to submit a copy of his contract.

After discussion of whether to require a contract or an affidavit, Mr. Hansbarger asked to have the application amended to include the name of the Carpers.

Mr. Baker moved that the application be amended to include the names of O. V. and Elizabeth G. Carper and J. H. and Sophie M. Carper. Seconded, Mr. Kelley. Carried unanimously.

No opposition.

In application V-1-71, application by Humble Oil and Refining Company, O. V. and Elizabeth G. Carper and J. H. and Sophie M. Carper, under Section 30-6.6 of the Zoning Ordinance, to permit 24 ft. variance from Route 3672, property located at the northeast corner of Old Dominion Drive and Chain Bridge Road, also known as tax map 30-2 ((1)) 52, County of Fairfax, Virginia, 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, letters to contiguous and nearby property owners and a public

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hearing by the Board of Zoning Appeals held on the 9th day of February, 1971 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact.

1. The applicant is contract purchaser.
2. Present zoning is C-G.
3. Area of the lot is 1.4016 ac. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. The McLean Planning Committee supports this application.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land.

NOW THEREFORE BE IT RESOLVED THAT the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats, renderings and plans included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to the date of expiration.

3. All elevations of the building to be finished in brick.

4. Mansard roof of the building to be covered with a thick butt type shake for rustic appearance.

5. Underground installation of utility lines.

6. Brick sidewalk with basketweave pattern around entire property except at ramp openings and opposite concrete jack pad at rear of building (subject to approval of State Highway Department).

7. Flowering Horse chestnut trees at least three inches in diameter shall be installed in planting strip and in tubs on brick sidewalk on corner street. Shade trees to be planted within property.

8. Top surface of gasoline dispensing island is to be of brick.

9. Concrete island mats to be extended to building.

10. Yard lighting on wood or wood covered metal pubs.

11. A minimum of two benches are to be provided on site.

12. There shall not be any storing, renting, selling and leasing of automobiles, trucks, trailers and sports equipment on these premises.

Seconded, Mr. Barnes.

Mr. Smith asked Mr. Long about signs for this service station. Mr. Long replied that signs would be in conformance with the Sign Ordinance. Carried 5-0.

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JOHN L. HANSON, JR., TRUSTEE, application under Section 30-6.6 of the Ordinance, to permit waiver of 100 ft. side line setback, located on Gallows Road opposite Jackson Intermediate School, (I-L), Providence District, 49-4 ((1)) 17, V-2-71

Mr. Hanson did not have his notices. The application was placed at the end of the agenda.

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HUMBLE OIL & REFINING CO., LESSEE, application under Section 30-7.2.10.3.1 of the Ordinance, to permit gasoline service station, located intersection of Braddock and Rolling Roads, Kings Park, Annandale District (C-D), 69-4 ((1)) 49A, S-4-71

Mr. Marc E. Bettius represented the applicant.

Mr. Smith asked to see a copy of the contract, which Mr. Bettius said he would rather not exhibit. A lengthy discussion followed on whether the Board should hear the application without seeing a copy of the contract or affidavit.

Mr. Bettius offered to make Kings Park Associates an applicant with Humble Oil & Refining Co., Lessee. Mr.Barnes so moved. Seconded, Mr. Baker. Carried unanimously.

February 9, 1971
HUMBLE OIL & REFINING CO. - Ctd.

One of the difficulties they had in terms of creating this center was that only eight acres were available for development in view of the future needs of the proposed Monticello Freeway, Mr. Bettius said. After plans for the road were more definitely made, the applicant was found to be free of the burdens of that road. The original dedication of this triangle was made with the clear understanding that should the applicant be free of the obligation which they voluntarily assumed, that they would be free to develop the property. When they began work on this application, they went to the various citizens in the area and got a strong feeling that the citizens would like to see the total acreage of this site committed so they would know what to expect in the future. They located the service station facility as shown on the plat with a veterinary hospital facility and a medical-dental office building which has been zoned C-OL.

There was significant question at the Planning Commission as to where the animal hospital should be and where the service station should be and the Planning Commission recommended that the service station be in the alternate location. The Board of Supervisors, after thoroughly discussion the traffic flows and the facility that would be used, indicated that if approved, the service station facility be located as shown on the Plan and that the veterinary hospital be as shown on this rendering. In terms of their responsibility to the community, Humble will submit a type of architecture totally consistent with what they had in the shopping center. He submitted a rendering of the proposed station.

From the standpoint of topography, Mr. Bettius continued, there is a very sharp drop so that the existing center is below the proposed facility. They do not propose any sale or display or trailers, automobiles, etc. This is a neighborhood facility with traffic generated from the neighborhood and they have agreed that there will be no freestanding sign and would like to have a rocker sign as shown on the drawing. He introduced Mr. Douglas Fahl, formerly Fairfax County's transportation expert.

Braddock Road is presently under construction as a four lane divided facility, and they propose no median breaks or cross-overs, Mr. Fahl stated, between the points of Red Fox Drive intersection and the intersection of Rolling Road, and as a consequence, there will not be any left hand traffic turning out of the main stream of Braddock in the west bound direction, directly into this site. All left turns will be confined to the intersection of Rolling Road just as any other traffic turning left on Rolling. In the east-bound direction coming from the west, they have provided a pair of what will in all likelihood operate as one way system in and out on in the east bound direction, or if the trip is to return, one way in and back out, all again in right turns, minimizing the conflict of opposing traffic.

They are adding a full twelve feet of pavement along the entire frontage on Braddock, Mr. Fahl stated, in effect there will now be two lanes in the east bound direction and a deceleration lane all the way from the intersection along the frontage of the property. There is no pavement widening to be provided on Rolling and this is due to the fact that the curb is located right at this point and they are not talking about that much traffic on Rolling Road even in a projected situation. The projected traffic on this road doesn't increase significantly enough to require a deceleration lane at either of these two points.

Under the proposed highway system, Mr. Bettius added, it is intended ultimately to cul-de-sac Rolling Road at a point.

This is a cul-de-sacing of Rolling Road if and when the Monticello Freeway goes through and the access would be down at the other end of the shopping center, Mr. Knowlton stated. Right of way has been acquired in this area because the roadway is in the County's plan but as of construction, there is no definite schedule for it.

Their best guess would be about ten or fifteen years, Mr. Bettius said. This completes the compatible development in the triangle and there have been statements that this proposed facility would be on a corner but it really is not - it is set back behind a 40 ft. strip of trees that are to be left for the future development in the never-never land of the proposed Monticello Freeway. The land will be dedicated for the Monticello Freeway at the time they go to record.

Is a travel lane going to be required by the County along Rolling Road, Mr. Long asked?

No, Mr. Bettius replied. His engineer would speak to that.

Mr. Fahl stated that a part of this development in the triangle was the location of the COL use and largely because of the need for access other than at one point and the desire to minimize the access onto Braddock, the existence of this curb cut and the need for access from Rolling in addition to this point, a road is planned and a good deal of the traffic coming into the office use is going to use this road. If they were to extend the travel way along and parallel to Rolling Road, they would have themselves fronted with essentially the same traffic conflicts that are engendered with a side street coming into the main line and a service road paralleling the main line, and instead of the number of conflicts you would normally have with a T intersection, this would compound the problem by adding the travel lane. They don't feel there is a need to provide interaction between the service station and the vet and among any of these three facilities. This is the main reason they have not done it. If this roadway were not an integral part of the entire development serving both the COL use as well as

the vet, it might be a different story, Mr. Fahl said.

How many square feet are involved in the office building, Mr. Smith asked and what are the parking requirements?

The site plan on that structure is in now, Mr. Bettius said. There are 128 parking spaces required; they have shown parking for 130 cars on the site plan. Mr. Fredrick Babson is the contract owner. The animal hospital and service station are under the control of the owner in this respect -- the animal has reserved architectural control over the final plans so he can assure the conformity of that structure to the existing shopping center. An additional commitment to the citizens was that they would not have any outside display of merchandise other than those necessary and incidental to the servicing of cars at the pump islands, such as oil, additives, etc.

Mr. Smith asked for a copy of the agreements with the citizens.

They are in the form of a covenant, Mr. Bettius said. The covenants are now with the civic association, trying to get three people to run the covenants.

No opposition.

Mr. Smith noted the Planning Commission memo asking that they have a chance to hold a hearing on this prior to BZA decision.

Mr. Long moved to defer to February 23, however, it was pointed out that the Planning Commission could not hear this until March 8. Mr. Long moved to defer to March 9. Seconded, Mr. Barnes. Carried unanimously.

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JAMES M. WOODWARD, CONTRACT PURCHASER, application under Section 30-7.2.10.3.9 of the Ordinance, to permit small animal hospital, located intersection of Braddock and Rolling Roads, Kings Park, Annandale District, (C-D), 69-4 ((1)) 49A, S-5-71

Mr. Marc E. Bettius represented the applicant. He stated that he would submit a copy of the contract to the Board prior to their approval on March 9. Mr. Bettius presented a drawing of the proposed byilding, 50' x 80', two stories in height. The parking requirements are 26 spaces; they will provide 32 spaces, he said. At some future time the second floor might be used for some purpose.

Under use permit, any use of the second floor would have to come back to the Board, Mr. Smith pointed out. There

Mr. Bettius stated that there would be no outside runs in connection with this application. The only animal boarding would be in connection with the treatment on the site. Hours of operation would be from 9 a.m. to 6 or 7 p.m.

No opposition.

If this is granted and the application heard earlier is granted, Mr. Long asked if the Planning Engineer would still have the option of requiring a travel lane along Rolling Road.

Mr. Knowlton stated that the Planning Engineer would have the option to require it.

Mr. Bettius stated that Dr. Woodward has advised that he would like the hours of operation tobe 8 a.m. to 8 p.m.

The Planning Commission has requested deferral in order that they might have a hearing on March 8, Mr. Smith noted.

Mr. Long moved to defer to March 9 at the Planning Commission's request. Seconded, Mr. Barnes. Carried unanimously.

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EAST WEST CAMPING UNLIMITED, application under Sec. 30-7.2.10.5.4 of the Ordinance, to permit sale of recreational camping vehicles and supplies, 5700 Leesburg Pike, Mason District (C-G) 61-2 ((1)) B1, S-6-71

Mr. Robert C. Watson, 4085 Chain Bridge Road, Fairfax, Virginia stated that this is a foreign corporation authorized to do business in the State. He did not have a copy of the corporation papers but he could submit it later. This property is owned by Mr. O'Shaughnessy and there was a used car lot there before. They have a month to month lease on the property.

Mr. Smith did not think the Board could hear the application without the lease and copy of the certification to do business in Virginia.

Mr. Watson stated that they wish to sell and rent recreational camping vehicles on this property.

February 9, 1971

EAST WEST CAMPING UNLIMITED - Ctd.

The application does not read "rental", Mr. Smith stated.

Mr. Long felt the Board should know where the display area is located. Also, there could be no parking in the required setback areas. He moved to defer for new plats and additional information. Seconded, Mr. Baker. Deferred to February 23. Carried unanimously.

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DONALD L. HANBACK, application under Section 30-7.2.10.5.7 of the Ordinance, to permit Arnold Palmer miniature golf course and mini-driving range, located Cooper Road at Route 1 behind McDonald's Restaurant, Mount Vernon District, (C-G), 109 ((2)) pt. 3, S-242-70 (deferred from 1/26/71)

Mr. Hanback presented revised plats. The fact that the Board was going to require them to tear down the two buildings made them go back to the bank, Mr. Hanback stated, and the bank stated that the two buildings were under the mortgage on the property, so the plans have been revised slightly. Instead of building a new building, they will move one of the existing buildings 100 ft. to the east, remodel it into a colonial building with shutters and a Colonial front, and use it as a club house. They would provide 52 parking spaces; the County requires 43. The cabin to the rear would either be moved to a separate lot or torn down. Hours of operation would be from 10 a.m. to 11 p.m.

The two parking spaces closest to the driveway should be eliminated, Mr. Smith suggested, in the interests of good maneuverability.

No opposition.

In application S-242-70, an application by Donald L. Hanback under Section 30-7.2.10.5.7 of the Ordinance, to permit Arnold Palmer miniature golf course and mini-driving range on property located at Cooper Road and Route 1, also known as tax maps 109 ((2)) pt. 3, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of February, 1971 and

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

1. Owner of the property is the applicant.
2. Present zoning is C-G.
3. Area of the lot is 42,000 sq. ft. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C or I districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. That 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 Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 this Board.

4. The existing building is to be converted to a club house, painted and improved with a porch as stipulated by the applicant.

5. Hours of operation to be from 9 a.m. to 11 p.m. seven days a week.

6. There are to be a minimum of 45 parking spaces.

February 9, 1971

DONALD L. HANBACK - Ctd.

7. All lighting shall be directed onto the premises.

8. All noise shall be confined to the premises.

9. Public facilities shall be provided on the premises.

Seconded, Mr. Barnes.

Carried unanimously.

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MRS. LEE H. MICHELITCH, application under Sec. 30-6.6 of the Ordinance, to permit addition closerto property line than allowed, 10029 Colvin Run Road, Dranesville District, (RE-1), 18-2 ((1)) 16, V-234-70 (deferred from 1/26)

Letter from the applicant requested withdrawal. She has obtained additional property and no longer needs a variance.

Mr. Baker moved to allow withdrawal without prejudice. Seconded, Mr. Barnes. Carried unanimously.

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MRS. ROBERT L. L. McCORMICK, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school not to exceed 47 children, from 9 a.m. to 12 noon, five mornings a week; and 28 children from 1 p.m. to 4:30 p.m., five afternoons a week (total enrollment 112; maximum number on property at any one time - 47) 7722 Georgetown Pike, Dranesville District (RE-2) 20-2 ((1)) 26, S-235-70 (deferred from 1/26)

Mrs. Minerva Andrews represented the applicant.

Mrs. Andrews stated that she represented Mrs. McCormick in her application to expand her nursery school to 47 children from 9 a.m. to 12 noon, and a maximum of 28 children from 1 p.m. to 4:30 p.m. five days a week. Total enrollment would not exceed 112 students. Following deferral on January 26, each of the neighbors who appeared at that hearing, and those who signed a letter, were sent letters notifying them of the deferral to this date. The school is located on the ground floor of the McCormick residence, in the middle of a five acre tract on a country lane 1/4 mile off Route 123, approximately one mile beyond the Beltway. The area is very heavily wooded. The McCormick residence in the summer time is not very visible from the road and the playground is not visible at all from the road except to the Kennedys who have a right of way through the yard of the McCormick property. There are about thirteen neighbors who use the access road.

The McCormicks acquired ten acres in 1957 with a right of ingress and egress over an old 20 ft. access road about 1/4 mile off Route 193. This old road was shown on a plat recorded in 1916, Mrs. Andrews continued. Subsequently, they sold five acres with this right of way through their yard, to Dr. Krebser in 1957. Mrs. McCormick started the Country Play School in 1964 and obtained a Special Use Permit for twenty children in the mornings five days a week. She called the County a year later to renew her permit and was told that it would be automatic after that in the basence of complaints. The school was established to provide a happy pre-school experience for children ages 2, 3 and 4 on a two and three day schedule per week, in a home-like atmosphere and a low pupil-teacher ratio. Mrs. McCormick is prepared to meet all of the County inspections requirements in connection with this Use Permit. This school would have virtually no visual impact on the community -- you can hardly see the house from the road. From all appearances, this is just a residence. There is no sign indicating that there is a school here, and no noise. The only impact is traffic. Traffic is a legitimate concern of the neighbors using the access road. Mrs. McCormick is fully aware of this concern and has done everything that she can toreduce this traffic to a minimum. This was done recently. She now requests that all children be brought by parents to a church parking lot on the Beltway. She meets them and transports them to the school in her van -- two trips for each session. There is a teacher who comes earlier in her car. She is attempting to limit the traffic on this road to a minimum. The road is a single lane paved road with two bumps and a passing bay between the McCormick property and Route 193. When two cars meet, one must back up but it is not felt that the amount of traffic generated now would be of sufficient inconvenience to warrant a nuisance to the neighborhood.

Mrs. Andrews assured the Board that the applicant has no intent of selling the school - that she will make every effort to maintain the residential character of her residence in the interests of her family as well as the neighbors. She presented letters in favor of the application. (See file.) Seventeen people stood in favor of the application.

Mr. Clark Tyler, 889 Dolley Madison Boulevard, member of the advertising committee for the school and father of two boys attending the school, spoke in favor of the application.

Mrs. Townsend Hoopes, 7718 Georgetown Pike, spoke in favor of the school and praised the school activities.

There is no question about Mrs. McCormick's ability, Mr. Smith stated, she is doing an excellent job. The question now is whether or not the proposed expansion will afford a greater impact on the residential charcter of this area than would normally be expected.

How many pupils are there now, Mr. Smith asked?

The enrollment has fluctuated, Mrs. McCormick stated. In September they started with 84 - they now have 75. They would like to have 40 students two mornings a week but the other three mornings, it would drop to thirty. In the afternoon there would be only 18 children, on Tuesdays and Thursdays. They carry eighteen children in the van and seven in the station wagon - two trips each session. The maximum would be three trips in and three out, or when there are more children on Wednesday and Thursday there would be four trips in and out. There might be an occasional late parent bringing in children.

Opposition: Mr. Robert Roe, 7712 Georgetown Pike, pointed out on a map where the opposing property owners live with relation to the school. The rear of the McCormick house faces on a very deep wide ravine, preventing any play yard from being placed in that area. The only play facilities would have to be to the front of the house or to the side facing the Kennedy residence and this creates a problem from the expansion standpoint.

Mr. Roe discussed the ravine alongside the access road and the dangers to school vehicles during icy weather. He showed pictures of the road, and told of the problems the neighbors face in getting the road cleared of snow. Mr. Hitchcock asked him to read his letter into the record, Mr. Roe said.

The Board has requests to read all of the letters into the record, Mr. Smith said, but since the Board is taking this amount of testimony, the letters will be made a part of the record and not be read into the record.

Mr. Roe asked that the permit be denied. However, if it is granted, that it not exceed 84 pupils as outlined in his letter of January 23 with attachments. They would prefer that it be discontinued and relocated in another location so they could expand to the full capacity of the school and really serve the community. The citizens met with Mrs. McCormick twice in an effort to resolve the situation but unfortunately they were not able to come to an agreement to hold it at its present level.

Mr. Townsend Hoopes, contiguous property owner, stated that he did not agree with his wife who spoke in favor of the school. The school has grown steadily over the past six years to about 75 pupils. The application for Special Permit would extend the school hours by three afternoons a week and permit the enrollment somewhere between 112 to 123. He shares the concern of his neighbors that this kind of growth if permitted would begin to compromise the character of the neighborhood and lead to further congestion on the single lane private driveway serving the ten families. He would support the Special Permit only on the condition that it restrict the school to its present size. There is no doubt that the school serves a very high and useful need in the community - he would submit that perhaps a primary solution would be to increase the tuition rather than the number of students.

Cornelius Kennedy, 7720 Old Georgetown Pike, next door neighbor to the school, stated that one of his children went to this school when he was smaller and because of their interest in the school, they overlooked many things they did not like about having a commercial school next door. Actually, they had hoped that Mrs. McCormick's need for the school was temporary and they hoped the school would stay as small as it was in 1967 and 1968. At the time the Kennedys purchased their property, there was a restriction in the deed attached to it by the McCormicks to Dr. Krebser, to restrict any and all of this plot to a strict residential use. No business activities of any kind are to be carried out on the plot or in any building erected thereon.

Two years ago, Mr. Kennedy said, he became quite concerned about his liability and took this up with his insurance broker. Mrs. McCormick presently transports 47 people in two trips of a van which means something over twenty a trip. If they went into the ravine what liability would he have? His broker told him to double his umbrella policy. He would hope for the long term move of this operation to another location. This is not a suitable thing to have next door as it is steadily growing from a small school. The demand for the school is greater than the facility. She has said she cannot control the enrollment and this is a clear history of expansion.

If this is granted, the Board will control it, Mr. Smith assured Mr. Kennedy. If she exceeds the number of students allowed, she will have to come back to the Board and show cause why the permit should not be revoked. The fiv

The five day morning and afternoon classes requested, summer and winter, is definitely compatible with a residential area - the morning program is one thing, but to have the same size operation every afternoon, brings it quite far away from a neighborhood situation, Mr. Kennedy stated.

Scott Seegers, living at the end of the narrow service road serving the ten homes in existence and two more being built, stated that six years ago when Mrs. McCormick wanted to start the school, she came to him and to Mrs. John D. K. Smoot for whom he is also speaking, and both the Smoots and the Seegers signed a statement that they had no objection to the operation of a nursery school in the neighborhood. They signed with considerable misgivings. They asked about the maximum number of students and they were assured that there would be a maximum of twenty. There was no talk about twenty at any one time -- as they understood it, it was a maximum of twenty students.

February 9, 1971

MRS. ROBERT L. L. MCCORMICK - Ctd.

Mr. Seegers said the bugaboo of traffic on the road immediately presented itself on the road. Mrs. McCormick agreed to take measures to see that traffic would not be a problem. Neither of those assurances has been honored. This last snow is the only time since the school began when he did not find at least one school child's mother's cars cross-wise in the road, spinning the wheels, and blocking traffic both ways. In one instance he went back to the house, got his jeep, came back and pulled her out. There have been from the beginning enough additional cars connected with the school to make it a continuing use. This is the first time he has raised any fuss about the operation of the school or the school traffic, Mr. Seegers said, because he likes and respects the McCormicks and for Mrs. McCormick's valiant efforts to solve her financial and domestic problems. He knew the school had exceeded the number of twenty students but did not wish to put obstacles in the way of a deserving and hard working person, so he kept still about it and put up with the nuisance.

Despite assurances to the contrary, Mr. Seegers said he was not convinced that this will not result in increased traffic. The existence of the school is incompatible with this type neighborhood, but he would not ask the Board to discontinue the permit. One such commercial enterprise in a residential area is subject to expansion and it also opens the door to the possibility of additional commercial ventures using this as a justification. Mrs. Smoot asked him to bring up a point in her behalf -- that with the increase there are likely to be modifications in the house which will alter the character as a residence and consequently, will make it very difficult in the future to sell a residence. When the McCormick house was built, the septic tank and drainfield was put in for a single-family. Mrs. Smoot also asked him to bring up this point, he said.

Mrs. Fay Boyle, living at the end of the access road, said she did not have notification that there was ever to be a school there. (Mr. Smith assured her that the notification requirements had been met.) She missed a dental appointment, she said, because of a parent's car across the road, and she was unable to get out. Another time, a tree had fallen across the road, a car came along, parked in a neighbor's drive and went on to school leaving the neighbor and Mrs. Boyle to take care of the tree. The neighbor had to leave the car in her drive until school hours were over. At other times, school traffic has made her late.

Mrs. Andrews said she felt that most of the opposition to the traffic relates to the time before children were bussed. The trips now are probably less than when the school was operating under the permit for twenty. She hoped the neighbors would give some consideration of putting up some guard rails along the ravine. Mrs. Andrews said she did not consider the ravine dangerous - there have been no accidents there. Mrs. McCormick does not have school when the roads are very icy. Evidently, Potomac and Langley Schools feel it is safe to use this road and do use it. The children meeting the bus at 193 leave about one hour earlier - she did not know of any other school having hours that would coincide with Mrs. McCormick's school.

Mrs. Andrews said she would disagree with Mr. Kennedy on the liability unless he is involved in an accident himself.

Mr. Barnes said he felt that Mr. Kennedy was right about that, he is part owner of that property.

They do not own that property, Mrs. Andrews said, they merely have a right of ingress and egress over the property. The other point Mr. Kennedy indicated was that his deed contains a restrictive covenant against commercial use. That was put in by Mr. Smoot, the lawyer, and it expired in 1968. The school is an asset to the community and the neighborhood and there will be no change in the structure which would limit its use as a residence. The only structural changes will be in the nature of one door being put in and the furnace and stairwell being enclosed. The total enrollment figure is irrelevant - it seems large because the children come two or three days at the most, and it really should be cut in half as far as evaluating the size of this school. This is well within the realm of a neighborhood school. There would be a maximum of 47 children at any one time. Perhaps the application could be amended to 36 in the mornings and 36 in the afternoons.

Why should this operation not remain with the two afternoon sessions that are now operating, Mr. Smith asked?

The main reason is that Mrs. McCormick needs to add 28 children on Monday, Wednesday and Friday, Mrs. Andrews said, in order to make ends meet. She is operating at a considerable deficit at the moment.

This is not something the Board can take into consideration, Mr. Smith said. The additional afternoons will afford more trips than are now occurring.

The Board discussed insurance on the school vehicles and the private station wagon used for transporting students.

In application S-235-70, an application by Mrs. Robert L. L. McCormick, under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school not to exceed 47 children from 9 a.m. to 12 noon five mornings a week, and 28 children from 1 p.m. to 4:30 p.m.

February 9, 1971

MRS. ROBERT L. L. McCORMICK - Ctd.

five afternoons a week, total enrollment 112, maximum on property at any one time 47, on property located at 7722 Georgetown Pike, also known as tax map 20-2 ((1)) 26, County of Fairfax, Virginia, Mr. Barnes moved that the Board 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of February, 1971 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is the applicant.
2. Present zoning is RE-2.
3. Area of the lot is five acres of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance,

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. The maximum enrollment of students shall not exceed 40 students on the premises at any one time -- 40 students in the mornings five days a week and a maximum of two afternoon sessions a week with a maximum of 40 students.

5. Hours of operation shall be from 8:45 a.m. to 4:30 p.m. five days a week.

6. All students shall be transported to and from the school by bus. (Mr. Barnes commented that the station wagon would be considered a bus.)

7. The buses shall comply with the lighting and color requirements of the Fairfax County School Board.

8. This permit is not to exceed three years without review by this Board.

9. The applicant shall carry a comprehensive general liability insurance policy in the amounts of one million over $500,000 with a copy furnished to this Board.

Seconded, Mr. Baker. Carried 3-2.

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JOHN L. HANSON, JR., TRUSTEE, application under Section 30-6.6 of the Ordinance, to permit waiver of 100 ft. side line setback, located on Gallows Road opposite Jackson Intermediate School, (I-L), Providence District, 49-4 ((1)) 17, V-2-71

This property is located in an area that's zoned I-L and just about everything is being used for commercial or industrial use. There is one property next to this which is still zoned residential however, it is in the master plan for industrial zoning. The hardship involved is the 100 ft. setback requirement - this is a narrow piece of property and could not be used without a variance to this requirement.

Alfred E.Martin, 3005 Gallows Road, appeared in opposition. Mr. Martin stated that he is owner of the residential property contiguous to this parcel. He has lived here for 25 years and it is still his home. He thought the building should have more setback from the line, next to his property. He has seen an incinerator on the plans, he said.

Mr. Woodson commented that he did not think the Fire Marshal would allow burning on the property.

February 9, 1971

JOHN L. HANSON, JR. - Ctd.

If this is granted, it would be understood that the burning of trash would be prohibited, Mr. Smith said.

Mr. Martin said he would go along with a variance to allow construction of a building 50 ft. from his property line. There is a strip of land that's been for sale now for a couple of weeks - they should purchase that land and there would be plenty of room and they would not have to build so close to his fence.

Don't you think eventually your land will go industrial and be developed that way, Mr. Long asked?

Maybe eventually but he is living there now and has no plans to move, Mr. Martin said.

If they plant evergreens to screen your dwelling, would you object then, Mr. Long asked?

That would be all right, or a six foot fence, Mr. Martin said. The screening should go up as far as his fence, he said, which is about 50 ft. back from the road.

In application V-2-71, application by John L. Hanson, Jr., Trustee and Franchise Realty Interstate Corporation, under Section 30-6.6 of the Zoning Ordinance, to permit waiver of 100 ft. side line, located at Gallows Road opposite Jackson Intermediate School, also known as tax map 49-4 ((1)) 17, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of February, 1971 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The applicant is contract purchaser.
2. Present zoning is I-L.
3. Area of the lot is 36,940 sq. ft. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. The property would not be developed with the 100 ft. setback requirement.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved: (a) exceptionally irregular shape of the lot;

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure indicates in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The architecture and material shall comply with the new type McDonald's similar to the one proposed on Route 50 next to Bill Page Pontiac.

4. Standard fence and screening should be placed along the northerly property line common with Mr. Martin.

Seconded, Mr. Barnes. Carried unanimously.

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Belle Haven Country Club - Mr. Smith read the following letter from Mr. John F. Chilton:

"A special use permit was granted to Belle Haven Country Club for a new club house. One of the conditions of that permit was that Fort Hunt Road be constructed for the full frontage of this site to Route 1. The permit was granted in accordance with plats submitted. This plat shows the proposed club house and future tennis courts and locker rooms. If the club wished to build the tennis courts and locker room at this time but not the club house, two questions arise: Because the tennis courts and locker room are shown as future, did the Board consider this use in their original approval or did they assume the applicant would return for a separate use permit for these facilities? If the club wished to construct the tennis facilities would they be required to construct road widening as required in the original use permit?"

Mr. Smith did not feel the Board could reduce the requirements stipulated at the original hearing without a new hearing.

Mr. Long stated that because there is nothing in the plans to indicate the size of the building, the applicant will have to submit a rendering or something to show size of the building, and have someone representing the applicant make a commitment before this Board.

The other Board members concurred.

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Mr. James A. Smith, Civil Engineer, 1419 Dolley Madison Boulevard, McLean, Virginia, represented Maichak and Gault for a clarification on a variance granted December 15, 1970 for a building to be built at 6845 Elm Street. The variance was granted contingent upon four items. They wish a clarification on the fourth item -- that item being that the Division of Land Use Administration will work with the applicant and will find a way to provide planting in the parking area. A site plan has been submitted minus the planting in the parking area and are awaiting the results of the effort by Land Use Administration. In order to provide the planting that everyone seems to want they will have to reduce the number of parking spaces on the site.

Mr. Smith said he did not vote for this in the beginning so would not participate too much in the discussion. But this was one of the major conditions attached to the variance and would have to be carried out.

In the original site plan the building was one story less in height than what it is now, Mr. Long stated, and at the time the variance was granted, it was his understanding from Mr. Knowlton and Mr. Pammel that they would be able to work with the Board of Supervisors, the Planning Engineer and the applicant, and provide the landscaping now. The Board has to know today what's going to be provided for in the future.

With the plan before the Board now, Mr. Knowlton explained, two planting areas could be provided, those being the little squares that are left out of the parking area, the corners at the rear of the lot. This is not the type of planting the staff had min mind and apparently it's not the kind of planting that the Board of Supervisors and the people of McLean expected. Consequently, Mrs. Bradley has introduced the piece of legislation which will be coming shortly before the Planning Commission, then to the Board, to allow a reduction in the parking requirements in exchange for planting in areas like this. Pending the outcome of that legislation, the parking requirements are taking up that amount of land shown on the plats before the Board.

Mr. Avery Falkner stated that it was the Planning Committee's view that the original site plan submitted by Maichak and Gault placed the building in the middle of the site and surrounded it with parking, thereby placing the parking between the building and the sidewalk. In the remainder of the town plan that particular street will have across the street from this office building apartment houses of fairly high density. It is the intent of the plan that all of the streets in the center core of McLean be pedestrian streets with the cars being placed in a secondary position. What they have tried to do is encourage the developers to place parking behind their buildings and move their buildings as close to the street as they can. This developer is willing to do that provided he can get permission from the various governmental authorities involved. The building was moved forward. The planting strip in the original scheme was 3 1/2 ft. wide. They were told by the developer that the planting along the street would not be sufficient in width to take trees of the size that they asked for in the master plan and was not enough width to support a hedge. In the revised plan there is a planting strip of approximately 18 ft. wide that runs he length of the building with aprons cut through it at both ends to get into the parking area next to the ends of the building and behind it.

Mr. Smith felt that the ideal solution would be to have traffic enter and exit from the rear of the property.

Mr. Jim Smith stated that what they are trying to do is allow the site plan to be approved on the condition that they will provide extensiwe landscaping plans for landscaping in the parking lot and they are capable of providing this at the present time but not capable of implementing it at this time.

If the Board allows this site plan to be approved, and the landscaping is never implemented, Mr. Long said, then the Board would be doing a disservice.

Mr. Dan Smith asked why would not the people building the building reduce it by one story and eliminate these problems? This is what creates the problem.

A letter has been filed with Mr. Pammel's office indicating that they would provide extensive planting and screening at such time as they are allowed a reduction in the parking spaces, Mr. Jim Smith said.

This Board has no right to reduce the parking, Mr. Kelley stated.

February 9, 1971

MAICHAK & GAULT - Ctd.

What happens if the Board of Supervisors doesn't amend the Ordinance, Mr. Smith asked? How are you going to provide the parking and the planting?

Mr. Kelley stated that he was one of the three that voted for the variance, and he wanted to stand in the same position. Mr. Long said that was the way he felt also.

Mr. Smith stated that the three men who supported the variance would not deviate from the original conditions in the resolution. The applicant must provide a plan for the planting arrangement along with the site plan to be approved at the same time the site plan is approved.

Mr. Long stated that the intent of the motion was that the site plan provide those things the McLean Plan calls for.

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CITY ENGINEERING AND DEVELOPMENT CORP. - Letter requested extension of six months. The Board will take this under advisement until the next meeting.

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NORTHERN VIRGINIA REGIONAL PARK AUTHORITY - The Board agreed that this would require a new application.

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TYSONS TRIANGLE LIMITED PARTNERSHIP - Request for extension. The Board granted an extension of 180 days.

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MT. VERNON PARK ASSOCIATION - Request for out of turn hearing. The Board will hear this on March 9.

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Meeting adjourned at 7:15 p.m.
By Betty Haines, Clerk

Daniel Smith June 8, 1971
Daniel Smith, Chairman Date

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, February 16, 1971 at 10:00 a.m. in the Board of Supervisors Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. Richard Long, Mr. George Barnes, Mr. Joseph Baker and Mr. Loy P. Kelley.

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

MANSION HOUSE YACHT CLUB, INC., application under Section 30-7.2.6.1.6 of the Ordinance, to permit marina and related facilities (private club) located 9321 Old Mt. Vernon Rd., Mt. Vernon District (RE 0.5), 110-4 ((1)) 9A, 9B, 9D, S-8-71

Mr. George Arkwright, 9105 Chicawane Court, Alexandria, Virginia, requested indefinite postponement of the application as they have become aware of some opposition to the proposed project. They hope to be able to resolve some of the concerns in the meantime.

Mr. Baker moved to defer indefinitely. Seconded, Mr. Barnes. This should be reposted ten days prior to hearing. Carried unanimously.

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MERRIFIELD MONTESSORI PRE-SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of non-profit co-op nursery school for 30 children - 2 1/2 to 5 years, 5 days a week; 9:30 a.m. to 12:30 p.m., 2722 Pleasantdale Rd. (community center), Merrifield Village, Providence District, (RM-2), 49-2 ((1)) 53, S-7-71

Mrs. Donna Mily stated that they plan to incorporate and will be trading as Merrifield Montessori Co-op. All of the parents are owners of the Merrifield Montessori Pre-School. This is in the apartment complex but the building is detached. The school would be operated on a non-profit basis, and would operate from 9:30 to 12:30 Monday through Friday on a twelve month basis. They will meet all requirements of the Inspections Division and hope to begin operation on the first of March.

Opposition: Mr. Victor Williams, 8108 Belle Forest Drive, Vienna, Virginia asked the exact location of the proposed school. He would object, he said, if it in any way interfered with the buffer strip that was left at the time of rezoning.

Mr. Knowlton pointed out the location of the building, almost in the middle of the apartment complex.

Mr. Smith commented that the lease appeared to be only for two years at the most.

Mrs. Mily stated that the three people involved on the Executive Board would be Mrs. Donna Peluso, Mrs. Donna Mily, and Mrs. Sue Gauthier.

In application S-7-71, application by Merrifield Montessori Pre-School, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school for 30 children, 2 1/2 to 5 years old, 5 days a week, 9:30 a.m. to 12:30 p.m., on property located at 2722 Pleasantdale Rd. (community center), also known as tax map 49-2 ((1)) 53, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of February, 1971 and

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

1. The lessee of the subject property is the applicant and Mrs. Donna Peluso, Mrs. Donna Mily, and Mrs. Sue Gauthier.
2. Present zoning is RM-2.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. This permit is for a one year period with the Zoning Administrator being empowered to extend the permit for two successive one year periods.

Seconded, Mr. Barnes. Carried unanimously.

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KATHRYN ANNE BRUCH, application under Section 30-7.2.6.1.5 of the Ordinance, to permit one operator hairdresser's shop, 4 1/2 days a week in home, 3120 Chepstow Lane, Bel Air, Mason District, (R-10), 50-4 ((20)) 409, S-9-71

Mr. A. Andres Giangreco represented the applicant, who was also present.

Mr. Giangreco presented his letters of notification and approximately eighteen letters from property owners in or near the subject property, in favor of the application. The applicant has owned the property for approximately eleven years. Mrs. Bruch is a licensed hairdresser and has worked in commercial hairdressers shops. She would like to have a shop in her home strictly to serve the neighborhood and to be home with her children. There would be no signs. She would operate four days a week - no Saturday, Sunday or Monday operation. The shop would be in the back part of the house adjacent to the patio. The room is 18' x 12'. The house is on public water and sewer.

Five neighbors were present in favor of the application.

No opposition.

In application S-9-71, application by Kathryn Anne Bruch, application under Section 30-7.2.6.1.5 of the Ordinance, to permit one operator hairdresser's shop 4 1/2 days a week, 3120 Chepstow Lane, also known as tax map 50-4 ((20)) 409, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of February, 1971 and

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

1. Owner of the subject property is Howard Henry and Kathryn Anne Bruch.
2. Present zoning is R-10.
3. Area of the lot is 7,332 sq. ft. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RSOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

February 16, 1971

KATHRYN ANNE BRUCH - Ctd.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. This permit is for a three year period.

5. The hours of operation shall be Tuesday through Friday from 9 a.m. to 8 p.m.

6. The applicant shall be the only operator.

7. There shall not be any displaying of outside signs in connection with this permit and clients will be by appointment only.

Seconded, Mr. Barnes. Carried unanimously.

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TRENELLA CORP., application under Section 30-7.2.10.5.9 of the Ordinance, to permit the use of approximately 68 additional motel units to the existing Wagon Wheel Motel, 7212 Richmond Hwy., Lee District, (C-G), 92-4 ((1)) 49, 50, S-10-71

TRENELLA CORP., application under Section 30-6.6 of the Ordinance, to permit variance in setback requirement to permit motel unit to be built 42 ft. from Fordson Rd. (628), located 7212 Richmond Hwy., Lee District, (C-G), 92-4 ((1)) 49, 50, V-11-71

Mr. Richard R. G. Hobson represented the applicant. He submitted notices and a copy of the certificate from the State Corporation Commission and Articles of Incorporation. This motel has been there for a long time, he stated. It has sixty-four rooms now. The restaurant in back of the facilities, the swimming pool and various buildings, have been in operation since 1955. No Special Use Permit was required in a commercial zone for a motel at that time. Trenella Corporation has bought the property and wishes to add approximately sixty-eight motel units to the existing motel. When the original units were built they conformed to the 35 ft. setback requirements in existence at the time. Since then, the C-G district was adopted and setback requirements established at 50 ft. They are requesting an 8 ft. variance to allow construction 42 ft. from Fordson Road.

Mr. Hobson introduced Mr. John P. Yancey, Jr., the present controlling stockholder. Mr. Hobson stated that there is room for plenty of parking on the site. The plat shows 158 parking spaces and 209 are provided; the additional units will have parking in front of them on the existing private driveway. Fordson Road is a two way road at present, but Mr. Ghent has information that the Highway Department has future plans to make Fordson Road one-way south bound after Route 1 has six lanes. The additional units would be subject to site plan approval. The applicant will give 3 ft. on Fordson Road over the whole tract when subsequent site plan is filed for the balance of the whole property. He stated that the request would be modified from 68 to 66 additional units. Both the Special Permit and the variance would be in agreement with the comprehensive zoning plan. This property is for C-G uses.

No opposition.

In application S-10-71, application by Trenella Corporation, under Section 30-7.2.10.5.9 of the Ordinance, to permit use of approximately 68 additional motel units to existing Wagon Wheel Motel, located 7212 Richmond Hwy., also known as tax map 92-4 ((1)) 49, 50, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of February, 1971 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is the applicant.
2. Present zoning is C-G.
3. Area of the lot is 7.651 ac. of land.
4. Compliance with Art. XI (Site Plan Ordinance) is required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts, as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

February 16, 1971

TRENELLA CORP. - Ctd.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. Trenella Corporation shall provide the County with a bond for construction of improvements within two years along the westerly side of Fordson Road for the entire frontage of the property.

Seconded, Mr. Barnes. Carried unanimously.(Mr. Smith commented that this was granted in part, actually -- for 66 units.) Mr. Long and Mr. Barnes agreed.
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In application V-11-71, application by Trenella Corporation, under Section 30-6.6 of the Ordinance, to permit variance in setback requirements to permit motel units to be built 42 ft. from Fordson Road, located at 7212 Richmond Highway, also known as tax map 92-4 ((1)) 49, 50, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of February, 1971 and

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

1. Owner of the subject property is the applicant.
2. Present zoning is C-G.
3. Area of the lot is 7.651 ac. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally irregular shape of the lot; (b) unusual condition of the location of existing buildings on subject and adjoining properties.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure or structures indicated in the plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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ORLANDO V. AND LENEALE A. GALLEGOS, application under Section 30-7.2.6.1.10 of the Ordinance, to permit doctors' office and clinic, 5866 Old Centreville Road, Centreville District, (RE-1), 54-4 ((1)) 64, S-15-71

Mr. Valasquez, 9510 W. Center Street, Manassas, Virginia, attorney, represented the applicant. He located the property as being in one of the main triangles in Centreville. The house is a 1 1/2 story stone and frame building which was used as a school under Special Use Permit for some time. It has fourteen rooms and the applicant is now requesting a Special Use Permit for doctors office and clinic. There is sufficient off street parkingin the back. The entrance to the property will be widened and request for tap-in to the proposed sewer has been made. The Health Department has indicated that the present septic system is adequate at this time.

February 16, 1971

ORLANDO V. AND LENEALE A. GALLEGOS - Ctd.

There is need in the area for this type of facility, Mr. Valesquez continued. There are only two doctor's offices in the vicinity to serve approximately 6,000 residents of the area.

Mr. Orlando Gallegos stated that they would tap into the public water system in connection with the proposed use. All improvements and repairs according to County requirements will be made. There is room for expansion of parking, if necessary. Two doctors have indicated an interest in this property -- Dr. Spiegel and Dr. Beckenstein, who now have offices in the Fairfax area.

No opposition.

In application S-15-71, application by Orlando V. and Leneale A. Gallegos, under Section 30-7.2.6.1.10 of the Zoning Ordinance, to permit doctor's office and clinic, at 5866 Old Centreville Road, also known as tax map 54-4 ((1)) 64, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of February, 1971, and

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

1. Owner of the subject property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 1.3 ac. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action by this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. Site plan requirements shall not be waived beyond the time of the development of the proposed hospital on the easterly side of Old Centreville Road.

Seconded, Mr. Barnes. Carried unanimously.

//

ROBERT P. HERBERT, application under Section 30-6.6 of the Ordinance, to permit room addition closer to side property line than allowed, 1918 Pimmit Drive, Dranesville District, (R-10), 40-1 ((13)) 53, V-14-71

Mr. George Barranger, 4306 Cross Country Drive, Baltimore, Maryland, represented Mr. Herbert. Mr. Herbert was also present.

Mr. Barranger stated that the Herberts bought the property approximately eight years ago. Right after they purchased the home, Mr. Herbert was sent to Korea. Upon his return approximately three years ago, they had intent of selling the house but a lot of work had to be done first. The house now has aluminum siding and all aluminum trim, a garage addition, etc. The Herberts wish to improve their property by adding dining and living room space. This requires a variance.

Mr. Herbert corrected Mr. Barranger's statement as to when he bought the property -- he purchased it in 1954, he said. Now they plan to live here after his retirement from the service. The house is on public water and sewer.

No opposition.

February 16, 1971

ROBERT P. HERBERT - Ctd.

In application V-14-71, application by Robert P. Herbert, under Section 30-6.6 of the Zoning Ordinance, to permit addition closer to side property line than allowed by the Ordinance, 1918 Pimmit Drive, also known as tax map 40-1 ((13)) 53, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of February, 1971 and

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

1. Owner of the subject property is the applicant.
2. Present zoning is R-10.
3. Area of the lot is 10,010 sq. ft. of land.
4. Mer. Herbert purchased the property in 1954.
5. The requested variance would be a minimum one.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally narrow lot.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The architecture and material for the construction of the proposed addition shall conform to the existing dwelling.

Seconded, Mr. Barnes. Carried unanimously.

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STAUFFER CONSTRUCTION CO., INC. AND GAUTNEY AND JONES COMMUNICATIONS, INC., application under Section 30-6.6 of the Ordinance, to permit erection of building closer to outlet easement than allowed, located on Telstar Court, Providence District, (I-L), 49-4 ((1)) 5, County of Fairfax, Virginia, V-19-71

Mr. Michael Hewlittson, attorney, represented the applicant. This is to request a variance under Section 30-6 to allow a building to be closer to an outlet road or alley than 75 ft. as required. This property is Lot 5 of Yorktown Research and Development Center and is owned by Gautney & Jones Communications, Inc. Title to the property is in the name ofGautney and Jones, Trustees. Stauffer Construction Company is the corporation which envisions contracting the work which they are proposing today -- the construction of a one story 8,100 sq. ft. office and warehouse facility. If the restrictions of the Ordinance are complied with, there would be only room for a 16 ft. building.

Mr. Kenneth Penrod stated that the height of the proposed building is 13 ft. They do not propose to utilize this small road.

There are a number of roads similar to this in the area, Mr. Long said, which should be abandoned. The applicant in this case could be restricted from using this road and eventually it could be phased out.

No opposition.

In application V-19-71, application by George E. Gautney & Carl T. Jones, Trustees, application under Section 30-6.6 of the Ordinance, to permit erection of building closer to outlet easement than allowed by Ordinance, property located on Telstar Court, also known as tax map 49-4 ((1)) 6, 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 the Fairfax County Board of Zoning Appeals, and

February 16, 1971

GAUTNEY & JONES, TRUSTEES - Ctd.

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals on the 16th day of February, 1971 and

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

1. Owner of the subject property is the applicant.
2. Present zoning is I-L.
3. Area of the lot is 0.59553 ac. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. The prpperty could not be practically developed without a variance.
6. Enlargement of the outlet road is not contemplated nor is it presently being used.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonableuse of the land and buildings involved:

(a) exceptionally irregular shape of the lot,
(b) unusual condition of the location of the existing outlet road,

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure indicated in the plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. This property is not to use the 15 ft. outlet road for ingress and egress.

Seconded, Mr. Baker. Carried unanimously.

//

GULF RESTON, INC./COUNTY OF FAIRFAX, application under Section 30-6.6 of the Ordinance, to permit construction of fire station closer to residential property than allowed by the Ordinance, located at Wiehle Avenue and Sunset Hills Road, Centreville District, (I-L), 17-4 ((5)) S-3, V-18-71

John J. Guilfoyle, Jr., Attorney, represented the applicant.

Gulf Reston will own the land on which the fire station will be built and it will be leased to the County for a period of five years, then the County will take title to the property. All of the area is zoned industrial except for the VEPCO high power line which is zoned RE-2. They are before the Board because the Code requires a 100 ft. building setback when a structure on I-L property adjoins residential property. The proposed building will be about 48 ft. from the VEPCO right of way line. Mr. Guilfoyle showed a picture of the proposed station. There will be an ambulance bay on one side. This design has to be approved by the Architectural Review Board at Reston. The building will be 75' x 48'.

No opposition.

In application V-18-71, application by Gulf Reston, Inc./County of Fairfax, under Section 30-6.6 of the Ordinance, to permit construction of fire station closer to residential property than allowed by the Ordinance, property located at Wiehle Ave. and Sunset Hills Road, also known as tax map 17-4 ((5)) S-3, 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 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, letter to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of February, 1971 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is the applicant.
2. Present zoning is I-L.
3. Area of the lot is one acre of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. The adjoining residential property is a VEPCO right of way, formerly the Washington and Old Dominion Railroad right of way.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land

and/or buildings involved: (a) unusual condition of the location of existing VEPCO right of way which is an industrial use.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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VIRGINIA ELECTRIC AND POWER COMPANY, application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection, operation and maintenance of transmission lines (relocate two sets of transmission to another portion of property of same owners) adj. to interstate 495 and Rt. 236 N. about 2400 ft., Annandale District, (RE 0.5), 59-4 ((1)) 9, 28A, S-243-70 (deferred from January 26 for decision only)

Mr. Knowlton reported that the Planning Commission met on this application on February 15 and under Section 15.1-456 of the State Code, denied the application. The Board of Zoning Appeals might consider deferring this application as there is a possibility that this decision could be appealed to the Board of Supervisors.

The Board deferred this to March 16.

//

Mr. Smith read a letter from Mr. Jim Wells, requesting to form a corporation for the business, consisting of the same family members. The name of the corporation would be the Caliope Musical Museum.

Mr. Smith commented that he did not vote for the application at the original hearing as he felt that rezoning was the best procedure to follow in this case.

The Board deferred this to March 9 to allow Mr. Wells to submit copies of the certificate and by-laws for the folder. Decision could be made on that date without Mr. Wells having to appear, if this information is in the folder.

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MRS. ROBERT L. L. McCORMICK (COUNTRY PLAY SCHOOL) - Mrs. McCormick appeared before the Board with several questions in connection with the resolution granting her use permit. She submitted a letter from her insurance agent regarding insurance on the school and the Board agreed that the amounts of coverage were satisfactory. A copy of the certificate of coverage should be supplied for the Board's records.

Since the buses transporting the children from the church parking lot to the school do not make stops to pick up children along the way, Mrs. McCormick asked if the requirement for lighting on the buses could be deleted. It was the consensus of the Board that the lights would have to be placed on all vehicles transporting children, the same as required of all other private schools in the County, and the vehicles used to transport children would have to be painted yellow as other school buses in the County are.

Is there a time limit on the painting, Mrs. McCormick asked?

No time limit was set, but it should be done within thirty days, Mr. Smith stated.

Mrs. McCormick advised the Board that parents are late sometimes and have to bring a child to school late, or pick him up late.

There is a reasonable degree of flexibility in this, Mr. Smith stated, unless it becomes a frequent thing where people go in and out and the neighbors complain. If there are complaints the permit would be subject to revocation, and it behooves Mrs. McCormick to keep down all complaints on this.

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The Board went into executive session to discuss the possibility of amending the by-laws regarding the filing of applications.

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CITY ENGINEERING AND DEVELOPMENT - Special Permit for gasoline station - Request for extension. Mr. Baker moved to grant an extension of 180 days beyond the one year expiration date. Seconded, Mr. Barnes. Carried unanimously.

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February 16, 1971

SECURITY NATIONAL BANK, TRUSTEE - Tysons Corner - Mr. Smith read a letter from Mr. Roy Spence requesting an extension.

Mr. Kelley moved to grant one extension of 180 days from March 26, 1971. Seconded, Mr. Baker. Carried unanimously.

//

Mr. Woodson presented a letter from the Dulles Construction Corporation, Chantilly, regarding stump incineration. The Board asked Mr. Woodson's opinion -- Mr. Woodson said he felt the property would have to be rezoned I-G and be approved by the Board of Supervisors for this use.

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Mr. Smith noted a memo from Mr. Jentsch, Director of Planning, asking if the Board of Zoning Appeals would like to receive copies of all planning reports or only the major ones.

The Board agreed that it would be helpful if each member could receive copies of all reports from Planning.

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The Board discussed a letter from a veterinarian asking if he could have an office in a residential area as outlined in the ordinance where someone would bring the animal in to be treated and then take the animal away. There would be no overnight keeping of animals.

The Board will take this under advisement for one week.

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Mr. Long moved that the Board of Zoning Appeals adopt the following amendment to Article 5 of the BZA by-laws as adopted June 24, 1969:

"f. The owner of a property must be a party to an application for a variance. A property owner, contract purchaser or a lessee may apply for a special use permit. A contract purchaser and lessee must file a copy of the contract or lease with the application. The applicant may delete from the contract or lease any financial or personal reference, which in the opinion of the staff would be irrelevant to the application. A corporation must file with the application a certificate of incorporation as approved by the State Corporation Commission certifying that the corporation is in good standing in the State and any part of the corporation by-laws relative to the application."

Seconded, Mr. Barnes. Carried unanimously.

It was noted that Mr. Yaremchuk, Mr. Knowlton, and Mr. Woodson would handle administratively the scheduling of cases after they have been completed.

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The meeting adjourned at 4:30 p.m.
Betty Haines, Clerk

Daniel Smith, Chairman — June 8, 1971
Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, February 23, 1971 at 10:00 a.m. in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. Loy P. Kelley, Mr. Joseph P. Baker, Mr. George P. Barnes, and Mr. Richard W. Long.

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

CHESAPEAKE & POTOMAC TELEPHONE COMPANY OF VIRGINIA, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection and operation of telephone dial center, located on Fox Mill Road approx. 800 ft. north of Bennett Road, Centreville District, (RE-1), 36-1 ((1)) 21, S-12-71

Mr. Randolph W. Church, Jr., represented the applicant.

Mr. Church pointed out the location of existing dial centers, and the proposed location, between Herndon, Vienna and Fairfax. This center will provide relief to those locations which is necessitated by the population growth in Fairfax County. He introduced Mr. C. D. Wilson of the engineering Department of C & P Telephone Company.

Mr. Wilson told the Board that the construction of the new center is necessary because of increasing population growth. It will provide major relief for the existing Fairfax, Vienna and Herndon communication centers, which presently serve this area. The proposed site is in an optimum location based on their studies and the property was purchased for this purpose in 1964. The building will house number 5 crossbar, toll terminal and power equipment. Approximately 2,600 working lines will be installed initially and it is estimated that subscriber growth in the area to be served by this exchange will require about 13,000 lines by 1983. The initial building is sized to meet these requirements.

The building will be one story in height and the tallest part of the structure will be approximately 20 ft. in height, Mr. Wilson continued. Three permanent company employees will be assigned to the office initially for maintenance of equipment inside the building, and the number of employees assigned will be increased to a maximum of six as additional equipment in installed in the building, but probably no more than three will be on duty at any one time. Adequate off-street parking facilities will be provided for all permanent employees.

No traffic hazards will be created by this building. The property will not be used for storage of vehicles or materials. It will produce no noise, no smoke, no odor or air pollutants, no vibration, no glare, no radioactivity, and will discharge no solid or liquid wastes other than those handled by the septic system. It will cause no interference with electronic equipment. It will be designed and constructed in accordance with requirements of County building codes. It is hoped that construction of the building will start in June 1971 and the equipment will be installed ready for service in October, 1972.

Is there any commercial property anywhere in this area that could be utilized for this facility, Mr. Smith asked?

Mr. Church stated that there is no commercial zoning on the four zoning section sheets surrounding the proposed facility.

Mr. Wilson described the building as brick exterior, a one story structure. He showed a photograph of the proposed building. Twelve parking spaces will be provided.

The Board discussed the location of parking with the architect - Mr. Carl Kohler, 301 Maple Avenue, West, Vienna, Virginia. Mr. Kohler agreed that parking could be located to the rear of the building if the Board feels this is better.

Mr. McK. Downs, 3625 Cornell Road, Fairfax, Virginia, real estate broker and appraiser, stated that the proposed building with mansard roof was much more compatible with the residential neighborhood than some of the dial centers constructed in the past. This is a two acre heavily wooded site. A certain amount of the natural growth would remain and would be supplemented with additional landscaping. He described the development in the area and concluded after having made a study, that the facility, if properly developed, would have no adverse effect on the surrounding area and would be compatible with the neighborhood.

Mr. Smith read a letter from the Vale-Navy Community League and Victor J. Rosenberg in opposition. (See letters in file.)

Mr. Clyde Peterson, owner of property directly opposite the proposed building spoke in opposition. This is a commercial installation in a residential area and he would object on that basis, he said.

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In rebuttal, Mr. Church stated that in 1964 Mr. Peterson gave the telephone company an option to build a dial center on property around the corner in the same residential zoning. The telephone company did not take up that option, but instead bought this property. That location was not as good a location as that discovered subsequently.

Mr. Smith noted a letter from the Planning Commission stating that they wished to hear the application but could not hear it until February 25.

Mr. Long moved to defer decision to March 16 to allow the Planning Commission to hold a hearing under Section 15.1-456. 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 8' x 11' one story addition to existing telephone repeater station on existing easement, located north of Lee Highway and E. side of Dixie Hill Road, Centreville District, (RE-1), 56-1 ((1)) pt. 38, S-13-71

Mr. Randolph W. Church, Jr., represented the applicant. He stated that in 1965 the Board of Zoning Appeals granted a Use Permit for a small building on this property which serves to amplify long distance calls between Fairfax and Centreville. The building is on an easement. The proposed addition would be an integral part of this building. The determination as to available commercial and industrial zoning was made in 1965 at the time of issuance of the existing use permit.

Mr. Douglas Hall, 703 E. Grayson Street, Richmond, Virginia, stated that C & P is requesting a use permit to construct an addition one story in height. There would be no telephone personnel present except for minor maintenance of the equipment. The property will not be used for storage of vehicles and there would be no noise, fumes, odor, radioactivity, and no interference to radio and television sets in the area. The building will be locked at all times except when a telephone company employee is present. Construction would start April 1971 and the equipment would be installed July 1971.

Mr. Church stated that the Telephone Company has an ingress and egress easement to the property.

The materials used in the addition will be matched as closely as possible to the existing building, Mr. Hall stated.

The Board discussed the possibility of landscaping around the building, something to give a more attractive appearance.

Mr. McKenzie Downs, real estate broker and appraiser, stated that he did not prepare a detailed statement on this case. There is no enlargement of the easement itself on which this building is located. The building itself will be expanded. He would concur with Mr. Long's thinking regarding landscaping, he said. Some shrubbery would improve the appearance. The addition would have no adverse impact on the adjoining properties. It is a small building and is in keeping with what exists at the present time.

Opposition: Mr. Sid Libowitz read a letter signed by the present owner of the Allstates Motel, authorizing Mr. Libowitz to speak in his behalf. Mr. Libowitz, contract owner of the Allstates Motel, objected because he felt the expansion of this building would interfere with the septic system of the motel.

Mr. Smith said the Board would not get into a civil situation. The owners of the motel sold this land to the telephone company for this purpose -- they were aware of what took place in the easement, and Mr. Libowitz is a knowledgeable purchaser.

They damaged the drainfield in the first installation, Mr. Libowitz stated, and they corrected that four years ago. Now they stand to damage a good portion of the drainfield.

Mr. Church submitted a copy of the contract from the original property owner to the telephone company.

Mr. Libowitz asked to defer this action until some satisfactory arrangement is made to have what will be their loss satisfied.

The telephone company has a right to install a telephone building here, Mr. Smith said. He assumed that this was going to be deferred, but it was at the request of the Planning Commission. Mr. Libowitz' matter is one which he will have to settle with the Telephone Company and the Board is not going to get involved.

Mr. Libowitz stated that he feared he was going to lose valuable land because of this.

Since Mr. Libowitz is contract purchaser and knows what the situation is prior to purchasing, Mr. Smith said, his remarks are highly irrelevant. He read the Planning Commission's request for deferral.

Mr. Church, in rebuttal, stated that the Telephone Company would correct any damage that might occur to the drainfield. If they take 30 ft. of drainfield, they will put 30 ft. back. They will replace anything that is damaged.

February 23, 1971

C & P TELEPHONE CO. - Ctd.

Mr. Baker moved to defer to March 16 to allow the Planning Commission to hear the case. Seconded, Mr. Kelley. Carried unanimously.

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NORMAN G. MILLER, application under Section 30-6.6 of the Ordinance, to permit construction of two car garage 45.9 ft. from front property line, 6924 Cherry Lane, Annandale District, (RE 0.5), 71-2 ((7)) 9, V-16-71

Mr. Miller presented a petition signed by his neighbors supporting the request. The main reason for the request is starting with the architecture of the house, but the real problem is the topography, Mr. Miller explained. They put the garage back as far as possible on the basis of a survey by Runyon and Huntley, without getting into the area where the property falls off. There is a flood plain in the area immediately behind the house. Mr. Miller said he had owned the property for almost eight years and plans to continue to live here. The one car garage on the property was enclosed for the living room. The two car garage is desirable because they have two cars, and because they want two separate doors. It will also be used for storage of lawnmowers, bicycles, tools, etc. There is a chimney in the west wall of the house that projects out about 3 ft. beyond the wall of the house.

Mr. Smith felt that a 20' or 22' garage would be adequate. The Board can only grant minimum relief.

They could probably get two cars in a 22 ft. garage, Mr. Charles Runyon, engineer, said, but not the two doors. With the 3 ft. intrusion of the chimney, a 24 ft. garage would actually only give a net car area of 21 ft.

That is not shown on the plat, Mr. Smith said. If the Board is thinking of going beyond a 22 ft. garage, they should have a plat showing the chimney protruding out 3 ft.

These plats could be provided tomorrow, Mr. Runyon told the Board.

No opposition.

In application V-16-71, application by Norman G. Miller, application under Section 30-6.6 of the Ordinance, to permit construction of two car garage 45.9 ft. from front property line, property located at 6924 Cherry Lane, also known as tax map 71-2 ((7)) 9, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of February, 1971 and

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

1. Owner of the subject property is the applicant.
2. Present zoning is RE 0.5.
3. Area of the lot is 1.330 ac. of land.
4. The required setback from the front property line is 50 ft.
5. This would be a minimum variance.
6. There is a 3 ft. wide chimney on the side of the dwelling.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:
(a) unusual topographic problems of the land; (b) unusual condition of the location of existing dwelling.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The proposed addition shall conform in material, architecture and construction to the existing dwelling.

4. The garage shall have two doors with a center column.

5. The applicant is to furnish the Zoning Administrator a revised plat showing the chimney, prior to issuance of the variance.

Seconded, Mr. Barnes. Carried unanimously.
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February 23, 1971

ARTHUR E. AND CLARA M. MORRISSETTE, application under Section 30-6.6 of the Ordinance, to permit industrial building to be built closer to residential district than allowed by Ordinance, located east end of proposed Boothe Dr., Springfield District, (I-P), 79-1 ((1)) 7, V-17-71

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Mr. Lawrence E. Hill in charge of construction, showed photographs of how they propose to develop this property. The construction material would be pre-cast concrete. Because of the terrain on the north side the structure is steel with pre-cast concrete. This is a permitted use in this zoning category. The applicant owns 30.6 acres in this location, of which about four or five acres is taken up by the VEPCO easement through the property. Another 1.8 acres is taken up by a road which is to be dedicated to the State. They have been negotiating with a governmental agency for occupying this building.

The construction of the building would be of material with reverse double T which produces a shadow effect. It is all white concrete, Mr. Hill continued, which will be pleasing to the eye.

Mr. Smith asked Mr. Woodson what the requirement would be for parking in connection with the distance from the residential zone.

Twenty-five feet, Mr. Woodson replied. The building must be 100 ft. but parking can be 25 ft.

Mr. Hill told the Board that the land in Cardinal Forest adjoining this property is shown as open space on the plan. The proposed warehouse will be used for dead storage and there will be no loading or unloading in the area closest to the R district.

Is this building being constructed with the thought of increasing the height at a later date, Mr. Smith asked?

No, Mr. Hill replied.

No opposition.

What type roof, Mr. Smith asked?

It would be a built up roof, probably four or five ply, with the white chips, Mr. Hill replied. Panels go up above the wall and the roof could not be seen from adjacent property.

In application V-17-71, application by Arthur E. and Clara M. Morrissette, under Section 30-6.6 of the Zoning Ordinance, to permit industrial building to be built closer to residential district than allowed by Ordinance, property located at east end of proposed Boothe Drive, also known as tax map 79-1 ((1)) 7, 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 the Board of Zoning Appeals, held on the 23rd day of February, 1971 and

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

1. Owner of the subject property is the applicant.
2. Present zoning is I-P.
3. Area of the lot is 29.656 ac. of land.
4. The required setback from residential property is 100 ft.
5. Compliance with Art. XI (Site Plan Ordinance) is required.
6. The adjoining property is shown as open space on approved development plans and there is no occupied dwelling within 100 ft.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally irregular shape of the land; (b) exceptional topographic problems of the land.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. No improvements shall be placed within the 50 ft. building setback area.

4. Any trees removed during construction and in these areas where the Planning Engineer determines supplementary planting is necessary within the 50 ft. strip, 2 1/2" hardwood trees shall be planted.

Seconded, Mr. Barnes. Carried unanimously.
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February 23, 1971

EAST WEST CAMPING UNLIMITED, application under Section 30-7.2.10.5.4 of the Ordinance, to permit sale of recreational camping vehicles and supplies, 5700 Leesburg Pike, Mason District, (C-G), 61-2 ((1)) B-1, S-6-71 (deferred from Feb. 9, 1971)

Mr. Robert C. Watson, representing the applicant, asked the Board if he could defer to Mr. Ralph Louk. The Board agreed to listen to Mr. Louk.

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Mr. Ralph Louk stated that he had a matter regarding V-265-69, application for height variance for Long and Foster, approved by the Board on February 10, 1970. He represented Long and Foster at the time the variance was granted. An appeal was made to the circuit courb by Joseph Hines and by the Board of Supervisors. The circuit court heard the case, referred it back to the Board of Zoning Appeals for further findings, and at this point the order has not been entered as there was a different use anticipated by his clients. They have sold part of this ground for use under its present zoning which would not requir a height variance -- a Gino's restaurant. For that reason, he is asking the Board of Zoning Appeals to void the height variance heretofore granted on February 10, 1970, because (1) the variance is no longer necessary due to the use being changed; and (2) it has been over one year and no building permits were obtained. Mr. Louk said he would then notify the circuit court of this action.

Mr. Baker moved that application V-265-69, granted February 10, 1970 be declared null and void by the Board of Zoning Appeals for the following reasons:

(1) at the request of the applicant, who appeared before the Board today, indicating that a part of the property had been sold and the variance was no longer necessary, and

(2) more than one year has expired since the granting of the variance, without the applicant taking any steps to construct the office building.

Seconded, Mr. Baker. Carried 4-0, Mr. Long abstaining.

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The Board returned to the case of East West Camping Unlimited (see top of page).

Mr. Watson stated that he was in error at the last hearing when he stated that the corporation applying for the use permit was a foreign corporation. They had incorporated in Virginia and he presented copies of the charter, the Articles of Incorporation, a copy of the lease, and four copies of the survey showing correct setbacks. They have a lease for twelve months with automatic renewal at the end of twelve months, and this is on a month to month basis. The vehicles on this property would be new vehicles only, and these are camping vehicles. This property was previously used as an auto sales lot for about seven years. Now they would like to sell trailers and rent trailers for recreational purposes only. They would operate probably from 9 a.m. to 8 p.m., depending upon the time of the year and there would be a maximum of ten to twenty-five people visiting the property during the day. The Division of Motor Vehicles has indicated that this location is satisfactory and is more than adequate for the purpose. They would only carry eight to ten display models and four to five trailers for rental. There would never be more than fifteen vehicles on this property at any one time. All trailers rented will have Virginia tags and Virginia inspection.

Are there any plans for the highway widening, Mr. Smith asked?

Final plans are being prepared by the Virginia Department of Highways, Mr. Knowlton stated.

Mr. Smith read the comments from Mr. Chilton's office regarding this application. (see memo dated February 22, 1971 in folder)

Probably Mr. Chilton's comments were based on the old plats, Mr. Watson commented, as he did not see the plats they presented today.

No opposition.

In application S-6-71, an application by East West Camping Unlimited, under Section 30-7.2.10.5.4 of the Ordinance, to permit sale and rental of recreational camping vehicles and supplies, property located at 5700 Leesburg Pike, also known as tax map 61-2 ((1)) B-1 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of February, 1971 and

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

February 23, 1971

EAST WEST CAMPING UNLIMITED - Ctd.

1. The lessee of the subject property is the applicant.
2. Present zoning is C-G.
3. Area of the lot is 15,142 sq. ft. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. The Virginia Department of Highways has plans for major construction of Route 7 in this vicinity.
6. This would be a temporary use.

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

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.
2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. 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 use permit to be re-evaluated by this Board.

4. This permit is for a one year period at which time the Board of Zoning Appeals may extend the permit for two one year periods if road construction has not started on Route 7.

5. There is not to be any sale, storage or rental of trucks, automobiles and cargo trailers on these premises.

Seconded, Mr. Barnes. Carried unanimously.

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The Board approved the minutes of January 26, 1971. Mr. Smith had a question on the February 9 minutes regarding the McDonald's variance on Gallows Road - he was under the impression that the Board had agreed to stipulate in the motion that there be no burning on the property; that trash would be picked up.

That was the intent of the motion, Mr. Long agreed. He moved that item 5 of the resolution read "no burning of trash on these premises." Accepted by Mr. Barnes, seconder of the motion. Carried unanimously.

Mr. Barnes moved to approve the minutes of February 9 as amended.

Seconded, Mr. Kelley. Carried unanimously.

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The Board again discussed the question of a doctor of veterinary medicine having his office in a residential zone. After a long discussion, the Board agreed to get copies of the doctor's letter for each Board member and give this matter further consideration before making a decision. The Board could probably reach a decision within thirty or sixty days -- this is a very important decision. The Board of Supervisors should be made aware that the Board of Zoning Appeals is faced with making a decision on this, to see if that Board has any comments to make.

Deferred for further information and further thought on the matter.

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The meeting adjourned at 2:00 p.m.
By Betty Haines, Clerk

Daniel Smith, Chairman

June 8, 1971
Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, March 9, 1971 in the Board of Supervisors Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes, Mr. Richard Long, Mr. Joseph Baker and Mr. Loy Kelley.

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

Mr. Knowlton informed the Board that on March 10, 1941, in a very small room in the old courthouse building, the Board of Zoning Appeals held their first meeting. Tomorrow makes the thirtieth anniversary of this Board. He would estimate that the Board has had between 500 - 600 meetings and has heard some 6,000 cases. On behalf of the staff, he would like to extend to the Board their appreciation of having worked with the Board all this time and to congratulate the Board on its thirtieth anniversary. He presented the Board with a cake baked by Mr. York Phillips of the staff, and asked the Board to gather around the small table for pictures to be taken by Mr. Shaw of the Public Affairs Division.

Mr. Carlton Massey, County Executive, stated that he wanted to join the Board on this occasion as he wanted to say that the Board over the many years has been an agency which has been of help to the citizens of the County in preserving the zoning regulations of the Ordinance and being able to adjust them to individual citizens where the individual might be helped and the public not be harmed. He hoped the Board would continue to serve the public as in the past. This is his nineteenth year with the County, he said, and he has appreciated working with the Board.

Mr. Smith invited Mr. Massey to join the Board in the picture-taking ceremony.

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MT. VERNON PARK ASSOCIATION, application under Section 30-7.2.6.1.1 of the Ordinance, to permit two additional tennis courts within Mt. Vernon Park property, 8042 Fairfax Road, Mt. Vernon District, (R-12.5), 102-2 ((1)) 4, S-25-71

Mr. Thomas Cyril represented the applicant requesting permission to add two new tennis courts. This would be a continuation of the existing courts. The original permit was granted April 20, 1954. They have approval for six hundred families and the membership would not be increased. The area will be entirely enclosed with a fence around the whole eight acres.

Mr. Barnes noted that the existing fence around the tennis courts is only five feet from the property line. If the new tennis fence is going to be 12 ft. high, the Board would have to grant a variance on the height. Rather than set the fence in 12 ft. from the property line, he felt it should be aligned with the existing fence and it would look better from the adjoining property owners' view.

Mr. Cyril noted that there were trees existing which would screen this from the adjoining property owner's view.

No opposition.

In application S-25-71, application by Mt. Vernon Park Association, application under Section 30-7.2.6.1.1 of the Ordinance, to permit two additional tennis courts within Mt. Vernon Park property, 8042 Fairfax Road, Mount Vernon District, (R-12.5), 102-2 ((1)) 4, 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 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, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 9th day of March, 1971 and

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

1. The owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 8.311 ac. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. There is an existing use permit on this property for recreational use granted April 1954.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and 2. 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 the zoning ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the uses indicated on 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 use permit to be re-evaluated by this Board.

4. The tennis court fence is to be a minimum of 5 ft. from the southerly property line.

5. The tennis court is to be enclosed with a minimum 10 ft. high chain link fence.

6. The fence along the southerly property line is to be interlaced or covered with a green screening material as approved by the Planning Engineer.

Seconded, Mr. Barnes. Carried 5-0.

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LEE HIGH VILLAGE CIVIC ASSOCIATION, application under Section 30-7.2.6.1.1 of the Ordinance, to permit clearing and use of property as playground, located east end of Swartz Drive, Lee High Village, Centreville District, (RE-1), 56-4 ((3)) 11, S-20-71

Mr. Raymond Cramer, President of the Lee High Village Civic Association, stated that the applicant is requesting permission to clear five acres of land on the west end of the section to use as a playground forthe children. They have a lease from Bishop Russell, owner of the property, and insurance coverage for this use. There are no plans to build any permanent structures of any kind. The lease is such that it is a five year lease but can be cancelled by either party at the end of sixty days. They plan to leave a 100 ft. undisturbed buffer zone between the play area and Mr. DeGraves property to the southwest.

No opposition.

In application S-20-71, application by Lee High Village Civic Association, application under Section 30-7.2.6.1.1 of the Ordinance, to permit clearing and use of property as playground, located at the east end of Swartz Drive, also known as tax map 56-4 ((3)) 11, 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 aaccordance 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals, held on the 9th day of March, 1971 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The lessee of the subject property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is five acres of land.
4. Compliance with Article XI (Site Plan Ordinance) is required,

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

March 9, 1971

LEE HIGH VILLAGE CIVIC ASSN. - Ctd.

1. 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 is not transferable to other land.

058

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the uses indicated on 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 use permit to be re-evaluated by this Board.

4. There will be a minimum 50 ft. buffer strip along the westerly property line.

Seconded, Mr. Barnes. Carried unanimously.

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BRUCE C. PHILLIPS AND C. N. MORRIS, JR., application under Section 30-6.6 of the Ordinance, to permit variance of rear setback requirement from 25 ft. to 16 ft., 3416 Sharon Chapel Rd., Lee District, (R-17), 82-4 ((16)) 4, V-21-71

This application was placed at the end of the agenda so the applicant could obtain corporation papers since it was stated that the property was owned by a corporation.

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THE SOUTHLAND CORP. AND F. LEE OPIE, application under Section 30-6.6 of the Ordinance, to permit construction of building closer to rear property line than allowed, located W. side of U. S. #1 near Armistead Road, Lee District, (C-G), 107 ((4)) pt. 32, V-23-71

B. P. OIL CORP., application under Section 30-6.6 of the Ordinance, to permit a variance on setback requirements in the rear of property on the SW corner to be 11 ft. and on the SE corner to be 13'6" from property line, located at Tysons Corner between old Rt. 123 and Rt. 123 (C-G), 29-4 ((1)) 16, V-24-71

These two applications were placed at the end of the agenda for the applicants to obtain corporation papers.

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LEEWOOD NURSING HOME, INC., application under Section 30-7.2.6.1.8 of the Ordinance, to continue operation as a nursing home under new management, all operations of home are to be as previously done, 7120 Braddock Rd., Mason District, (RE-1), 71-3 ((8)) 10A, S-26-71

Mr. Bruce Lambert, attorney, represented the applicant. This is a new corporation, he said, and presented corporation papers. The property is being leased from Leewood Associates, owner of the property, he said. The nursing home commenced operation about 15 years ago. In June 1970 it was sold to Progressive Care, Inc. and it was his understanding, Mr. Lambert continued, that they intended to go public, but were unable to get financing. Martin Dalton and his wife, who operated the home from the beginning, took the property back. This applicant contracted to purchase the property from the Daltons on the 21st of December, and took over the operation in February subject to being properly licensed and having this application approved. There will be no difference in the operation except they will make it more attractive. They are licensed for 77 patients.

The Special Permit for this operation limited it to 75 patients, Mr. Smith said.

Professor Bowen, 628 S. 25th Street, Arlington, stated that his mother has been in the nursing home for some time - it is a good operation and he would like to see it continue.

No opposition.

In application S-26-71, application by Leewood Nursing Home, Inc. under Section 30-7.2.6.1.8 of the Zoning Ordinance, to permit continued operation as a nursing home under new management on property located at 7120 Braddock Road, also known as tax map 71-3 ((8)) 10A, 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 andCounty 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of March, 1971 and

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

March 9, 1971

LEEWOOD NURSING HOME - Ctd.

1. The owner of the property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 4.367 acres of land.
4. There is an existing use permit on this property for a nursing home granted November 10, 1964.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to he 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 Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to the date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, changes in the persons involved, or changes in screening or fencing.

4. There will be a maximum of 77 patients at any one time.

Seconded, Mr. Barnes. Carried unanimously.

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The Board has time before the next scheduled item, Mr. Smith said, and will take up the after-agenda items.

Mr. Knowlton stated that Brentwood Academy came before this Board in June of 1970 in connection with the school. Because of some of the requirements of this Board, namely, the number of parking spaces, the driveway configuration is different from the original plat that was submitted, and the building was repositioned because of topography. They are requesting approval of this plat in lieu of that submitted with the application

The new plat shows an increased size in the building, Mr. Long pointed out. The new plat shows a building 84' x 34'. There was opposition to this at the original hearing. He moved that the application be scheduled for rehearing because this is a substantial change.

This would require readvertising and reposting, Mr. Smith said.

The Board agreed that the applicant would have to file a new application, in view of the change of the building size from a 36' x 66' building to an 84' x 34' building.

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Mr. Smith read a letter from Mr. and Mrs. Clifford Carroll objecting to the condition of the fence at Freedom Park Pool. Photographs were enclosed for the Board to see the condition of the fence.

The Board members all agreed that the fence was in very bad condition. Mr. Koneczny should ask them to comply and the Board should allow them some time to do it. The Board would like a report from Mr. Koneczny on this matter.

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Mr. Baker moved to approve the minutes of February 23, 1971. Seconded, Mr. Kelley, and carried unanimously.

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The Board proceeded to the deferred items on the agenda:

March 9, 1971

AMERICAN HOUSING GUILD-VIRGINIA, application under Section 30-6.6 of the Ordinance, to permit resubdivision of Outlot B and Lot 48 into lots at variance with minimum frontage requirements of R-12.5 conventional zoning, located east of Larkspur Dr., Lee District, (R-12.5), 81-4 ((14)) outlot B and Lot 48, V-244-70 (deferred from 2/9/71 at applicant's request)

060

Mr. Bob Lawrence, attorney, represented the applicant. Originally, they had asked for three lots with pipestem roads, Mr. Lawrence stated, but Mr. Chilton told them the last lot required too long a pipestem. They withdrew the third lot and redrew the property lines to allow for a larger park area. This land will be dedicated to the Park Authority and will be used in conjunction with the Sherry tract which is to the north. The first application which they filed was withdrawn without prejudice.

Mr. Smith stated that the problem was when the property was developed and this entire area was left as an outlot - now the applicant comes in for extra lots. What is the justification as far as hardship is concerned, he asked?

There was difficulty in designing this as a cluster subdivision, Mr. Lawrence stated, because of the narrowness of the subdivision which would have required pipe stem roads and cul-de-sacs throughout the subdivision and it would not have been well planned. The design was to go in with conventional lots. As a result, this outlot occurred. There is a building problem with this particular outlot. There is a grade which makes it very difficult to develop in any other way than the proposed plat shows. The topography of this outlot is irregular and the subdivision could not be worked out under cluster reasonably and the remaining lot could not be worked out under the conventional arrangement. The 3.29 acres will be given to the Park Authority. It is equivalent to the original outlot.

Why not take Tammy Drive to Lot 58, Mr. Barnes asked? It would give an outlet to the Park Authority and to the other lots.

The building permits have already been let on those properties, Mr. Lawrence said. The house on 47A is already underconstruction. The builder wanted to move the culde-sac back farther but there is a terrific slope which would require 20 ft. cut and fill to even it out. This is why the cul-de-sac had to be cut off at this point.

No opposition.

At the last hearing Mr. Chilton was present to object to the three lots, Mr. Long recalled.

Mr. Chilton was notified on this application, Mr. Knowlton said, and he chose not to comment on it.

In application V-244-70, an application by American Housing Guild-Virginia, application under Section 30-6.6 of the Ordinance, to permit resubdivision of outlot B and Lot 48, property located E. of Larkspur Drive, also known as tax map 81-4 ((14)) Outlot B and Lot 48, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th of March, 1971 and

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

1. Owner of subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 3.36065 ac. of land.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

(a) exceptionally irregular shape of the lot;
(b) exceptional topographic problems of the land;

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Smith thanked Mr. Knowlton for his presentation this morning in connection with the thirtieth anniversary of the Board of Zoning Appeals, and stated that a note of appreciation is due Mr. Phillips for the wonderful cake which he presented to the Board.

It was very thoughtful of him, Mr. Barnes added, and quite a surprise.

March 9, 1971

The Board again discussed the matter which was taken under advisement at the last meeting - the matter of a doctor of veterinary medicine carrying on a business in a residential district the same as other doctors.

Mr. Smith read letters from Loudoun County, Arlington County, City of Falls Church, City of Alexandria, and Prince William County regarding their ordinances on veterinary operations. (Mr. Covington had asked for these letters under Mr. Woodson's instructions.

061

Mr. Smith asked that a copy of Mr. Covington's letter and copies of these other letters be forwarded to the Board members for further study.

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HUMBLE OIL & REFINING CO., LESSEE AND KINGS PARK ASSOCIATES, application under Section 30-7.2.10.3.1 of the Ordinance, to permit gasoline service station, located intersection of Braddock and Rolling Roads, Kings Park, Annandale District, (C-D), 69-4 ((1)) 49A, S-4-71 (deferred from 2/9/71 for Planning Commission recommendation)

Mr. Marc Bettius stated that they have worked diligently with the staff on the site plan before the Board today. They have tried to orient this station away from the residents of Red Fox Forest. This will be a three bay service station with covered pump islands. They will use brick masonry with mansard roof. The owners of the shopping center who are involved in the application have reserved architectural control over the facade and construction standards. Esso is committed to building according to the rendering presented.

Mrs. Brammock of Red Fox Forest was concerned about signs in connection with the station. Mr. Smith assured her that any signs would have to comply with the sign ordinance.

Mr. Smith read a letter from the Planning Commission recommending approval of the application.

In application S-4-71, application by Humble Oil & Refining Company, application under Section 30-7.2.10.3.1 of the Zoning Ordinance, to permit gasoline service station, on property located at Braddock Road and Rolling Road, also known as tax map 69-4 ((1)) 49A, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of February, 1971 and

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

1. Owner of the subject property is Kings Park Associates; the applicant is lessee.
2. Present zoning is CD.
3. Area of the lot is 0.91827 ac. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. This use was presented to the Planning Commission and Board of Supervisors at the rezoning hearings.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. The architecture and construction of the gasoline station shall conform to the existing shopping center and as shown on the renderings.

March 9, 1971

HUMBLE OIL & REFINING - Ctd.

5. The entrances shall be limited in number and size and located in accordance with the requirements of the Planning Engineer.

6. Access between adjoining properties or a travel lane shall be provided along Rolling Road as approved by the Planning Engineer.

7. The land shown on plats for road widening shall be dedicated to public use.

8. Landscaping shall conform with renderings and as approved by the Planning Engineer.

9. There shall not be any storage, rental or sale of automobiles, trucks, trailers and other rental equipment in connection with this use.

10. All signs shall comply with the Fairfax County Sign Ordinance.

11. The north side of the gasoline station has an architectural front.

Seconded, Mr. Barnes. Carried 5-0.

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JAMES M. WOODWARD, CONTRACT PURCHASER, application under Section 30-7.2.10.3.9 of the Ordinance, to permit small animal hospital, located intersection of Braddock and Rolling Roads, Kings Park, Annandale District, (CD), 69-4 ((1)) 49A, S-5-71 (deferred from 2/9/71 for Planning Commission recommendation)

Mr. Smith read the recommendation for approval from the Planning Commission.

What use will be made of the second floor of the proposed building, Mr. Smith asked?'

Mr. Bettius replied that the upper floor would be unfinished at the present time. Perhaps in the future it might be used for office use.

If the second floor is used for any use other than the animal hospital, it would require BZA re-evaluation, Mr. Smith stated.

In application S-5-71, application by James M. Woodward, application under Section 30-7.2.10.3.9 of the Zoning Ordinance, to permit small animal hospital, property located at the intersection of Braddock Road and Rolling Road, also known as tax map 69-4 ((1)) 49A, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of February, 1971 and

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

1. The applicant is contract purchaser.
2. Present zoning is CD.
3. Area of the lot is 0.69832 ac. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. This use was presented to the Planning Commission and Board of Supervisors at the rezoning hearing.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in C districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. The architecture and construction of the building shall conform to the existing shopping center.

5. A travel lane or access between adjoining properties shall be provided along Rolling Road as approved by the Planning Engineer.

6. All operations shall be within an enclosed building, adequately soundproofed with no emission of noise and odor detrimental to other property in the area, with approval of the Health Department prior to issuance of the building permit.

7. All signs shall comply with the Fairfax County Sign Ordinance.

8. Landscaping shall conform with the renderings and as approved by the Planning Engineer.

9. There shall not be any boarding of animals.

Seconded, Mr. Barnes. Carried unanimously.

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SUMMIT LODGE, INC., application under Section 30-7.2.5.1.4.1 of the Ordinance, to permit establishment and operation of private club or association, located in Providence District, 25.0899 ac. bounded on the east by Annandale Rd., on the south by Mason Lane, on the west by Arnold Lane and on the north by the Holmes Run stream valley park (R-12.5) 60-1 ((1)) 6, 7, 8, 13, 14, 15, S-220-70 (deferred from 1/5/71 for more information)

Mr. Douglas Adams, attorney, 7250 Maple Place, Annandale, Virginia, represented the applicant. He presented a revised plat showing the parking set back the proper distance from the property lines. This plat also provides for better access in accordance with the suggestions of the citizens, he said.

Mr. Adams stated that he went back and reviewed the Board of Supervisors minutes of January 19, 1966 and February 16, 1966 and the legislative intent is quite clear that private clubs and lodges are separate and distinct from meeting rooms and offices of mutual benefit associations recognized by the Commonwealth of Virginia as labor unions. How this came about, at the meeting on January 19, 1966 Section 5 proposed for emergency amendment - that read private clubs and lodges. It was approved on an emergency basis at that meeting, then it was advertised as a permanent adoption for February 16, and presented on February 16 reading private clubs and lodges. They had a presentation at that meeting from an attorney representing a labor union with reference to putting in offices and meeting rooms on a piece of property they had in mind. As a result of interest shown by this attorney, at the time this came up for permanent adoption, it was moved that this be amended reading private clubs and lodges - adding for the purposes of accommodating this organization, meeting rooms and offices for mutual benefit associations recognized by the Commonwealth of Virginia as labor unions. The question was raised by lack of a comma in this. He submitted a copy of the minutes of January 19 and February 16, 1966 signed by Mr. Fred A. Babson, Jr., Chairman of the Board at that time.

The next question, Mr. Adams continued, was with regard to membership. The point was that the citizens were concerned about the kind of people that would use this lodge. It is very difficult to sell something you don't know the exact hours or details that will be placed upon it. In efforts to get a membership, a high quality of people were sent brochures - considerable response has been obtained, many of these people asking questions about details that the applicant could not answer. They have created a membership committee in the absence of an immediate direct response to the mail-out - and the membership committee which will be for the purpose of going out and soliciting this list of people who have been approached, made up as follows: Robert Bennett, --

Mr. Smith said it would not be necessary for Mr. Adams to go through a list of names unless these are proposed officers of the corporation. A list of members as such is not necessary. The Board is interested in the structure of the organization itself and not the people involved.

There is a six member membership committee, Mr. Adams stated, and he would be happy to detail it if the Board desired.

Who actually owns this property at the present time, Mr. Smith asked? Who is the titled owner of the property?

Mr. Adams answered - Summit Lodge, Inc. is the owner of the property. Summit Lodge, Inc. is a subsidiary of D. C. Realty which is a subsidiary of D. C. Transit of Delaware. It is a corporation existing under Virginia law and in good standing. In connection with the members, they have had meetings with Mr. Babson and the citizens of the area and have tried to offer something to them. What is the quality of this ? It will be like the Fairfax Country Club. This is the quality of people they want here.

March 9, 1971

SUMMIT LODGE, INC. - Ctd.

They would suggest to the Board that this be approved with the conditions that they provide 200 members, that the membership be $1,000, Mr. Adams continued. The citizens had concern about whether the applicant would be able to obtain these members. Mr. Chalk and the corporation have enough confidence in the proposal that they have presented, that they would be willing to accept a special use permit on the condition that they not be able to operate until they have 200 people who have paid the $1,000 membership fee.

064

The fee involved is not really important, the Chairman ruled. Basically, the Board is talking about the structure of the organization, what will the organization carry on here? What will they do? What will be the hours of operation? What will be the total number of members? This is basically supposedly under the County ordinance a community operation. The Board has not yet been able to ascertain exactly what Summit Lodge intends to use the property for. Will there be overnight lodging by members?

Definitely not, Mr. Adams said. At the last meeting the Board asked for the by-laws and club rules. These will be presented at this time.

This is the problem the Board has had all along with this application, Mr. Smith said. They have not been able to acquire information pertaining to the application prior to a Board meeting and this puts the Board in a rather bad situation.

Mr. Adams stated that he had been presenting the material as fast as he could possibly receive it. He gave the proposed rules for the Walnut Hill Club. These are rules that would govern the operation of the club and the members in it. (See copy in folder.)

With regard to the restrictions, Mr. Adams continued, they have met with Mr. Babson representing the citizens in the area, and they have agreed on many points but there are several points on which they are in disagreement. He presented six copies of the proposed restrictions. (See folder.) One of the problems in trying to work this out is that there are citizen in the area who are quite zealous and sincere in an attempt to retain this property in its present residential character and on the other hand Summit Lodge and Mr. Chalk would like to retain the character of the establishment, but put it to a use and keep it as it is. They have agreed that there will be no additional construction except for the interior of the present building and any construction interior and exterior necessary to keep the present facilities in repair. This would exclude primarily any additions.

You would not be allowed to make any additions to the buildings if this were granted, Mr. Smith pointed out, without a re-evaluation by this Board.

In connection with number two, Mr. Adams continued, this is a point of real disagreement. The citizens would like to see no outside activity. They have tried to reword this in a way to show the organization's sense of responsibility. Any outdoor activity shall be conducted in such a manner that the sound, lighting and activity will not be a nuisance to the adjoining neighbors. Outdoor lighting shall be limited to ground lights only and the source of lighting shall not be visible from any point off the property. In terms of membership, they could not come to an agreeable figure on this. They would like to have a maximum limit of 1,000 residential members and 1,000 associate members with no more than 500 persons being on the premises at any one time. Another point they could not agree on, the citizens would like to see this operated as a private club and have no use of the club by other organizations. Any organization of this type operating in Fairfax County in order to make it work, would have to be in a position to lease the premises out. What they tried to do is control it by saying that any additional use of the property shall be restricted to organizations sponsored by members.

Under the ordinance, the applicant would not have the right to lease to others. It's for the benefit of members only, Mr. Smith stated.

Overnight accommodations are prohibited, Mr. Adams continued, except for a practical situation except for permanent employees who live there and maintain it and a guest speaker. Hours of operation would be seven days a week 8 a.m. to 1 a.m. No aircraft will be permitted to land or take off from the property. The other very important point was the ingress and egress. On the plat which was approved by the Highway Department and Fairfax County - 22 ft. roadway (2 way roadway) extending from the entrance around the the parking area. The other road is to be a one way entrance designed so as to have the acceleration lane coming south on Annandale Road and entering into the property. The pillars would be removed at the corners which inhibit vision entering and leaving the property. It was also agreed that the lighting to be used in the parking areas and the driveways would be comparable to the existing lighting there both in size and intensity.

This would not be detrimental to the character and development of the adjacent land and would be in harmony with the purposes of the comprehensive plan, Mr. Adams continued; they feel that it would be an asset to the community and he respectfully asked the Board to grant this Special Use Permit at this time.

What is the total number of parking spaces to be provided, Mr. Smith asked?

A total of 214 total spaces, Mr. Adams replied.

The bluestone parking area could not be used, Mr. Smith informed him - the parking area would have to meet site plan requirements. The parking would limit the applicant to not more than 600 people at a time.

Mr. Frederick A. Babson, representing citizens in the area, stated that he meant no reflection on the distinguished and able counsel for the applicant, but the applicant himself has not even come close to making a sincere and good faith effort as Mr. Adams put it, to try to cooperate with the citizens or meet the requests of this Board. It has been about two months since the last meeting. The Chair asked for some concrete evidence and facts as to what they were up to, what Mr. Chalk or Summit Lodge was up to. It was only today at lunch time that he received a copy of the proposed rules of the club. He has not had a chance to read it, Mr. Babson said.

Mr. Smith stated that Mr. Babson had two or three hours over the Board, the Board only received copies a few minutes ago.

Again, Mr. Babson reiterated, Mr. Adams has attempted to cooperate with him, and has asked for meetings with the citizens, and he meant no reflection on Mr. Adams. The citizens are concerned about who is controlling this operation and what he is after and why he won't come forth with something concrete. Under the ordinance, they are not entitled to a use permit for the simple reason that it provides under the section cited by Mr. Adams for a private club, lodge or mutual benefit association recognized by the Commonwealth as a labor union. Summit Lodge, Inc. or whatever the name the applicant is and they have changed the name of the club from Summit Lodge to Walnut Hill, is not a private club. It's a corporation controlled by Mr. Chalk through two or three other corporations. It's a profit-making corporation and its parent is publicly held. It is by no stretch of the imagination a private club or a lodge and this is what this ordinance was designed to permit. It does not provide for an entreprenaur, and there's nothing wrong with an entreprenaur, but this particular section of the ordinance does not permit an entreprenaur to come in and try to merely make some money off of the property he owns by leasing it out or by selling memberships and letting them lease it out to anyone who comes along. This is what the citizens fear. They have bent over backward to try to cooperate and have agreed to some of the proposed conditions but they don't think they will ever get to that point. The applicant has not shown any justification that he is entitled to a permit as a private club or lodge. They did meet with Mr. Adams at his request, and personally has been cooperative. The reasons the citizens want to cooperate is that they are worried about what is going to happen at Walnut Hill. There's speculation that if this isn't approved someone will have it rezoned for apartments or a subdivision - for this reason, the citizens in good faith have tried to be reasonable and yet they see no members to constitute a private club. This is a commercial use and is exactly what the citizens are afraid of and don't want right in their front yards and back yards and side yards and the Zoning Ordinance of the County does not provide for that. There is no provision for leasing. The applicant will have to fall back on this - he has yet to come forth with any members much less a list of officers of a private club. He has listed the officers of Summit Lodge, Inc. which is not a private club. Therefore the citizens are most concerned that there will be here a very volatile commercial activity right in the midst of this neighborhood and for this reason they respectfully submit that the applicant doesnot qualify under the provisions of the ordinance cited by the applicant for a use permit for the type of activity they propose. It would be a waste of the Boards time to get into the list of restrictions because under the Ordinance he did not believe the applicant could properly be granted a permit for their activities.

Mr. Barnes agreed with Mr. Adams that it would be hard to sell memberships without knowing the details of the proposed operation.

It would be just like if the Fairfax Hunt Club wanted a liquor license from the ABC Board, Mr. Babson said. They have to know who is going to get that liquor license. You don't say - okay, I've got the Barnes Corporation which is a money-making corporation and I'm going to put together a club somewhere and I don't know who the members are going to be yet, but I want a liquor license. They will tell you to go back and form that corporation or club, tell us who the officers are, then we will consider your license. Two months ago, Mr. Chalk was here himself and if he really means it, he would at least get them to sign a subscription statement, they don't have to pay $1,000, but he would give them the rules and by-laws (not today at lunch) but mail them out to the proposed members, tell them what he proposes, subject to approval by the County and the County would approve a legitimate, good private club if he really meant that and the citizens would go along with it. You don't get a charter for a bank without showing who is on the board, who the officers are, etc. and Mr. Chalk is trying to take a short cut as usual and get a carte blanc blank check and Mr. Babson said he was prejudiced by the fact that Mr. Chalk was the applicant, having known him for some time and respecting his ability to get what he wants one way or another, and for this reason, he is rather strongly opposed and very suspicious of what is going to happen, Mr. Babson said.

Mr. Adams apologized for getting the material to the Board late and hoped it would not reflect on the applicant unfavorably. He would say that the applicant has submitted to theBoard everything they could possibly submit at this time with respect to the nature

of the organization, Mr. Adams said, the character of the organization. Mr. Babson alluded to Summit Lodge, Walnut Hill which would make you think that every week they are changing the name. If you will look back in the file, the application was filed in the name of Summit Lodge, Inc. Prior to the time it was filed it was Chalk Estates. It was alluded to two or three times and it seems to make little difference at all that prior to filing this application, this corporation like many other corporations before, simply changed its name to Summit Lodge, Inc. The application was filed in the name of Summit Lodge, Inc. At that time all of the brochures referred to the Walnut Hill Club. The record is quite clear on this.

The applicant has presented a solid proposal, Mr. Adams went on to say. They know they cannot have a full membership and officers at this point. Many of the Board members have visited Walnut Hill and seen the quality and nature of the estate. It can only be used in one way and that is with quality. The whole nature of the operation, the kind of people they are contacting, the makeup of the membership committee, the nature of the estate, all give a clear indication of the kind of membership. No one goes around saying I wonder what kind of people belong to the Fairfax Country Club. They don't because they know that people who belong to the Fairfax Country Club are fine people. Business people, professional people, government workers in the community. This applicant is at a disadvantage of not having it organized. This is a place Fairfax County can be proud of - a place where organizations can be meet, using the various facilities there. The applicant should not be penalized by the fact that the corporation plans to make a profit; there's nothing in the ordinance that says you can't make a profit. It says private clubs and lodges. The applicant has done all he can at this point. If the Board grants this application today, they will see that this can only go one way.

The Board would not allow a Moose Club or any other organization to come into the County as poorly prepared as this very fine, capable corporation, Mr. Smith said. They certainly have the assets and the people to formulate a better set of criteria than this, something more for the Board to base a decision on. Certainly you could have people in the County involved in this; there has been no indication that anyone in Fairfax County had more than a passing interest in this as a private club.

Mr. Adams said he had reviewed the minutes and had attempted to answer all the Board's questions and he did not remember anything being said about the officers of the private club itself. They did come forth today with the membership committee, made up of very responsible citizens of the metropolitan area, each person has been contacted and has accepted membership on the membership committee of the Walnut Hill Club. If the Board wants a list of officers, he would be glad to work with Mr. Chalk on this.

What have you done other than send out brochures and solicit members, Mr. Smith asked?

The membership committee has created rules and regulations for the club, sent out a brochure, to a qualitative prospective membership list. The applicant has done all they can do as a practical matter, Mr. Adams said. What other information could the Board want?

Have you had anyone from the County indicate a desire in writing to join such an organization, Mr. Smith asked?

They have had a number of inquiries as this list went to people all over the metropolitan area, and all over the country for that matter, Mr. Adams said; they have had calls and responses from the entire metropolitan area including Fairfax County. These are not tabulated and they do not know exactly how many people are interested. There is nothing in the ordinance to require a full complement of members. They have been specific enough so that Walnut Hill - Summit Lodge can be pinned down to the kind of qualitative use that they have talked about.

Mr. Long felt the Board would have to have the organizational structure prior to issuing any permit. How can the Board charge anyone with the responsibility of complying with the limitations imposed on the permit without knowing who he was. Also, he would like to know more about the activities, what's going to take place. It should be definitely limited so it will not become a commercial operation.

How many people will the main structure accommodate at a meeting for seminars and speaking engagements, etc.? Mr. Smith asked?

Mr. Cowgill stated that with the remodeling the accommodations would be greatly limited. Three rooms would accommodate forty people comfortably. The meeting lodge would hold about 200. They have fed as many as 150 at one time.

Mr. Kelley requested a five minute recess.

Upon reconvening, Mr. Long made the following motion:

In application S-220-70, application by Summit Lodge, Inc. under Section 30-7.2.5.1.4 of the Ordinance, to permit establishment and operation of private club, property located at Annandale Road, Arnold Lane and Mason Lane, also known as tax map 60-1 ((1)) 6, 7, 8, 13, 14 and 15, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of March, 1971 and

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

1. The owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 25.0899 ac. of land.
4. Compliance with Article XI would be required.
5. The applicant has not submitted evidence that this would be a private club or that a private club now exists.

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

1. The applicant has not presented testimony indicating compliance with Standards for Special Use Permit uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED that the subject application be and the same is hereby denied.

Seconded, Mr. Kelley. Carried 4-1, Mr. Barnes voting against the motion.

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V. T. WORTHINGTON, application under Section 30-6.6 of the Ordinance, to permit building up to property line, 7820 Cinder Bed Road, Lee District, (I-G) 99 ((3)) 5, V-239-70 (deferred from 1/12/71 for further information.)

Mr. Smith read the staff comments: "Special permit granted by the Board of Supervisors on July 1, 1964 and reconsidered by the Board at a later date, is in effect. In the reconsideration there were four recommended conditions, listed as follows: (1) that the front of the property be screened in a manner similar to that required in Chapter 3, Section 3-3 of the County Code; (2) that no outdoor storage tank be permitted within the north half of the property where the abutting land is in an R district; (3) that all street improvements flood plain protections be approved as part of the site plan review; and (4) that any consideration of setback variance by the Board of Zoning Appeals pay particular attention to protection of the planned residential across Cinder Bed Road."

Why did you never use the original variance that was granted, Mr. Smith asked?

At this time they are not building on the rear, Mr. Worthington replied; the nearest occupied dwelling would probably be from 300 to 500 ft.away.

The request for variance is based on factors that are not recognized under the County ordinance, Mr. Smith said. You were granted a variance in 1964 and you never did utilize that.

This is the type of operation that they are not ready to complete, Mr. Worthington said. They would like to come back soon and request a variance on the rear portion of the property. The front of the property will be used for storing oil and separating the oil from the water. The water is then treated before they dispose of that.

Mr. Smith pointed out that there was room in the rear and this could be placed back there, farther away from the residential area. There is an alternate location.

The Planning Engineer could tell Mr. Worthington how wide Cinder Bed Road will be in the future, Mr. Long suggested. Wasn't this referred to the Planning Commission for a recommendation, he asked?

Mr. Knowlton pointed out that he would still need a variance because any structure on industrial property has to be 100 ft. from the residential property adjoining. This lot is only 115 ft. wide which gives him 15 ft. of buildable area.

The applicant had originally intended to build this in the rear portion of the property, Mr. Smith said again.

At no time had they not intended to use the entire property, Mr. Worthington said.

If the rear portion had been developed, Mr. Smith suggested, and the front portion needed a variance, this would have been a different situation.

Mr. Smith called attention to item 4 of the staff comments -- that any consideration of setback variance pay particular attention to protection of the planned residential across Cinder Bed Road.

V. T. WORTHINGTON - Ctd.

This property is in a 100 year flood plain where he proposes to make his improvements, Mr. Long said, and this is why he wanted it referred to the Planning Commission.

068

If they cut down the size of the building and put two-thirds of it to the rear, it's quite important to have some kind of office in the front, Mr. Worthington said, say they put a 24' x 24' office building and along the side put that and enough tanks, would that comply?

They can be put anywhere they can meet the setback requirements of the Ordinance, Mr. Smith said. The building could be built the height of the building from the property line. This is putting too much in too small an area, he said. If there is an alternate location, this Board does not have authority to grant a variance. If it were only the building that was being constructed, Mr. Smith said he would go along with that, if he wasn't putting the tanks on the front portion.

Alec Gershin, Newington, Virginia, spoke in opposition to the granting of a variance that would place any industrial facility closer to the abutting residential areas than allowed by the present ordinance. They have discovered that in this particular community that these sort of variances placing industrial properties in close proximity to as yet undeveloped residential land, sets a precedent and inhibits the residential development of the adjacent land ultimately leading to an expansion of further encroachment of industrial zoning, not to speak of the present unpleasantness to the nearby residents.

Mr. Baskin, 7717 Cinder Bed Road, opposed the variance application. The rear portion close to the railroad is about the only portion that is above the flood plain, he said.

Mr. Smith told Mr. Worthington that his original plan met with certainly less opposition than the one today. There might be some justification for a small office building variance - this is a problem piece of land, but it seems that to develop this in the rear would be the most practical. This Board cannot base decisions on economic factors. The Board must base decisions on hardships pertaining to the land itself. The variance sought is a tremendous one -- 88 ft. variance and the entire building would be constructed in the setback area.

Because the State is pressing them to move from their present location, Mr. Worthington said, how soon could the Board set up another meeting for him to come in with a revised proposal meeting the requirements under the Ordinance, he asked? He did not want to forfeit the right to use the front property but if they don't get some kind of variance, it will not be possible to use this land.

Mr. Knowlton, if this is deferred, would you take a look at what Mr. Worthington proposes, and see what you think, Mr. Smith asked? He should be working with the rear portion which would have less impact on the residential area. Perhaps the flood plain problem in the front was one of the reasons he went to the rear of the property in the beginning, Mr. Smith suggested. The front could possibly be used for office purposes in the future, but not for tanks and processing of oil, he said. Any use allowed by right could go in but when someone requests a variance, it makes a different situation. Is two weeks allright?

Two weeks, Mr. Worthington said.

Mr. Barnes moved to defer. Seconded, Mr. Kelley. Carried unanimously.

Deferred to March 23.

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The Board moved back to the application of SOUTHLAND CORPORATION deferred earlier in the day for additional information.

Mr. Price had not been able to obtain a certificate from the State Corporation Commission as requested by the Board.

The Board deferred this item to March 16.

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The Board returned to the application of BRUCE C. PHILLIPS AND C. N. MORRIS, JR., deferred from earlier in the day for a copy of the corporation papers.

The applicants presented a copy of the documents for the Board's consideration and amended the application to read Devcon, Inc. and C. N. Morris, Jr., contract purchaser.

Mr. Barnes moved to amend the application as stated. Seconded, Mr. Kelley. Carried unanimously.

DEVCON, INC. AND C. N. MORRIS, Jr. - Ctd.

Devcon is requesting a variance to allow the contract purchaser to build on the lot a house that would be of reasonable size, Mr. Phillips stated. The lot lies in an R-17 area. The rear lot setback is normally 25 ft. Considering the shape of the lot the maximum depth of house that could be built on the lot is 15 ft. Several years ago a variance on the rear yard was allowed but it lapsed and what they are requesting is that this variance be allowed again so the contract puchaser may build a house on this lot for his own residence. It was granted to Mr. Walter C. Crain previously. The house is 50' x 26'½ The only variance is being requested from the rear which is adjacent to the cemetery.

No opposition.

In application V-21-71, application by Bruce C. Phillips and C. N. Morris, Jr. amended to read Devcon, Inc. and C. N. Morris, Jr., to permit variance at the rear setback requirement, 3416 Sharon Chapel Road, also known as tax map 82-4 ((16)) Section F, Lot 4, 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 requirementsof 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th of March, 1971 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is the applicant.
2. Present zoning is R-17.
3. Area of the lot is 15,731 sq. ft. of land.
4. The required rear setback is 25 ft. from the property line.
5. The requested variance is a minimum one.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved;

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted.

Seconded, Mr. Barnes. Carried unanimously.

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The Board returned to the application of B P Oil Corporation, deferred from earlier in the day for further information.

The attorney requested deferral of the application to March 16 in the afternoon.

The Board agreed to hear this as the last item on the agenda for March 16.

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JIM AND EVA WELLS - Mr. Smith stated that since Mr. Wells has now formed a corporation and the permit was issued to Mr. and Mrs. Wells as individuals, it would be necessary to file a new application.

The Board members agreed that it would be necessary to file a new application.

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Mr. Hansbarger came before the Board to advise them that the Dunn Loring Woods Private School which was granted a use permit in 1962 and which has been operated by Mrs. Herbert Schumann since that date, property is being sold to another owner. He did not feel it was required, but the contract owner has been advised that they must file a new application.

Mr. Woodson said it would not require a new application, but new corporation papers and coming back to the Board for review.

Why not a new application, Mr. Smith asked? The Board had one this morning -- Leewood Nursing Home and it was going to be operated exactly as it had been, and that's the second application the Board has had in one year on that particular application. If there was any question it should have come up at that time.

070

This is a transfer to a corporation, Mr. Hansbarger said.

It's a transfer from an individual to a corporation, Mr. Smith stated, and there is a difference. If it were transfer from a corporation to a corporation, all the Board would need was the additional information, but if it's not, it's a transfer from an individual to a corporation which is an entirely different setup.

If there is a corporation now in being, that owns this property and is operating the school, Mr. Smith continued, and it's only a matter of transfer of corporate assets to another corporation; if the stock was purchased of the corporation, the c orporation is perpetual, where an individual would not be. Will the school continue to operate under the same name? Is the corporation the same?

They are purchasing the stock and the assets of Dunn Loring Woods Private School, Inc. Mr. Hansbarger said.

This permit was granted to Mrs. Schumann individually, Mr. Smith contended.

Are you saying that the ownership of this school by virtue of the change necessitates another public hearing and use permit, Mr. Hansbarger asked?

It's a change in ownership, Mr. Smith said.

Which requires that, Mr. Hansbarger asked? He would totally disagree with that. There has been a settlement. The purchaser is saying don't disperse the money because they don't know yet whether they are going to be able to operate the school.

It is a policy imposed by the Board, Mr. Smith said. The Board's records show that Mrs. Schumann was granted a use permit for a private school. You say now she is selling it to a corporation. The Board might see fit, or this Corporation might want to change the plans a little.

The only thing that will change will be the ownership of the land, Mr. Hansbarger assured the Board.

All they have to do is make the application, Mr. Smith insisted, and there shouldn't be any problem at all. The Board handles cases frequently like this, and as he mentioned before, the nursing home that the Board considered twice in the same year.

Application for what, Mr. Hansbarger asked?

For a private school, Mr. Smith answered.

Well, they already have a permit for a private school, Mr. Hansbarger said.

They would have to apply for continuation of a private school, Mr. Smith explained, under new ownership. There is no provision in the Ordinance to make such an application, Mr. Hansbarger replied.

The purchaser can come in with a completely new application in the name of whoever purchased it, Mr. Smith said.

Without belaboring this, suppose under a new application, Mr. Hansbarger said -- here is a woman who went out ten years ago and built a school based on the strength of the use permit and building permit. Let's assume the Board would see fit to turn the new application down. Here would be a school that could not be used.

Mr. Smith said he knew of no case where this had happened. It's a going concern, and basically what the Board would do would be to upgrade the use permit and have the applicant come in and be aware of the conditions that were set forth under the use permit.

It is nothing more than Board policy, and he respects the Board policy, Mr. Hansbarger said, and if this were the law, he would comply with it, but there is no requirement in the Ordinance or State statute that requires a new use permit to be obtained and a new application.

The Board members are at a disadvantage, Mr. Smith said, as they did not know this was coming up today and have had no opportunity to review the records of this case. It certainly was to the applicant only, it was granted to Mrs. Schumann only.

It wasn't limited to her only, Mr. Hansbarger said.

It was granted to Mrs. Schumann and she is the only one who could use it, Mr. Smith stated. If the property were sold or if she died, the use permit would die also.

Then if she moved, she ought to be able to take the use permit with her to another location, Mr. Hansbarger stated. If it doesn't run with the land --

This was specific, it was tied down to the plats, number of students and everything, Mr. Smith recalled.

Mr. Long said he was personally against requiring a new public hearing for merely a change in ownership.

Why are we taking this position now, when in the past this is what we required of everybody, Mr. Smith asked? Progressive Care had to come in when they took over Leewood Nursing Home, that was the decision of the Board. Mr. Smith said he could probably name a half dozen in the past year, including schools, beauty shops, and even the motion form today reads "to the applicant only". If this applicant is an established corporation, there could be a transfer by purchase of stock, certainly.

That's what we have, Mr. Baker said.

No, it isn't, Mr. Smith contended. This permit was granted to Mrs. Schumann as an individual and not a corporation. How can the Board intelligently discuss this without the folder?

If there has to be another hearing on a use permit simply because the ownership of that land has changed, Mr. Hansbarger said, and if the Board were correct in saying this was a personal permit and not one that runs with the land, then when that person left that piece of land, that could carry that permit with them to another piece of land. On the other hand, if the permit runs with the land, it stays with the land. This is all that we are talking about.

The permit is granted to an individual and it is not good at any other location, Mr. Smith said.

If you remember this case, Mr. Hansbarger pointed out, it was taken to court, there was considerable opposition, and --

Mr. Smith said he didn't remember that, but he did remember that he got a lot of harrassment because he voted for it, but as long as he feels he is carrying out the dictates of the Board, he didn't mind the harrassment.

The Board has allowed names to be changed or ownership changed without public hearings, Mr. Long said, and he has always felt that it places the person in jeopardy to require another public hearing.

This is a going use permit, he did not know why it shouldn't be continued, Mr. Smith told Mr. Long, and if the Board is hedging on this because they are afraid of opposition, it's out of the question. He didn't see any reason why the Board should not follow the same policy as on other cases. He did not see how anyone had the right to sell a use permit under the Ordinance. They can sell the land but the use permit was not to the land, it was to Mrs. Schumann.

If the permit was to Mrs. Schumann, if it's a personal thing, and she moves, Mr. Hansbarger suggested, then she could take the permit with her to a new piece of land which was never considered.

She doesn't have the right to transfer it from this property, Mr. Smith pointed out.

That's why Mr. Hansbarger said he felt it runs with the land irrespective of ownership.

Mr. Long said he had never felt that an applicant would have to submit a new application and pay a new fee and go through a new hearing, unless it's a change in use.

How can the Board enforce the conditions set up for Mrs. Schumann on the new owners, Mr. Smith asked? This is a corporation, not an individual. The Board states every day on their motion form, that these permits are not transferable without further action of this Board.

Mr. Kelley said he wasn't on the Board at the time the policy was adopted, but the resolution now reads 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 is not transferable to other land. On the other hand, he would feel that when Mrs. Schumann obtained the use permit, she evidently was qualified to operate this school and he wouldn't be in favor of transfering the permit because she could sell to some person whose character was not such as you would want for children attending the school.

Whether you can operate a school or not is determined under State regulations for private school; they investigate the school, they see that State standards are met, Mr. Hansbarger explained. There are no standards under County ordinance. The Board of Zoning Appeals doesn't have the facilities to investigate whether the owner is of good moral character or good school teacher -- this is done by the State and before that person can get state assistance required, these standards must be met. We are not talking about the quality of the individual but whetherornot this is a permit on this piece of property. In this case the permit was issued when the land was vacant and as a consequence Mrs. Schumann went out, borrowed the money and built a rather substantial school and now she wants to sell the land and whoever buys it has to qualify under state law.

D 71

Mr. Hansbarger said it was his opinion that these permits do run with the land otherwise, many state laws would be violated. She has built nothing but a school and if it can't be sold, she must continue in the school business all of her days whether she wants to or not, then you run into a constitutional limitation, on the alienation of land.

This is not a permitted use by right, Mr. Smith stated. It's a use by permit. The permit was issued to an individual. Mr. Hansbarger's position apparently is that it goes with the land and it's issued indefinitely. It's always been the Board's position that any time a use permit changed ownership, it was not transferable, and the new person had to come in for a use permit. This has been the Board's position for a s long as he has been on the Board, Mr. Smith said.

If the Board can sit here and make policy, circumvent law, maybe lawyers aren't needed, but we don't need any Board really, Mr. Hansbarger said.

Can you give me any law that would indicate that in a transfer of ownership, based on the County ordinance, this could be done without Board action, Mr. Smith asked? This is a transfer of ownership. Transfer of assets through sale of stock from corporation to corporation would be a perpetual thing.

A corporation could be dissolved tomorrow, Mr. Hansbarger said.

If this had been granted to a corporation, the records would show a corporate owner, the corporate structure would be set up, all the Board would need would be the new directors, Mr. Smith said. This is talking about changing ownership from an individual to a corporation. The Board has required this on all new schools that have transferred - one, Benjamin Acres School - the new lady had to come in make a new application and get a new permit. A corporate body or structure is different from an individual from a business standpoint. The name of the corporation would remain the same if the shares of stock were sold.

Mrs. Schumann is fairly ill, Mr. Hansbarger said, and this has nothing to do with the case, but suppose she were to die, there would be a school there, the person is dead and consequently the ownership has got to change, and yet the school cannot be operated, and unless they came to the Board to get a permit for the very same use for which it was built many years ago. When you get a use permit, the Ordinance speils out that this then becomes a use permitted by right. This permit was issued to Mrs. Schumann, there was no limitation relative to transfer, and the point has been reached where he as a lawyer saw no problem. It was not until the purchaser became involved that they realized maybe something had to be done by the Board of Zoning Appeals. There is always the possibility when the new applicants come in, that a new Board of Zoning Appeals might say, no we are not going to grant that permit.

Do you know of any case where this Board has denied a permit because of change in ownership, Mr. Smith asked?

No, and he did not know of any executor for a man who owned a service station, for example, coming back to the BZA and asking for a use permit to continue the use, Mr. Hansbarger said.

The Board has taken the position in view of the ownership being one, Mr. Smith said, but maybe the Board should reconsider this also.

When the law does not require what the Board is requiring, the Board has gone beyond the law, Mr. Hansbarger stated.

It's this Board's responsibility of this Board to protect the citizens of the County, Mr. Smith said, through control of the use permit. This Board would have no responsibility or control over them if they are allowed to be transferred without this Board getting involved. Under the situation Mr. Hansbarger is talking about, the Board would have no opportunity to upgrade the use. Maybe the Board should limit everything to three or four years. However, he has always felt that it is not the best policy to limit schools and have them come back in but under change of ownership, there should be a new application.

Regardless who is operating the school, if it is in violation of the requirements, the County could close it up, Mr. Barnes suggested. When they buy the property, they would take the responsibility.

The use permit does not go with the land, Mr. Smith reiterated -- the use permit goes with the person who applies for the permit.

Mr. Hansbarger read Section 30-4.2.7 from the Ordinance regarding non-conforming uses. A non-conforming use is a less desirable use than a conforming use, and if the Board agrees that a non conforming use runs with the land, it would be even stronger that a conforming use permit would run with the land.

Mr. Smith said he had a call from the people purchasing the school asking if they needed a new use permit and he told them yes. They had been told the same thing by the Land Use Department and the Zoning Administrator.

A use permitted by right, such as a house, if there is a change of ownership, there is no question in the Board's mind that they can do that without going to the BZA because it's a use by right, Mr. Hansbarger asked?

This Board is not associated in any way with a use permitted by right, Mr. Smith answered.

Once a use permit is obtained, Mr. Hansbarger said, that becomes a use by right.

It is a permitted use by right to the individual who acquired the use permit but it's like a license or anything else, it's no good when it changes ownership unless it's a corporated structure and the corporation through a stock sale changes corporations, Mr. Smith said.

If the Board is going to change their policy, he would like to have been informed, Mr. Smith added.

This has come up several times, Mr. Long stated, and Mr. Smith has been pretty consistent in his position, but Mr. Long said he has always felt that the Board could have a new hearing if there were complaints by the neighbors, in the re-evaluation of a use permit, or re-evaluate it without a public hearing if there had been no complaints.

The Board has always indicated that a new hearing and new application was required, Mr. Smith said. There might have been some case from individual to individual, which was transferred without a public hearing, but he couldn't remember any, he said.

The property has been settled, he did not realize there was a problem on this, Mr. Hansbarger said, andthe seller is in the position where conceivably she faces a suit for breach of contract, if she doesn't go through with it, so he came to the Board hoping that it was only a matter of courtesy in informing the Board that they were changing the ownership. If they need a permit, in this one case, he would ask for an exception. In the future he would advise people that they need a use permit, or ask somebody in a position to make a ruling on it.

Mr. Long said he felt that Mr. Hansbarger had brought this to the Board for a re-evaluation and he did not think the Board before had required new hearings.

The calicpe museum -- Mr. Smith recalled -- Mr. Wells is the owner and he is forming a corporation, and this required a new application. The Board just told him he has to file a new application.

The best a lawyer can do is advise his clients of what the law is and in reading the Zoning Ordinance, this is not in the law. The Board is fooling with valuable property rights and you have taken the position that you can divest these rights, Mr. Hansbarger said.

Do you know of any time this Board has ever taken an arbitrary action, Mr. Smith asked?

None in the history of this Board, to his knowledge, Mr. Hansbarger replied, but he knows of some that the Chairman has appeared to take and this is one of them.

Mr. Smith stated that he has not changed his position - he has had the same position for as long as he can remember.

Mr. Hansbarger said he has handled a number of real estate transfers over fifteen years and has never come back to the Board to his knowledge, with one exception, asking for a new hearing on an existing use permit which was being transferred.

This Board takes many positions, Mr. Barnes agreed, and Mr. Hansbarger only knows what is in the Ordinance.

The Code says nothing may be done to impair a vested right through planning, zoning or boards of zoning appeals, Mr. Hansbarger pointed out. The contract is between Mrs. Schumann and Creative Country Day School of Vienna, Inc.

At the time this school was granted it was a very controversial thing, Mr. Smith recalled, and he either made the motion or seconded it because he felt it was a good use, the woman was doing a good job in another school, he did not think it would have any adverse effect onthe area and to his knowledge there have been no complaints on it.

The Board's policy does not take precedent over law and there is nothing in the law requiring a new use permit for a new owner, Mr. Hansbarger stated. They didn't even make the contract contingent upon getting a use permit, because he told them they didn't need one.

POLICY

Mr. Long said he would make a motion with regard to policy of the Board and will have nothing to do with this application. In order to provide the staff with the information necessary to enforce the requirements and conditions of any Special Use Permit and in order to maintain adequate records, Mr. Long moved that any change in ownership of a Special Use Permit would require a re-evaluation of the permit by this Board and not necessarily a new application.

POLICY

March 9, 1971

DUNN LORING WOODS PRIVATE SCHOOL - Ctd.

Who paid for the re-evaluation, Mr. Smith asked?

Mr. Barnes seconded the motion.

Your feeling is that you don't have to pay for re-evaluating and re-advertising, Mr. Smith asked Mr. Long?

If it's just a change of ownership and there have been no complaints on the school, Mr. Barnes said, it would be a re-evaluation. In the re-evaluation, the Board could say that if they have buses they would have to have the lights such as County buses.

Where does the Board have authority to transfer a Use Permit from an individual to a corporation, Mr. Smith asked? This Board has indicated that permits are not transferable.

Mr. Long asked for staff comments.

As far as the staff is concerned, all they need to enforce the requirements are specific regulations upon any use permit - as long as there is a provision which says any change of ownership will come to the staff's attention, it would be satisfactory, Mr. Knowlton said.

A re-evaluation would be a re-evaluation under the ownership and not one of transferring it to a new owner, Mr. Smith said. Where can a corporation or individual become a permittee without becoming an applicant, he asked?

Motion carried 4-1, Mr. Smith voting no. The re-evaluation is fine, he agreed, but when you are talking about change in ownership, this is more than re-evaluation. The new owner should become a willing applicant and make application for transfer of use permit. The posting and advertising could be waived but there should be a hearing on it.

If this is going to be the policy, Mr. Smith said, to require Mr. Wells to come in and have a new hearing on a new application is ridiculous. Both Mr. Woodson's office and Mr. Knowlton's office have been telling people they had to do this because it is a requirement of the Board. What is the Board going to do on this particular case? The Board has required certificates on corporations, Articles of Incorporation and by-laws.

Mr. Long said he felt the Board should have been more flexible with the cases today as the staff has not been requiring the by-laws, etc. and some of the applicants were not aware of it.

Mr. Barnes said they should put lights on all the buses used to transport the children, in accordance with State requirements.

Mr. Baker felt this should be incorporated in the original motion.

How can the Board re-evaluate something without it being placed on the agenda, Mr. Smith asked? This is highly irregular.

The Board has discussed this and it has been re-evaluated, Mr. Barnes stated. The Board knows all of the facts.

The Board had agreed not to do these things, Mr. Smith said. This is putting the Board in a rather precarious position by doing it this way.

Mr. Long said he did not see any difference by this being a corporation -- he moved that the use permit now in the name of Marguerite V. Schumann, be transferred to Creative Country Day School in Vienna, Inc. with the following limitations: All conditions of the original motion of October 23, 1962 shall comply. All buses used for the transporting of children shall conform to Fairfax County School Board requirements as to lighting and color. Seconded, Mr. Barnes.

Mr. Barnes stated that a copy of the Corporation papers had been submitted for the record.

4-1, Mr. Smith voting no. This is highly irregular.

Board adjourned at 6:35 p.m.
Betty Haines, Clerk

Daniel Smith, Chairman

June 8, 1971 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, March 16, 1971 in the Carlton C. Massey Building, Board of Supervisors Room. Those present were: Daniel Smith, Chairman; Mr. Joseph Baker, Mr. Loy P. Kelley, Mr. George P. Barnes. Mr. Richard Long was absent.

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

CREATIVE COUNTRY DAY SCHOOL IN VIRGINIA,INC., application under Section 30-7. 2.6.1.3 of the Ordinance, to conduct a private school and day camp, grades nursery, kindergarten and elementary, approximately 300 children, hours 9 a.m. to 5 p.m. five days a week, no weekends, 10948 Stuart Mill Road, Centreville District, (RE-2), 37-1 ((1)) 25, S-27-71

Mr. Vail Pischke, attorney representing the applicant, requested deferral. The Planning Commission will hear this case on April 12.

Mr. Barry Murphy, representing the opposition, presented a petition with 51 signatures.

In view of the opposition present, Mr. Smith ruled that the Board would continue with the hearing.

Unfortunately, Mr. Pischke said, his client was unable to attend this morning's meeting. The applicant is the contract purchaser in this case, he said. The school will have 300 children through the seventh grade. There is a 100 ft. by 50 ft. pool proposed. They plan to use the existing dwellings on the property as they exist now, with no enlargement.

Both of these houses are on well and septic tanks, Mr. Smith said. Will these houses accommodate this number of children? The Board should have a report from the Health Department on this. Has there been a team inspection, he asked?

Mr. Pischke said he could not vouch for that as his client is not present.

Mr. Bill Kurtz, real estate agent and broker involved in the sale of the property, said there would probably be between 150 and 200 children at the most attending the school at any one time. The nursery school and kindergarten school would be conducted both morning and afternoon.

Mr. Smith asked Mr. Kurtz if he knew what the sheds and outbuildings would be used for?

Mr. Kurtz replied that they would probably be used for workshops during summer months.

Opposition:

Mr. Barry Murphy presented a two page letter from Mr. and Mrs. James T. Hahn, adjacent property owners, opposing the school. The 51 signatures on the opposing petition, he stated, represent a combined total of 655 acres in the area adjacent to the school. Stuart Mill Road which provides access to this property is 16 ft. 10 inches wide in front of the property; it is a macadam country road. There is a bridge on Stuart Mill Road and the bridge measures 13 ft. 2 in. wide. A normal Fairfax County School bus is 8 ft. 2 in. wide, and a car is approximately 6' 10" wide. The neighborhood does not lend itself to an operation of this type. Mr. Murphy summarized the points of opposition as follows: (1) the granting of the application would result in a change to the present character of the neighborhood from single family to that of a commercial operation; (2) the present roads cannot tolerate such an impact as would be caused by additional traffic; (3) granting this application would open the door to additional similar development on site and on adjacent sites; (4) granting this application would change the tax rate in the area due to increased services required; (5) there are no public water or sewer utilities in this area; (6) This area has been firmly established as a two acre single family residential community; and (7) this is a predominately rural area which lends itself to outdoor equestrian and cycling activities, the safety of which would be endangered if this type of activity is to be granted within the area. He requested that the application be denied.

Do you know if any of the people in the area have contacted the proposed school to have their youngsters enrolled there, Mr. Smith asked Mr. Pischke?

Mr. Pischke's understanding was that there were people in the area who have asked for information on enrolling their children in the school, but since his client was not present, he did not have this information.

CREATIVE COUNTRY DAY SCHOOL IN VIRGINIA, INC. - Ctd.

Mr. Kelley moved that the application be deferred until after the Planning Commission hearing on April 12. Seconded, Mr. Baker.

The Board asked that the applicant submit more information on this application -- inspections reports and a report from the Health Department.

In all fairness to everyone, Mr. Smith agreed, the Board should defer this to allow the Planning Commission to act, unless the applicant would like to withdraw.

Mr. Pischke said he was powerless to withdraw the application because his client is not present.

Carried 4-0.

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NORTHERN VIRGINIA REGIONAL PARK AUTHORITY AND OLIN CORP., WINCHESTER WESTERN DIVISION, A VIRGINIA CORPORATION, application under Section 30-7.2.8.1.3 of the Ordinance, to permit operation of public skeet and trap shooting facility with vending machines, snack bar, professional shop for sale of equipment and incidentals related to skeet an trap shooting only and club house, located at 7700 Bull Run Drive, Centreville District, (RE-1), S-28-71.

The attorney for the applicant was not present.

Mr. Smith noted the Planning Commission's memorandum requesting that they be allowed to hear this application.

Mr. Paul Smith, in opposition, asked why this case was being heard.

Mr. Smith replied that he understood they were changing ownership -- that Mr. Rodin and Mr. Wendt were no longer involved.

The Winchester Gun people were involved in this before, Mr. Paul Smith said, and it was his understanding that they are still involved.

The original permit was granted to Jack J. Rodin, Douglas C. Wendt, and Northern Virginia Park Authority, Mr. Dan Smith recalled, and there was no mention of Winchester.

Mr. Barnes moved to defer to April 20 to allow the Planning Commission to make a recommendation on this. Seconded, Mr. Kelley. Carried unanimously.

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NORTHERN VIRGINIA COMMUNITY COLLEGE FACULTY WIVES CLUB CHILD CARE CENTER AND CULMORE METHODIST CHURCH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of an educational child care center, maximum 75 children, ages 2 thru 12 from 7 a.m. to 7 p m. 5901 Leesburg Pike, Mason District (R-12.5), 61-2 ((1)) 25A, S-29-71

Mr. J. Raymond Foy, Jr., introduced Mrs. Mary Ellen Lauth to describe the proposed operation. He explained that the incorporation of the school has shortened the name to NVCC Faculty Wives Child Care, Inc. It has been submitted to the State Corporation Commission and has not been received back yet. It should be back within thirty days and he would submit a copy to theBoard.

Mrs. Lauth stated that they are forming a non profit non-stock corporation. They are attempting to establish a child care center which will enable students who are not now able to go to school full time or people in the community who have small children who cannot attend college, to do so. The ACCA Day Care Center is housed in this particular church, however, this center serves women of low income. They do not have a lease from the church - the church is giving them the space and they will be paying utilities. She presented a letter from the church stating their agreement. This school will utilize the lower level which contains up to eight rooms. Mrs. Lauth submitted a list of directors. They hope to begin March 29 which is the first day of classes for the NVCC first quarter. Hours of operation would be 7 a.m. to 5:30 in the afternoon. No transportation will be provided. The ACCA Day Care Center uses the upper level of this building. The interior rooms will accommodate 75 children but the playground will accommodate only 42 children. However, most of the children will not be there long enough to use the playground. In their pilot project they will be taking children ages two through six. They feel also that they will need some type of after school facility to allow people to attend late afternoon classes after 3 p.m. There would be no activities beyond 5:30.This is only for children of students at Northern Virginia Community College and staff. The cost would be less than 50 cents an hour as this is a non profit organization.

Mrs. Flaherty, 3425 Charles Street, was concerned about the traffic situation - people park in front of her driveway. She has no objection to the school, she said, but sometimes they could not get out of the driveway.

NORTHERN VIRGINIA COMMUNITY COLLEGE FACULTY WIVES CLUB CHILD CARE CENTER AND CULMORE METHODIST CHURCH - Ctd.

If this permit is granted, it would be under this Board's control, Mr. Smith assured Mrs. Flaherty, except on Sundays -- the Board has nothing to do with the operation on Sundays.

The applicants should inform the parents of the children in this school to use the parking lot and not stop in front of the church or on the street, Mr. Barnes suggested.

In application S-29-71, application by Northern Virginia Community College Faculty Wives Club Child Care Center and Culmore Methodist Church, under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of educational child care center, on property located at 5901 Leesburg Pike, also known as tax map 61-2 ((1)) 25A, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of March, 1971 and

WHEREAS' the Board of Zoning Appealshas made the following findings of fact:

1. Owner of the property is Culmore Methodist Church.
2. Present zoning is R-12.5.
3. Area of the lot is 2.26260 ac.
4. Compliance with Article XI (Site Plan Ordinance) will be required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

Seconded, Mr. Barnes. Carried unanimously.

Mr. Smith suggested that this be limited to a maximum of seventy-five children at any one time for a period of one year with two one year extensions by the Zoning Administrator, and that all parking, discharging, etc has to be on the church parking lot.

This was accepted by Mr. Kelley and Mr. Barnes. Carried unanimously.

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NORTHERN VIRGINIA COMMUNITY COLLEGE FACULTY WIVES CLUB CHILD CARE CENTER AND FIRST PRESBYTERIAN CHURCH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of educational child care center, maximum 75 children, ages 2 thru 12, from 7 a.m. to 7 p.m., 7610 Newcastle Drive, Annandale District, (R-12.5) 70-4 ((5)) 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, S-30-71

Mr. J. Raymond Foy, Jr. introduced Colonel James Buschell, Chairman of the Board, and Mrs. Mary Ellen Lauth.

Mrs. Lauth presented a copy of a letter from John R. Wilcox co-pastor of the church stating the agreement between the applicant and the church.

March 16, 1971

NORTHERN VIRGINIA COMMUNITY COLLEGE FACULTY WIVES CLUB CHILD CARE CENTER AND FIRST PRESBYTERIAN CHURCH - Ctd.

They would like to have 75 students in this facility also, Mrs. Lauth stated, and the play area is larger in this location. Hours of operation would be from 7 a.m. to 5:30 p.m. Monday through Friday. The educational wing would be used for the school, and they have parking for 127 cars.

The loading and unloading would have to be the same as in the previous case, Mr. Smith informed Mrs. Lauth -- no loading or unloading on the streets. It would have to be on the church property.

No opposition.

In application S-30-71, application of Northern Virginia Community College Faculty Wives Club Child Care Center and First Presbyterian Church, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of educational child care center, maximum 75 children, ages 2 thru 12, property located at 7610 Newcastle Drive, also known as tax map 70-4 ((5)) 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of March, 1971 and

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

1. Owner of the property is First Presbyterian Church of Annandale.
2. Present zoning is R-12.5.
3. Area of the lot is 7.3454 ac.
4. Compliance with Article XI (Site Plan Ordinance) will be required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. This is granted for a maximum number of 75 children at any one time.

5. All loading and unloading shall be on the parking area.

Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

VIRGINIA ELECTRIC & POWER CO., application under Section 30-7.2.2.1.2 of the Ordinance to permit erection, operation and maintenance of transmission lines (relocate two sets of transmission to anotherportion of property of same owners) located adjacent to Interstate 495 from Rt. 236 north about 2400 ft., Annandale District, (RE 0.5) 59-4 ((1)) 9, 28A, (deferred from Feb. 16)

Mr. Knowlton stated that the appeal of the Planning Commission recommendation for denial is scheduled for the Board of Supervisors meeting of March 24. The staff would recommend deferral of this item until after that date.

Attorney representing Mr. F. W. Harris stated that he would be in accord with the deferral.

Mr. Church, attorney for the applicant, said he would like to get some expression of opinion from this Board either in the form of denial or a use permit granted subject to the Board of Supervisors approval. The public hearing before this Board has already been completed.

Mr. Smith expressed doubt as to whether this Board could do anything other than deny the application because of the Planning Commission's recommendation for denial.

This is an independent body with independent authority, Mr. Church contended, and the Board has a right to take its own action. If it were granted the Board could attach a condition that it not be valid until approved by the Board of Supervisors.

Under the State Code, Mr. Smith advised, this Board would not be able to grant the applicant a use permit after it was denied by the Planning Commission.

Mr. John T. Hazel, representing the owners, agreed that putting this on the agenda for action on April 13 would probably be the best solution all the way around. He asked for an expression as to whether the public hearing is closed on this so he would not come back prepared for a case that won't be heard or not be prepared for a case that will be heard.

The public hearing is closed, the Chairman ruled, and the Board is awaiting information from the other bodies. The Board will accept written material to be placed in the folder.

Mr. Barnes moved to defer to April 13. Seconded, Mr. Baker. Carried 4-0.

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CHESAPEAKE & POTOMAC TELEPHONE CO. OF VIRGINIA, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection and operation of telephone dial center, located on Fox Mill Road approximately 800 ft. north of Bennett Road, Centreville District (RE-1), 36-1 ((1)) 21, S-12-71 (deferred from 2/23/71)

Mr. Randolph Church, attorney representing the applicant, reminded the Board that this was deferred for Planning Commission recommendation and decision only. The public hearing is closed. The Planning Commission held a public hearing and recommended approval.

Mr. Smith read the Planning Commission recommendation approving the application.

The Board discussed the construction of the proposed building. Mr. Church showed a photograph of the proposed building which would be all brick -- a sand mold brick, ranging from pink to brown, and buff colored pre-cast concrete around the top. This will be a one story building.

After discussing parking and screening requirements for the property, the Board adopted the following resolution:

In application S-12-71, application by the Chesapeake & Potomac Telephone Company of Virginia, application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection, operation of telephone dial center, located on Fox Mill Road, approximately 800 ft. north of Bennett Road, also known as tax map 36-1 ((1)) 21, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 23rd day of February, 1971 and

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

1. Owner of the subject property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 2 acres.
4. Compliance with Article XI (Site Plan Ordinance) will be required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

March 16, 1971

C & P TELEPHONE CO. - Ctd.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. Parking shall be restricted to four parking spaces on the side and four parking spaces in the rear with proper screening in accordance with site plan, and no clearing of the trees now on the property.

Seconded, Mr. Barnes. Carried unanimously.

Mr. Smith stated that it is understood that there be no parking in the front of the building and that this will be of brick construction with no sign as shown in the photograph.

Be sure to fill in with evergreens to supplement the planting where it is necessary to adequately screen the building, Mr. Baker added. The building and parking should be shielded from the Residential area, with evergreens.

The other Board members agreed.

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CHESAPEAKE & POTOMAC TELEPHONE CO. OF VIRGINIA, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection and operation of 8' x 11' one story addition to existing telephone repeater station on existing easement, located N. of Lee Highway and E. side of Dixie Hill Road, Centreville District (RE-1), 56-1 ((1)) pt. 38, S-13-71 (deferred from 2/23/71)

Mr. R. W. Church, Jr., attorney, represented the applicant. This was deferred from February 23 for Planning Commission recommendation, he recalled.

Mr. Smith read the Planning Commission recommendation for approval.

Mr. Granovitz again appeared in opposition to the request.

Is it not true that the applicant has an easement on this property, Mr. Smith asked?

That is correct, Mr. Granovitz agreed. Mr. Granovitz is now the owner of the adjoining property (motel) and had discussed this matter with the Health Department, he said, and they will not issue a permit.

If this application is approved, and the applicant cannot get the necessary permits from the County, they could not construct the addition anyway, Mr. Smith pointed out. This Board has been asked to make a decision on a question of expansion and need for it. Construction comes under other departments of government. The Board has a document stating that the telephone company has certain easements and Mr. Granovitz' contest with the applicant would be a civil matter.

Any building would go over the septic field for the motel, Mr. Granovitz said.

If they have an easement over it, the Board cannot take this into consideration, Mr. Smith advised. Mr. Granovitz was a knowledgeable buyer. He was aware of this easement when he purchased the motel.

Mr. Church objected to continuing a public hearing after it had been closed.

In application S-13-71, application by Chesapeake & Potomac Telephone Company of Virginia, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection and operation of 8' x 11' one story addition to existing telephone repeater station on existing easement, located north of Lee Highway and east of Dixie Hill Road, Centreville District, also known as tax map 56-1 ((1)) pt. 38, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of February, 1971,

080

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is RE-1.
3. Compliance with Article XI (Site Plan Ordinance) will be required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 a nd is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by the Board.

Seconded, Mr. Barnes. Carried unanimously.

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THE SOUTHLAND CORPORATION AND F. LEE OPIE, application under Section 30-6.6 of the Ordinance, to permit construction of building closer to rear property line than allowed, located W. side of U. S. #1 near Armistead Road, Lee District, (C-G), 107 ((4)) pt. 32, V-23-71

Mr. Smith stated that the Board is in receipt of a copy of the certificate from the State Corporation Commission and a copy of the contract between F. Lee Opie and The Southland Corporation.

Mr. William Price requested that the application be amended to include the name of F. Lee Opie, the owner of the property.

Mr. Barnes so moved. Seconded, Mr. Baker. Carried 4-0.

The parcel of land contains 12,542 sq. ft., Mr. Price stated. Site Plan 55 has been approved by all County Departments contingent upon the Board of Zoning Appeals approving this application. This commercial property abuts commercial property on the right and left side, and 127.96 ft. on the rear property line. Because of the angle of the rear abutting property over which the applicant has no control it causes 43+ ft. of residential property to abut. Mr. Price presented a written statement for the record containing information on which the applicant felt he should be granted a variance. (See folder.) The property was originally deep enough to permit the use of 25 feet as a rear yard, however the County requirements of service roads makes the front depth of 58 ft. unusable and no longer part of the property because it was dedicated for public street use. This dedication now makes the property only 92.83 ft. deep. If a 25 ft. rear yard were required for the proposed use it would create a condition whereby a parked auto will be required to illegally back out into the service road. Granting the variance would allow an automobile to legally and safely turn on the property and properly head out into service road traffic.

No opposition.

In application V-23-71, application by The Southland Corporation and F. Lee Opie, application under Section 30-6.6 of the Ordinance, to permit construction of building closer to rear property line than allowed, located W. side of Rt. 1 near Armistead Road, also known as tax map 107 ((4)) pt. 32, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 16th day of March, 1971 and,

March 16, 1971

THE SOUTHLAND CORP. AND F. LEE OPIE - Ctd.

082

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

1. Owner of the subject property is F. Lee Opie. The Southland Corporation is contract purchaser.
2. Present zoning is C-G.
3. Area of the lot is 12,542 sq. ft.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty of unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally irregular shape of the lot.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure indicated in plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

Mr. Smith stated that the contiguous residentially zoned land is in the master plan for commercial uses.

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B. P. OIL CORP., application under Section 30-6.6 of the Ordinance, to permit a variance on setback requirements in the rear of the property on the S. W. corner to be 11 ft. and on the S. E. corner to be 13' 6" from property line, located at Tysons Corner between old Route 123 and Route 123, (C-G), 29-4 ((1)) 16, V-24-71

Mr. Barnes moved that the application be amended to include the names of the owners as applicants. Seconded, Mr. Baker. Carried unanimously.

Mr. Guy O. Farley, attorney, represented the applicants. This is the remaining portion of that triangle which has new Route 123 on one side and old Route 123 on the other side. Citgo has applied and obtained a variance for the adjacent property which is similar to the one before the Board today. This is the last property owned by these applicants in this area. It would be too small to develop without a variance. When Mr. Aylor got the variance for Cities Service, he referred to an alternate plan A for ingress and egress which is identical to the plan being filed here for ingress and egress.

Mr. Chilton's report was read by Mr. Smith "This office has reviewed the subject variance request and has no objection to the granting of the setback variance. However, this office is concerned with the common entrance proposed by the applicant. As shown on the plan submitted, if an automobile were exiting from the proposed BP site to Route 123, it would restrict any ingress movement from Route 123 to the existing Citgo site to the north. Therefore, because of the likelihood that this entrance shown on the plan submitted would promote a "cross traffic" restriction, we would suggest that the entrance be revised to provide a more perpendicular ingress and egress. (see attached plan in folder.)

This office is in receipt of a letter from Mr. John Aylor of Phillips, Kendrick, Gearhart and Aylor, attorney for Cities Service Oil Co., agreeing to construct one half of the subject entrance at such time as the subject site is developed."

This is a copy of the Cities Service site plan which was approved, Mr. Farley stated, and note A says "see letter from John Aylor, attorney, from Cities Service to the Planning Engineer". This is a three bay station with canopies over both pump islands. The building is 67' x 30'. The company is not asking for a variance on the canopies.

No opposition.

In application V-24-71, application by B. P. Oil Corporation and A. M. Reynolds, Jr., Rebecca S. Reynolds, Verlin W. Smith, and Maryan Donn Smith, application under Section 30-6.6 of the Ordinance, to permit variance on setback requirements in the rear of the property, located at Tysons Corner between old Route 123 and Route 123, also known as tax map 29-4 ((1)) 16, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 16th day of March, 1971 and

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

March 16, 1971

B. P. OIL CORP. - Ctd.

083

1. Owners of the property are A. M. Reynolds Jr. and Rebecca S. Reynolds, Verlin W. Smith and Maryann Donn Smith.

2. Present zoning is C-G.

3. Area of the lot is 24,086 sq. ft.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptionally irregular shape of the lot, (b) exceptionally shallow lot.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Baker. Carried 4-0.

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Mr. Wesley N. Ridgeway, 3210 Memorial Street, Alexandria, Virginia, represented Mr. J. E. Crouch, Brentwood Academy, on Nalls Road. The topography of the land is such that if the building were set back 100 ft. it makes it hard to build, Mr. Ridgeway explained. Moving the building forward would still be in excess of County requirements, and the parking could be rearranged. There are no changes in the size of the building. The building would be 76 ft. back under the proposed plan and in the original proposal it was to be 100 ft. The closest parking would be 50 ft. from the front property line. There would be no additional pupils beyond what the Board granted.

Mr. Baker moved that the Board rescind the action taken last Tuesday which was based on erroneous information -- it appeared that the building size was to be larger than that approved by the Board, and that the applicant be allowed to construct in conformity with the initialed plat by Mr. Ridgeway dated 3/16. The building dimensions will remain as they were originally and there is to be no change in the enrollment. Parking is to be as required by the Board -- 18 spaces.

Seconded, Mr. Kelley. Carried unanimously.

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Mr. Knowlton presented copies of State regulations regarding painting and lighting of buses. He called the Board's attention to the second paragraph -- "A vehicle which merely transports pupils, residents at a school, from one point to another without intermittent stops for the purpose of picking up or discharging pupils, need not comply with the requirements of this section. (1968, c 653 § 46.1-286.1)"

All school buses should be identified as school buses by painting and lighting, Mr. Smith stated, and they should have safety lights. He thanked Mr. Knowlton for presenting the Board with this information.

The meeting adjourned at 1:28 p.m.
By Betty Haines, Clerk

Daniel Smith 6-8-71
Daniel Smith, Chairman Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, March 23, 1971, in the Board of Supervisors Room of the Carlton C. Massey Building, (formerly known as the County Administration Building). All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes, Mr. Joseph Baker, Mr. Richard Long and Mr. Loy Kelley.

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

Mr. Smith turned the Chair over to Mr. Richard Long, Vice Chairman, as Mr. Smith had to leave for court.

PHILIP AND ANNETTE NOTES AND CRIB'N CRADLE, application under Section 30-6.6 of the Ordinance, to permit construction of building without a rear yard setback, 2059 Chain Bridge Road, (C-G), Providence District, 39-1 ((1)) 13, V-34-71

Mr. Bernard Fagelson represented the applicants. The Board of Supervisors at the time of the rezoning knew that this property was going to be subdivided, he said. The request for the variance is based on the shape of the lot and the topography. There is a 15 foot slope in the rear which would require a great deal of terracing or retaining walls along the back line. In most commercial areas terraces are much less desirable than retaining walls because of the problems of maintenance. Another necessity for the variance is that when Route 7 was widened a portion of this property was taken. There is a Hechinger building on the adjoining property. This will be a furniture store, 153 ft. by 55 ft., and will be limited to children's furniture. The applicants have been operating Crib 'N Cradle in Arlington for many years. They have showed 25 parking spaces on the plat presented. The back of this building would be in line with Hechingers which is a very unusual building in the sense that it wraps around their own property. The adjacent land is in the master plan for commercial retail. This will be a brick building. The property will be planted with trees and shrubbery around the parking lot. They do not plan to screen along the Jones property because they do not know what will be going in there.

No opposition.

Mr. Long asked Mr. Wilburn, engineer, how high the retaining wall would have to be in the rear of the property.

It would be at least nine feet tall in one instance, Mr. Wilburn replied.

If the wall is higher than 7 ft. it would have to meet the setback requirements, Mr. Long pointed out. Mr. Long stated that this would be a maximum variance with the building being set all the way back to the property line. Because the adjoining property is zoned residential, it requires a 25 ft. rear setback.

Mr. Kelley suggested granting a variance to build within 10 ft. of the rear line.

They could live with 10 ft., Mr. Fagelson agreed, but the effect over the long pull would be deleterious to the adjoining property as well as their own. No matter how hard you try to police a small portion in the rear of a building, you cannot police it properly. Over the span of the next few years, it will be developed in commercial, and there would then be the effect of a small alley effect on both properties.

Mr. Long asked Mr. Knowlton if he felt the 12 ft. screening strip is mandatory of did he feel thatit could be waived in this case if the Board granted a variance?

Ifthe Board granted a 100% variance, Mr. Knowlton replied, the variance would automatically waive screening. If the Board gave a variance down to 10 ft. screening could be put in that space.

In application V-34-71, application of Phillip and Annette Notes and Crib 'N Cradle, application under Section 30-6.6 of the Ordinance, to permit construction of building without rear setback, located at 2059 Chain Bridge Road, also known as tax map 39-1 ((1)) 13, County of Fairfax, Virginia, Mr. Kelley 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of March, 1971 and

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

1. Owner of the subject property is the applicant.
2. Present zoning is C-G.
3. Area of the lot is 20,135 sq. ft.

March 23, 1971

Philip and Annette Notes and Crib ' N Cradle - Ctd.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and proposed buildings involved: (a) exceptional topographic problems of the land; (b) unusual condition of the location of existing buildings.

085

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted for property located as shown on plats presented and for the specific structure indicated in the plats submitted, and not transferable to other land.

2. This variance shall expire one year from this date unless construction has started ~~or~~ unless renewed by action of this Board prior to date of expiration.

3. A minimum of 10 ft. rear yard shall be provided, and the rear wall is to be constructed of brick.

Seconded, Mr. Barnes. Carried unanimously.

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STONEHENGE MONTESSORI SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit pre-school and day care center for children ages 2 1/2 to 12, 10917 and 10918 Marilta Court, Centreville District, (RE-1), 47-3 ((8)) (1) 12, S-31-71

Mrs. Beth Willmore only had proof of notice to one property owner.

The application was deferred to April 13 to allow her to notify at least five property owners including the School Board.

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CLYDE V. HAMPTON, JR. AND DANIEL K. EATON, application under Section 30-6.6 of the Ordinance, to permit garage to remain closer to side property line than allowed, 6548 Montrose St., Springfield District, (RE-0.5), 72-3 ((4)) 35, V-32-71

Mr. Hampton, counsel for the applicant, stated that the property is owned by Daniel and Laura K. Eaton. They have owned the property since 1950. The dwelling and garage were in existence at the time of purchase twenty-one years ago. In the fall of 1970 the Eatons sought to improve their property by enclosing a side porch. It was after that the County inspector noted that the garage was encroaching on the side yard restriction.

On the building permit application, Mr. Barnes noted, the applicant showed the porch being located on the other side of the house, not next to the garage.

Mr. Hampton said he was unaware of that.

No opposition.

In application V-32-71, application by Clyde V. Hampton, Jr. and Daniel K. Eaton, under Section 30-6.6 of the Ordinance, to permit garage to remain closer to property line than allowed, property located at 6548 Montrose Street, also known as tax map 72-3 ((4)) 35, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of March, 1971

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is RE 0.5.
3. The area of the lot is 19,000 sq. ft.

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

The Board has found that non compliance was the result of an error in the location of the building subsequent to the issuance of a building permit and, that the granting of a variance will not impair the intent and purpose of the zoning ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

March 23, 1971

CLYDE V. HAMPTON, JR. AND DANIEL K. EATON - Ctd.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted.

Seconded, Mr. Barnes. Carried unanimously.

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PLEASANT VALLEY MEMORIAL PARK, INC., application under Section 30-7.2.3 of the Ordinance to permit erection of mausoleum, 8420 Little River Turnpike, Annandale District, (RE-1), 59-3 ((1)) 17, S-33-71

Mr. Robert Hurst presented certificate from the State Corporation Commission and photographs. The applicant is requesting a variance to build a mausoleum on the property. The applicant desires to build an enclosed type mausoleum with 108 adult crypts, 6 children's crypts, and 27 cremation units, completely air-conditioned. Driving toward the city of Fairfax on Route 236 it will be down over the embankment and the only noticeable part that will show will be the top of it. The mausoleum will be 29.4 ft. by 29.4 ft.

Mr. Williams, owner of the property, stated that the inside of the structure will be all poured concrete. The outside will be stone. This will come under site plan control.

No opposition.

In application S-33-71, application by Pleasant Valley Memorial Park, Inc., application under Section 30-7.2.3 of the Ordinance, to permit erection of mausoleum, 8420 Little River Turnpike, also known as tax map 59-3 ((1)) 17, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of March, 1971, and

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the zoning ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats and architect's rendering 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 use permit to be re-evaluated by this Board.

Seconded, Mr. Barnes. Carried unanimously.

// Mr. Smith returned and took the Chair.

ELTON B. GAMBLIN, application under Section 30-6.6 of the Ordinance, to permit dwelling on proposed lot 8A to remain 11.2 ft. from proposed side property line, Lot 8A, Sec. 2, Rolling Hills, 3513 Rolling Hills Ave., Mt. Vernon District, (R-12.5), 101-2 ((2)) 8, V-35-71

Mr. Gamblin stated that there is one house on the entire parcel. He would like to subdivide the property to better utilize it inasmuch as the area is becoming more or less high density and they are almost surrounded by apartments. He would propose to build a house on Lot 8B on 11,960 sq. ft. and would like a variance on Lot 8A where the existing house is. They obtained a variance once before on this property but it expired before they could build. The house that will be put on this property will be a 26' x 44' brick rambler and they do have adequate setback area so no variances will be needed.

Opposition: Mr. Richard Shannon, 3511 Rolling Hills Avenue, objected because he felt Mr. Gamblin's house would be too close to his property and that is why he bought his property.

Mr. Smith explained that the applicant is requesting a variance of ten inches on the existing house from the property line. The setback requirement next to Mr. Shannon's property would meet the ordinance.

ELTON B. GAMBLIN - Ctd.

Mr. Gamblin owns the property and he wants to make use of it, Mr. Smith said. Perhaps with Mr. Shannon's two acres, he could develop three or four lots in the R-12.5 zoning. Required side yard in this zone is 12 ft. from side property line.

In application V-35-71, application by Elton B. Gamblin, under Section 30-6.6 of the Ordinance, to permit dwelling on proposed lot 8A to remain 11.2 ft. from side property line, property located at 3513 Rolling Hills Avenue, also known as tax map 101-2 ((2)) 8, County of Fairfax, Virginia, Mr. Long moved that the Board 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of March, 1971,

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 15,415 sq. ft. of land.
4. The dwelling was constructed in 1955.
5. Required side line setback is 12 ft.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: (a) exceptionally irregular shape of the lot; (b) unusual condition of the location of existing dwelling.

NOW THEREFORE BE IT RESOLVED, that the application be and the same is hereby granted.

This approval is granted for the location and the specific structure or structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

This variance shall expire one year from this date unless construction has started or unless renewed by actionof this Board prior to date of expiration.

The applicant must secure approval of the proposed resubdivision plat and record the approved plat within one year.

Seconded, Mr. Baker. Carried unanimously.

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DORSEY J. COLE, JR., application under Section 30-6.6 of the Ordinance, to permit enclosure of carport 10.2 ft. from side property line, 6404 Wayside Place, Lee District (R-12.5), 82-3 ((14)) (H) 19A, V-38-71

Mr. Cole sought permission to enclose the existing screened carport. There are sufficient off-street parking spaces for him without the carport, he said. He works the midnight shift and sleeps during the day so the recreation room which he proposes to build has become a necessity due to having two active children. He has owned the property for three years and plans to continue living here.

It appears that the maximum variance would be 1.8 ft., Mr. Long said. This is located on a cul-de-sac.

Mr. Cole stated that the carport enclosure would be of similar material as the existing dwelling.

No opposition.

In application V-38-71, application by Dorsey J. Cole, Jr., application under Section 30-6.6 of the Ordinance, to permit enclosure of carport 10.2 ft. from side property line, on property located at 6404 Wayside Place, also known as tax map 8293 ((14)) 19A, County of Fairfax, Virginia, Mr. Long moved that the Board 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of March, 1971,

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

March 23, 1971

DORSEY J. COLE, JR. - Ctd.

1. Owner of the property is the applicant.
2. Present zoning is R-12.5.
3. Area of the lot is 11,078 sq. ft. of land.
4. Required side line setback is 12 ft.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and /or buildings involved: (a) unusual condition of the location of existing buildings.

NOW THEREFORE be it resolved, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure indicated on plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The construction material and facade of the enclosure shall conform with the existing dwelling.

Seconded, Mr. Barnes. Carried unanimously.

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JOHN N. BECK, app. under Sec. 30-6.6 of the Ordinance, to permit carport to be enclosed 17.5 ft. from side property line, 4516 Rhett Lane, Centenniel Hills, Centreville District, (RE -0.5) 56-1 ((9)) 24, V-36-71

Mr. Beck explained that he wished to enclose the carport to make the kitchen larger. The carport is not of necessity for parking. The lot is wider in the front than in back and the front of the carport meets the requirements. The variance is necessary only because the lot narrows in toward the rear. The house was purchased in September and plans to continue living here, Mr. Beck said. The house is of brick and the proposed enclosed carport would also be brick.

No opposition.

In application V-36-71, application by John N. Beck under Section 30-6.6 of the Ordinance, to permit carport to be enclosed 17.5 ft. from side property line, 4516 Rhett Lane, also known as tax map 56-1 ((9)) 24, County of Fairfax, Virginia, 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of March, 1971 and

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

1. Owner of the property is the applicant.
2. The present zoning is REO.5.
3. Area of the lot is 21,311 sq. ft. of land.
4. Required side property line setback is 20 ft.
5. A minimum variance of 2.5 ft. at the rear corner is required.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(1) The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) exceptionally irregular shape of the lot;

NOW THEREFORE BE IT RESOLVED that the subject application be and the same is hereby granted with the following limitations:

088

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The construction material and facade of the enclosure shall conform with the existing dwelling.

Seconded, Mr. Barnes. Carried unanimously.

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Mr. Smith read letters from Francois C. Soges, Cornelius Kennedy, and a letter signed by fourteen residents living near the McCormick School (see folder) asking clarification of the resolution granting the school. Mr. J. O. Woodson, Zoning Administrator, was asked to check out this operation and report back to the Board if there are actually violations existing.

Mrs. Haines was instructed to reply to the letters.

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MIKE BORICH AND PHYLLIS ANN BRADSHAW, application under Section 30-2.2.2 of the Ordinance, to permit beauty parlor in apartment building, 2743 Gallows Road, Apt. 102, Providence District, Merrifield Village, (RM-2), 49-2 ((1)) 39, S-37-71

The resident manager is moving out of the apartment and he is putting the beauty shop there, Mr. Borich explained. They will have to put in additional wiring, etc. Everyone living in this building has signed a petition in favor of the beauty shop. They will start with three stations, six dryers, two shampoo basins, and if business is good, they will increase the number of dryers. Five stations would be the most they would have. The two people who will be working in the beauty shop are Phyllis Ann Bradshaw and Virginia Duncan. Mrs. Bradshaw will be the manager.

No opposition.

Mr. Smith stated that there could be no signs in connection with this operation.

In application S-37-71, application by Mike Borich and Phyllis Ann Bradshaw, application under Section 30-2.2.2 of the Ordinance, to permit beauty shop in apartment building, located at 2743 Gallows Road, Apt. 102, also known as tax map 49-2 ((1)) 39, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of March, 1971 and

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

1. Owner of the subject property is the Merrifield Apartments Company. The applicant is the lessee.
2. Present zoning is RM-2.
3. There is not a beauty parlor within the apartment complex.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

March 23, 1971

MIKE BORICH & PHYLLIS ANN BRADSHAW - Ctd.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action by this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. This permit is for a three year period providing the option to renew the lease is exercised each year.

5. The applicant must obtain all necessary inspections, permits and occupancy permit before commencing operation.

6. There shall be a maximum of three chairs, two operators and six dryers.

Seconded, Mr. Mr. Barnes. Carried unanimously.

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V. T. WORTHINGTON, application under Section 30-6.6 of the Ordinance, to permit building up to property line, 7820 Cinder Bed Road, Lee District, (I-G), 99 ((3)) 5, V-239-70 (deferred from 1/ 12/71 for further information)

Mr. Worthington presented new plats requested by the Board showing construction on the rear portion of the property. The location of these structures is shown at the start of the flood plain lines, Mr. Worthington stated. They want to get this on the front part of the rear portion and later on anticipate putting the other things back farther. These tanks are just for retaining the oil - they are not processing. The structures are 530 ft. back from Cinder Bed Road.

What will the use of the building be, Mr. Smith asked?

The building will be used for offices and storage, Mr. Worthington stated. Eventually they hope to be processing farther back. The variance in 1964 permitted the building up to the property line.

How far are the tanks from the I-G property, Mr. Smith asked?

30 to 35 ft., Mr. Worthington replied. The tanks will be 30 ft. high.

It is understood that tanks will have to be set back theheight of the tank, Mr. Smith said, from the property line.

What kind of a building will it be, Mr. Smith asked?

It is concrete block and part of it is the quonset building that they have in Arlington, Mr. Worthington replied; metal, round roof.

The parking will have to be 25 ft. off the residential property line, Mr. Smith pointed out. Four parking spaces should be sufficient, however, the site plan section will probably not approve this size building without some additional parking spaces. Are there any residences within 100 ft. of the proposed construction?

Between Long Branch and the Railroad there are no homes, Mr. Worthington said.

In application V-239-70, application by V. T. Worthington, under Section 30-6.6 of the Ordinance, to permit variance to permit building up to property line, property located at 7820 Cinderbed Road, also known as tax map 99 ((3)) 5, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 12th day of January, 1971 and

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

090

March 23, 1971

V. T. WORTHINGTON - Ctd.

1. Owner of the property is the applicant.
2. Present zoning is I-G.
3. Area of the lot is 2.255 acres of land.
4. Compliance with Article XI, Site Plan Ordinance, is required,

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land: (a) exceptionally narrow lot; (b) exceptional topographic problems of the land.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part, with the following limitations:

1. This approval is granted for the location and the specific structures indicated in the plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The building shall be a minimum of 25 feet from the northerly property line.

4. The 25 foot strip between the building and the property line shall be landscaped with trees and a planting arrangement as approved by the Planning Engineer 50 feet to the rear of the building and 65 feet to the front of the building.

5. The applicant shall dedicate a minimum of five feet of land for public use, to provide one half of the required minimum sixty foot right of way for industrial uses.

Seconded, Mr. Barnes. Carried 5-0.

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The meeting adjourned at 1:10 p.m.
By Betty Haines, Clerk

Daniel Smith, Chairman

Date June 8, 1971

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, April 13, 1971 in the Board of Supervisors Room of the County Administration Building with all members present: Mr. Daniel Smith, Chairman; Mr. George Barnes, Mr. Joseph P. Baker, Mr. Richard Long and Mr. Loy Kelley.

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

ST. PAUL'S LUTHERAN CHURCH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit weekday school for four year olds, 3 days a week, 9:30 to 12:30, maximum number 25 children, 7401 Leesburg Pike, Providence District, (RE-1), 40-3 ((1)) 9, 7, 7A, S-39-71

Mr. Alfred M. Hansch, Chairman of the Board of Trustees, and Pastor Kuhn appeared on behalf of the applicant. The Church has taken measures to take care of all the deficiencies noted in the letter from the Inspections Division, they assured the Board.

There was no one present to speak in opposition.

In application S-39-71, an application by St. Paul's Lutheran Church, application under Section 30-7.2.6.1.3 of the Ordinance, to permit weekday school for four year olds, three days a week, 9:30 to 12:30, maximum of 25 children, property located at 7401 Leesburg Pike, also known as tax map 40-3 ((1)) 9, 7 and 7A, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of April, 1971, and

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

1. The owner of the subject property is St. Paul's Lutheran Church, and A. Hansch, J. Dagley, and R. Weatherholtz, Trustees.

2. The present zoning is RE-1.

3. Area of the lot is 7.3825 acres of land.

4. This is an existing church.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to the date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

Seconded, Mr. Barnes. Carried unanimously.

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KINGS PARK ASSOCIATION, request to discontinue a snack bar that was originally granted to Royal Pool Association, Inc. and relocation of the snack bar in a smaller size. It would meet all setback requirements.

Mr. Long moved that S-16-67 be allowed to relocate the snack bar subject to plat dated 3/1/71 and subject to site plan control. Seconded, Mr. Barnes. Carried unanimously.

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April 13, 1971

CHARLES E. BANGE - THE ELMS CORP., application under Section 30-7.2.6.1.9 of the Ordinance, to permit operation of funeral chapel, 2447 Gallows Road, Centreville District, (R-12.5), 30-4 ((1)) 33, S-40-71

Mr. Marc E. Bettius, attorney, represented the applicant, who was also present. Mr. Bettius presented a copy of his client's charter and certificate of incorporation, and the contract which is a contingent contract, he said. The owner, Mr. Filley, has lived on this site for twenty-five years and enjoyed a fine relationship with his neighbors. The purchaser has sought out the people in the neighborhood much in advance of his acquisition of the property in an effort to make sure that the use which he proposes would not be one which would be obnoxious. The cooperation and the reception of the people has been indeed a warm one and he hoped it would continue for many years. Mr. Bange has practiced his profession in the state for seventeen years. He would bring a facility to this area of a quality that would serve the neighborhood. Mr. Bange has practiced at the Ives Funeral Home for a number of years. This would be a chapel only. Mr. Bange has spoken with at least two mortuaries who have given him permission to use their facilities for the preparation of remains, and he feels that even the Ives Funeral Home would make their facilities available to him. 29 parking spaces would be provided on the site - County requiresments are for 20 spaces.

Mr. Bettius presented a letter from Mr. C. E. Cooper, Resident Engineer of the Highway Department, (see file) stating that the highway program is committed and it is funded and will be underway. Mr. Bettius added that the frame home on the property would be used for the chapel and it is in remarkably fine dondition.

The elm tree on the property is the second largest elm tree in the United States and is registered with the U. S. Forestry Service, Mr. Bettius stated. It is Mr. Bange's intention to make this tree one of the focal points of this facility and he would do all that is humanly possible to preserve it. The entire property is 45,000 sq. ft. in size.

This Board has no authority under the Ordinance to grant this, Mr. Smith stated, unless the four lane highway is there.

What is the lead time on the road improvements, Mr. Baker asked?

The latter part of 1972, Mr. Bettius replied, but they are trying to accelerate the construction.

Mr. Smith read the comments from John F. Chilton, Land Planning Branch Chief:

"Immediately across Gallows Road, there is a proposed townhouse development now under consideration for rezoning. This development will be required to dedicate to 45 ft. from center line and for road widening. Similar dedication is desirable on this site to conform to the adopted Vienna Master Plan which calls for Gallows Road to be a 90 ft. right of way. A site plan will be required and the construction of road widening, curb and gutter and sidewalk must be included."

Mr. Bettius assured the Board that they would work in every way possible with the Highway Department on this application, however, at this time, he could not make a commitment to dedicate 45 ft.

Mr. Long commented that he did not think this use should be allowed until the four lane road is in existence.

Mr. Smith remarked that there is no inspections report in the folder.

They intend to remodel the entire structure, Mr. Bettius explained, and at that time they would incorporate the County requirements into the building.

Mr. Gaston Weakley, 1779 Idylwood Road, appeared in opposition to the application. The land across the street that was spoken of as townhouse zoning is actually zoned R-12.5, he pointed out.

Mr. Knowlton stated that the zoning is R-12.5; apparently Mr. Chilton was not aware of the outcome of that rezoning.

There is no plan, Mr. Weakley continued, nor has there been any plan to four-lane Gallows Road where it crosses Route 66. If there had been in the immediate future, they could have got it in on 90/10 Federal funds. There has been no public hearing on any portion of Gallows Road that has not already been constructed. Gallows Road should not be four-lane until it is four-lane all the way. This is in the planning stages now - they have been surveying for the last five years.

Mr. Weakley also expressed concern about the elm tree which might be harmed by paving. There is really no need for this facility in the area, he said.

Need is not one of the criteria the Board must use in making its decisions, Mr. Smith said.

Mr. Bettius reminded the Board that Gallows Road is a key connection from Tysons Corner to 495 below Fairfax Hospital. The Highway Department has a great deal of money they commit annually before public hearings.

Mr. Smith read the section of the Ordinance regarding this use and stated the he did not feel this application meets the criteria of that section.

Mr. Filley pointed out that the road has already been widened at Cedar Lane and Cottage Street.

Mr. Barnes moved to defer for thirty days to allow the applicant to submit the following information: (a) inspections report on the existing dwelling; (b) revised preliminary site plan showing traffic circulation on site in conformity with Section 30-7.2.6.1.9.6 of the Zoning Ordinance, and, (c) proposed dedication for widening of Gallows Road to 45 feet from center line to provide one-half of the required 90 ft. right of way.

Seconded, Mr. Baker. 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 increase in existing use permit to allow 250 students, 3700 Burgundy Road, Lee District, (R-10), 82-2 ((1)) 5, 6, 8, S-41-71

Mr. Douglas Adams, attorney, stated that the original use permit was granted in 1946 and this school has been in operation continuously for 25 years as a private, non-profit co-op school. They have now reached their maximum capacity of 200 students authorized in 1968. There are eight buildings on the 23 and a half acres. They would like to increase the number of students to 250 and go to a non-graded system of classes. As an integral part of this program they would like to increase each grade by five students. There will be no change in the character of the area and no additional traffic problems of any kind. The school is connected to public sewer and water. Approximately one-third of the students are bussed and the rest are brought by parents or in car pools.

Mr. Smith read the staff comments regarding this application: "It is recommended that the driveway be covered with a dustless surface; and that the driveways be marked for entrance and exit due to poor sight distance."

No opposition.

Mr. Long moved that the application be deferred for thirty days for the following information: (a) copy of as-built site plan showing building dimensions; (b) inspections report on the existing buildings; (c) report from the Health Department; (d) surveyor's or engineer's report on providing adequate sight distance at existing entrances; (e) copy of certificate from the State Corporation Commission for Burgundy Farm Country Day School, Inc.

Seconded, Mr. Barnes. Carried unanimously.

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GEORGE TRUMAN WARD & CHARLES E. HALL, JR. FOR SPRINGFIELD TOWER OFFICE BUILDING JOINT VENTURE, application under Section 30-6.6 of the Ordinance, to permit construction of east edge of elevated automobile parking deck 38 ft. from Interstate Route 95 westerly right of way line at Springfield interchange, located on Augusta Drive, Springfield Shopping Center, Springfield District, (C-D), 80-4 ((1)) 6, V-42-71

An application for Special Permit to allow a building 150 ft. in height has been submitted, Mr. Ward stated, and is scheduled for hearing May 10 by the Planning Commission and May 12 by the Board of Supervisors.

Mr. Baker moved to defer this to May 18 with the proviso that the Board of Supervisors has held a hearing and made a decision by that time regarding this application. Seconded, Mr. Barnes. Carried unanimously.

//

SUN OIL CO., app. under Section 30-7.2.10.3 of the Ordinance, to permit new bay and remodeling to Colonial design, 5929 Leesburg Pike, Mason District, (C-D,) 61-2 ((12)) 1A, S-43-71

SUN OIL CO., app. under Section 30-6.6 of the Ordinance, to permit construction of new bay closer to property line than allowed, 5929 Leesburg Pike, Mason District, (C-D), 61-2 ((12)) 1A, V-44-71

E. E. Lingle presented a certificate from the State Corporation Commission for Sun Oil Company, and a copy of the lease from Lincoln National Life Insurance Company to Sun Oil Company.

Mr. Barnes moved to amend the application to include Lincoln Life Insurance Company as applicant. Seconded, Mr. Kelley. Carried unanimously.

Mr. Lingle explained that Sun wants to add a new bay to the service station to provide better service and Stateinspection.

April 13, 1971

SUN OIL CO. - Ctd.

The old station will be remodeled in a Colonial brick design. The variance for the additional bay would be next to the parking lot of the apartment complex, Mr. Lingle continued.

If the apartments are zoned residential, would the applicant be required to provide screening along that side, Mr. Long asked?

That would be no problem at all, Mr. Lingle agreed.

What about a brick wall, Mr. Long suggested?

Mr. Lingle said he would prefer standard screening.

Mr. Barnes suggested putting an entrance to the service station from the apartment parking lot so that those cars would not have to go out on the service road or highway to get gasoline.

Mr. Lingle said he would be happy to make that a part of their development. It would not be possible to put the bay on the other side of the station as that would require relocation of the underground tanks and would create a great problem.

No opposition.

In application S-43-71, application by Sun Oil Company and Lincoln National Life Insurance Company, under Section 30-7.2.10.3 of the Zoning Ordinance, to permit new bay and remodeling to Colonial design, property located at 5929 Leesburg Pike, also known as tax map 61-2 ((12)) 1A, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of April, 1971 and

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

1. Lessee of the subject property is Sun Oil Company.
2. Present zoning is C-D.
3. Area of the lot is 18,311 sq. ft. of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.
5. This is an existing gasoline station,

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action by this Board, and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to the date of expiration.

3. 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 use permit to be re-evaluated by this Board.

4. There shall not be any sale, rental, leasing or storage of automobiles, trucks, trailers and recreational equipment on the premises.

5. A standard six foot brick wall shall be erected along the Culmore apartments property line.

6. Vehicular access to adjoining properties shall be provided as approved by the County Planning Engineer. Seconded, Mr. Barnes. Carried unanimously.

// *****See page 99 for variance in connection with this application.

April 13, 1971

W. D. & MAXINE FAIRCLOTH, application under Section 30-6.6 of the Ordinance, to permit 5 ft. chain link fence to remain around house and yard, located 5028 Stringfellow Road, Centreville District, (RE-1), 55-1 ((1)) 19, V-45-71

Mr. John K. Lally, attorney, presented photographs of the fence and the dogs on the property. This is a five foot fence instead of a six foot fence as noted in the original application, it was pointed out.

The Faircloths own a plumbing and heating firm and Hunter's Lodge, Mr. Lalley stated, and because of large amounts of money coming into the hands of Mrs. Faircloth, she must maintain it over the weekends and it is necessary to have several dogs on the property for protection. These are very large dogs which could jump over a four foot fence. Over the years they have had several robberies. The fence was put up at considerable cost for protection. The Americana Fencing Company at Woodbridge, Virginia installed the fence.

This company is required to be licensed with the County, Mr. Koneczny stated, but no permits are required for a fence.

This is a remote, inaccessible, and wild part of the County, Mr. Lally stated, and there is a lot of distance between houses. There is a great distinction between protection in a subdivision and protection in an area of this type. There are no houses between this property and the other side of Route 66. The Templetons live on the other side.

Mr. Smith pointed out that a high fence was allowed by right in the back yard. Why not move the dogs in the back?

Mrs. Faircloth said she would like to be able to have the dogs protect the front of her house as well.

No opposition.

Mr. Koneczny advised that this fence came to the attention of the Zoning Office as a complaint. It was September 1970 when the first notice was served. There is an outstanding warrant against Mrs. Faircloth heard March 4 of this year, deferred to April 29, 1971 for Board of Zoning Appeals action. All three of these cases have outstanding warrants.

Mr. Long moved to defer decision on this case until after hearing the next two applications. Seconded, Mr. Barnes. Carried unanimously.

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EUNICE E. RILEY THORPE, application under Section 30-6.6 of the Ordinance, to permit 6 ft. chain link fence to remain around house and immediate yard, 4842 Stringfellow Road, Centreville District, (RE-1), 55-1 ((1)) 5, V-46-71

Mr. John Lalley represented the applicant.

Mrs. Thorpe stated that she had a contract with the Americana Fence Company June 6, 1970.

Mr. Lalley said the facts in this case are very similar to the facts in the preceding case. The property is located on the same road, in the same unaccessible area of the County. The Thorpes maintain dogs for their own protection. The watchdogs are needed because this is a remote area, and a four foot fence would not retain the dogs.

People should have protection, Mr. Barnes agreed, the Ordinance should be changed.

Mr. Smith agreed that fencing was a real problem, but whether it should be allowed in a front setback area is another consideration. He may not agree with the Ordinance, he said, but he has to enforce it as it is written.

Mr. Baker said he thought a five foot fence should be allowed by right.

Mrs. Thorpe told the Board that the contractor did not advise them that a six foot fence was a violation of the Ordinance. When they told the fence company of the violation notice, the company moved the fence back four feet from where it was previously, and told the Thorpes that if any more moving had to be done, it would be up to them.

The Board took this matter under advisement and proceeded to the next item:

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RALPH L. TEMPLETON, application under Section 30-6.6 of the Ordinance, to permit 5 ft. chain link fence to remain around house and yard, 5032 Stringfellow Road, Centreville District, (RE-1), 55-1 ((1)) 20, V-51-71

Mr. Ronald W. Tydings represented the applicant.

April 13, 1971

RALPH L. TEMPLETON - Ctd.

This application is to allow a five foot chain link fence to remain around the house and yard, Mr. Tydings explained. The family has German Shepherd dogs which would jump over a four foot chain link fence. This fence was erected about two years ago by the Lee Fence Company of Merrifield and Mr. Templeton was totally unaware of the zoning ordinance which prohibited him from doing this. The cost to erect this fence was approximately $2,000. Mr. Templeton works long hours and the dogs are there to protect his family. They have experienced vandalism and breaking in.

Mr. Tydings compared the need for protection in this area to the need for protection in a subdivision. There are more people living closer together in subdivisions, he said, and this is in a remote area of the County.

No opposition.

Mr. Long moved that applications V-45-71, V-46-71 and V-51-71 be deferred for thirty days for decision only, to allow the fence companies to appear before the Board and explain this situation. 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 and maintenance of transmission lines, (relocate two sets of transmission to another portion of property of same owner), located adjacent to #495 from Rt. 236 north about 2400 ft., Annandale District, (RE 0.5), 59-4 ((1)) 9, 28A, S-243-70 (deferred from Mar. 16)

Mr. John T. Hazel, representing the owners of the property, stated that he would provide Colonal Larson and counsel with letters with certain facts the Board of Supervisors asked for last week which they did not have, and would advise the BZA that should the Board of Supervisors deny the reconsideration request which they plan to make, or act unfavorably, they would withdraw the application and not come back to the Board of Zoning Appeals. Both Board of Supervisors and Board of Zoning Appeals approval is needed and without one they would not need the other, he said.

Mr. B. G. Stephenson, attorney for Mill Creek Park Citizens Association, stated that the Association is opposed to a further continuance and would like to dispose of this.

Mr. Roy Swayze, representing F. W. Harris in opposition, joined with Mr. Stephenson's remarks.

Mr. Smith expressed appreciation for Mr. Stephenson's and Mr. Swayze's concern, but the Board has a responsibility to all concerned, he said, there is a request and the applicant's do have the right to request reconsideration by the Board of Supervisors.

Mr. Long moved that application S-243-70 be deferred until such time as the Board of Supervisors has acted on the request for reconsideration. The secretary is to notify Mr. Swayze and Mr. Stephenson of the time and date for the hearing before this Board.

Seconded, Mr. Barnes. Carried unanimously.

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STONEHENGE MONTESSORI SCHOOL, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit preschool and day care center for children ages 2 1/2 to 12, 10917 and 10918 Marilta Court, Centreville District, (RE-1), 47-3 ((8)) (1) 12, S-31-71 (deferred from March 23)

Mr. Smith noted a request for deferral by the applicant in view of the fact that the Inspections report had not been written.

Mr. Baker moved to defer in accordance with the applicant's request. Seconded, Mr. Kelley. Carried unanimously.

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DALLAL R. DAVID - Request for extension of variance.

Mr. Baker moved to grant a 180 day extension as requested. No further extensions will be allowed. Seconded, Mr. Kelley. Carried unanimously.

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EARL McGEE - Requesting permission to sell boats in connection with his auto sales lot.

This lot is rather crowded, Mr. Smith commented. He is in the setback area now. This is a very small lot.

The Board members agreed that this request would require a new application and a new hearing.

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April 13, 1971

MURRAY WEINBERG, TRUSTEE - V-58-70 - Request from Mr. Hansbarger, attorney, for extension.

Mr. Baker moved to grant a 180 day extension. No further extensions will be granted. Seconded, Mr. Barnes. Carried unanimously.

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JAMES A. MORRISON, JR. - Request for extension of Use Permit for Colvin Run Pet'Otel - Mr. Barnes moved to grant a 180 day extension; no further extensions will be granted. Seconded, Mr. Long. Carried unanimously.

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V. T. Worthington - variance: Mr. Worthington explained that Mr. Strickhouser says he needs to go before the Board of Supervisors to get approval of a crossing of the stream on his property.

If you want to do anything other than what was granted by this Board, Mr. Smith stated, it would require filing a new application.

Mr. Worthington wanted to know if he could put trucks on the front of his property.

Mr. Smith replied that this did not come under the jurisdiction of this Board.

The Board advised Mr. Worthington to discuss his problems with Mr. Woodson and Mr. Covington to see if some of the problems could be resolved in advance of going to the Board of Supervisors. Any change from what was granted previously by this Board would have to be made part of a new application, readvertised, and reheard by this Board.

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Mr. Baker moved to approve the minutes of February 16, 23, March 9, 16 and 23. Seconded, Mr. Kelley. Carried unanimously.

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Mr. Zabriskie appeared before the Board asking questions regarding an appeal of a rezoning application that was denied by the Board of Supervisors. The Board listened to him, hoping to be able to give him some information, however, it was pointed out that any appeal of the Board of Supervisors would have to be resolved in the circuit court. The applicant might request reconsideration if there was new evidence involved.

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Mr. Woodson discussed a proposed parsonage on Fairfax Farms property.

The Board reviewed the plans for the parsonage which showed a very large building 110' x 68' and asked for answers to the following questions:

Where will the church be located? When do they plan to build the church? What other missions do they have located in this country? Where are they located? How much land is involved? What type of religious organization is this?

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The meeting adjourned at 3:55 p.m.
By Betty Haines, Clerk

Daniel Smith

Daniel Smith, Chairman

June 8, 1971
Date

SUN OIL COMPANY

In application V-44-71, application by Sun Oil Company and Lincoln National Life Insurance Company, under Section 30-6.6 of the Ordinance, to permit construction of new bay closer to side property line than allowed, 5929 Leesburg Pike, also known as tax map 61-2 ((12)) 1A, County of Fairfax, Virginia, 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of April, 1971 and

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

1. Owner of the subject property is the applicant.
2. Present zoning is C-D.
3. Area of the lot is 18,311 sq. ft. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. This is an existing gasoline station which is being improved.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure indicated in plats submitted with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. A standard six foot brick wall shall be erected along the Culmore apartments property line.

4. Vehicular access to adjoining properties shall be provided as approved by the Planning Engineer.

Seconded, Mr. Barnes. Carried unanimously.

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Daniel Smith

The regular meeting of the Board of Zoning Appeals was held on Tuesday, April 20, 1971 at 10:00 a.m. in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes, Mr. Loy Kelley, Mr. Joseph Baker and Mr. Richard Long.

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

R. J. L. ASSOCIATES, INC., DURBIN REAL ESTATE COMPANY AND TEXAS LAND COMPANY, application under Section 30-6.6 of the Ordinance, to permit variance of side yard restriction line, 6202 Nethercombe Court, Dranesville District, (R-17), 31-3 ((29)) 40, V-47-71

Mr. Robert Kohlhass represented the applicant and presented a copy of the recorded subdivision plat. Durbin Real Estate should be withdrawn as an applicant, he said, as R. J. L. Associates is the real owner of the property, and the Texas Land Company holds this in trust. This is almost like a trustee arrangement for R. J. L. Associates.

Mr. Kohlhass presented a certificate from the State Corporation Commission for R. J. L. Associates, Inc. He stated that the problem arose in that originally all the lots were to have single or double garages. For some reason the plans for this particular house were approved with a double carport. The contractor put a double garage on the house and this is where the problem arose. The house was sold without knowledge of the violation and settlement is scheduled to take place in the next few days. The contract was written for a double garage.

No opposition.

Mr. Vernon Long, Zoning Inspector, stated that final plat has not been submitted on this lot nor has final inspection been approved.

Mr. Kohlhass stated that he and Mr. Lewis would proceed to get the occupancy permit immediately.

In application V-47-71, application by R. J. L. Associates, Inc., and Texas Land Development, Inc., application under Section 30-6.6 of the Zoning Ordinance, to permit variance of side yard restriction line, on property located at 6202 Nethercombe Court, also known as tax map 31-3 ((29)) 40, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of April, 1971 and

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

1. Owner of the property is Texas Land Development, Inc.
2. Present zoning is R-17.
3. Area of the lot is 12,910 sq. ft. of land.
4. Construction of the dwelling and garage has been completed.
5. This would be a minimum variance. The builder had intended for the garage to be a double carport.

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

The Board has found that non-compliance was the result of an honest error in the location of the building and that the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only and is not transferable to other land or to other structures on the same land.

Seconded, Mr. Barnes. Carried unanimously.

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VIRGINIA STATIONS, INC., application under Section 30-7.2.10.3. of the Ordinance, to permit gasoline service station, located S. W. corner of Leesburg Pike and Gosnell Road, Dranesville District, (C-D), 29-3 ((1)) 38, S-48-71

Mr. Robert Kelvey represented the applicant.

April 20, 1971

VIRGINIA STATIONS, INC. - Ctd.

Is this the same parcel of land that was given a Special Permit for an automobile dealership, Mr. Smith asked?

Yes, Mr. Kelvey replied.

Was this gas station shown on the site plan for that Special Permit, Mr. Smith asked?

No, Mr. Kelvey replied.

Has the site plan been revised, Mr. Smith asked?

Mr. Knowlton said that he had not seen a copy of it.

This is 24,000 sq. ft. out of an area that was originally granted a Use Permit for a dealership, Mr. Smith said.

The corner was cut out of the Use Permit for the dealership, Mr. Kelvey stated. Virginia Stations has a lease for twenty years.

The Board is going to need a copy of the plat submitted at the time the dealership was granted to be sure that this land was not included, Mr. Smith said.

Mr. Dean Morley stated that to his knowledge, this was a 6.5 acre parcel out of which after rezoning 3 1/2 acres was designated as a Volkswagen dealership, leaving a corner piece and 2 1/2 acres in the back next to the creek.

Mr. Kelvey stated that this will be a Scot station with four pump islands, 30' x 15' in size, with brick planters on both sides of the building, and two fountains. There will be no washing, greasing, or mechanical work. This station would not close but would remain open because of their type of operation. He showed a picture of one of their recent stations. Setbacks are such that the pump islands are approximately 32 ft. from the new property line after dedication of the service road, Mr. Kelvey explained.

If this use permit is granted, Mr. Long suggested, why couldn't this building conform with the Stohlman Volkswagen building? What is the proposed architecture of that building? Also, he would be interested in the signs. Could the Scot sign be a part of the Stohlman sign rather than having a series of freestanding signs in the shopping center?

Mr. Ted Ferguson, Executive Vice President of Virginia Stations, Inc. stated that they have been building stations in this County since 1954 and they have not had and will not have a freestanding sign.

Apparently there has been a re-arrangement since the use permit was granted for the dealership, Mr. Smith commented. The Board needs someone from Stohlman Chevrolet to answer questions on this application.

The plat submitted with the original application shows the entire property, Mr. Long stated. He would like to see a copy of the approved site plan.

Mr. Ferguson stated that Mr. Stohlman had told him that land would be left on the corner for the service station.

There are two different plats in the folder, Mr. Knowlton stated.

Before taking any action on this, Mr. Smith said, the Board is going to have to have additional information as it appears that the layout on the dealership has been changed from what was approved. The original permit was set up for larger cars. He would like to find out how the layout was changed.

Opposition: Mr. Wilbur Mooreland, 3906 Beacon Drive, stated that there was no need for any more gas stations.

Mr. Smith pointed out that the Board could not base a decision on need, however, he could understand Mr. Mooreland's feelings. This Board must base their decision on impact. There is some question as to whether this gas station was proposed in the original plan for the C-D zoned complex. The real factor is that there is a scarcity of land zoned for service stations and that is why they are grouped in these areas zoned to allow them.

Mr. Long moved to defer the application to May 25 to allow Mr. Richard Stohlman and the Fairfax County Planning Engineer to appear before the Board to furnish additional information pertaining to Use Permit S-15-69 issued to Richard Stohlman, specifically: (a) use permit requirements; (b) buildings and building locations; (c) architecture; (d) site utilization; and (e) site plan.

Seconded, Mr. Barnes. Carried unanimously.

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April 20, 1971

CENTREVILLE PRESCHOOL, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of preschool, ages 3-5, maximum 54 pupils, Tuesday, Wednesday and Thursday, 9 to 12; E. side of Elmwood St. between Westmore St. and Vernon St., Centreville District, (RE-1), 34 ((6)) 46, 47, 48, 71, 72, S-50-71

The Chairman read a letter requesting deferral as they did not have all of the necessary information.

Mr. Barnes moved to defer to May 25. Seconded, Mr. Baker. Carried unanimously.

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DONALD L. HANBACK, application under Section 30-7.2.7.1.4 of the Ordinance, to permit baseball batting cage and moon walk, at Cooper Road at Richmond Highway, Lee District, (C-G), 109 ((2)) pt. 3, S-54-71

Mr. Hanback did not have the required proof of notification.

Mr. Baker moved to defer to May 25 for notices. Seconded, Mr. Barnes. Carried unanimously.

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JAMES R. RENAUD, application under Section 30-7.2.8.1.1 of the Ordinance, to permit operation of kennel on said property, 4800 Pleasant Valley Road, Centreville District, (RE-1), 33 ((1)) 29C, S-53-71

Mr. James H. Fox, attorney, represented Mr.Renaud who was also present. Mr. Fox stated that there is a lease on the property for five years.

You propose to have parking for ten cars and build a kennel, Mr. Barnes stated. Will there be any living quarters on this property?

There will be someone there during daylight hours, Mr. Fox stated. There will be outside runs for daytime exercise, but at night the dogs will be confined to their kennels.

How wide is the right of way coming off Pleasant Valley Road, Mr. Barnes asked?

Twelve feet, Mr. Fox said. There are 8.6432 acres involved in this property. The kennel would be invisible from Pleasant Valley Road. The nearest house would be about 1,000 feet away from the kennel.

Mr. Renaud stated that the kennel would be for boarding and training dogs of any breed. The building would be set up to handle thirty dogs. There would be room in the building for office, storage, and fifteen 4' x 10' runs on each side of the building. Eventually, he would like to get into breeding and showing. He does the training himself.

He will get out of the service in June, Mr. Renaud stated, and would hope to acquire this property eventually and build his home there.

Do you have any correspondence from the Health Department on percolation of this property, Mr. Smith asked?

No, they felt the first thing to do was to get permission to put up the kennel, Mr. Renaud said.There is a verbal agreement that if he cannot put up a kennel, he would not be interested in the property.

What if the dogs start barking at night, Mr. Long asked? Who would be there to quiet them down?

If they barked the noise would not travel far, Mr. Renaud assured the Board. They would be inside. This would be a prefabricated metal building 20' x 27' and would be completely insulated.

Opposition: Mrs. Norma Capps, resident of Fairfax City and prospective buyer of Lot 4B, stated that there is a perk problem on the land and until such time as it does perk, they would not sign a contract to purchase it. She presented a letter of opposition signed by Mrs. Bevins. No. 4 belongs to her sister, Mrs. Hansboro, and has a brick residence on it. They would be very much opposed to a kennel being granted with no one in attendance at night.

Mrs. Hansboro, 4900 Pleasant Valley Road, spoke in opposition to the proposed use. She has small children and would not want the kennel near her. There are wild animals in the area already and they own hunting dogs which bark at night.

Mr. Fox, in rebuttal, stated that they meet the Ordinance requirement of the kennel being 100 ft. from any property line, and the nearest home would be approximately 1,000 feet away. They cannot deny that dogs bark, but they must have some place to go. This location was felt to be as far removed from residences as possible where the dogs would not disturb people. They will meet all County requirements as to sewer, water, etc.

Mr.. James Jarvis and Mrs. Caroline Bevins sent statements of opposition to the Board.

April 20, 1971

JAMES R. RENAUD - Ctd.

In application S-53-71, application by James R. Renaud, under Section 30-7.2.8.1.1 of the Zoning Ordinance, to permit operation of kennel on said property, located at 4800 Pleasant Valley Road, Centreville District, also known as tax map 33 ((1)) 29C, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of April 1971 and

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

1. Owner of the subject property is George J. Kelley. The applicant is lessee.
2. Present zoning is RE-1.
3. Area of the lot is 8.6432 acres.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. There is not any dwelling or proposed structure other than for the dogs on the property.
6. There would not be supervision of dogs in the evening hours or at night;

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

1. The applicant has not presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and that the use will be detrimental to the character and development of adjacent land and will not be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied.

Seconded, Mr. Kelley. Carried 4-1, Mr. Barnes voting against the motion -- the man has 8 acres, he said, and the kennel would be more than 100 feet away from residential property lines, so he should be able to have thirty dogs.

The Board has never granted a Use Permit for a kennel where there was no one to supervise the dogs at night, Mr. Smith said.

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CREATIVE COUNTRY DAY SCHOOL IN VIRGINIA, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit private school and day camp, grades nursery through kindergarten and elementary, approximately 300 children, 9 a.m. to 5 p.m., five days a week, 10948 Stuart Mill Road, Centreville District, (RE-2), 37-1 ((1)) 25, S-27-71 (deferred from 3/16)

Mr. Lionel S. Dendem, 1632 Valley Stream Drive, New York, represented the applicant. He said he understood that the application had been deferred from the prior meeting of this Board for receipt of information from the various departments of the County. He also understood that the Planning Commission had met on this application and it is now in the hands of the Board. This is a purchase arrangement.

Mr. Smith read the staff report to the Planning Commission (see file) and the copy of the Inspections report (see file). He also read the statement from the Health Department (see file).

Mr. Dendem stated that there would be only 192 children on the premises at any one time with the intent to increase the facilities to make it available for 300 pupils. They are operating other schools in the area -- the Pal-Nez School and the Dunn Loring Woods School in Vienna.

Mr. William Kurtz, Reston, stated that he was the agent involved in the sale of the property to the applicant, and was in favor of the application.

Mr. Barry Murphy represented fifty-one residents in opposition, representing ownership of 655 acres in the area. He urged the Board to deny the application as it does not meet the basic standards of the Code.

Mr. Clyde Reese stated that he is very familiar with the property. On the southerly side of it is a ravine 50 to 100 feet wide for the whole length of this property. He has furnished truck loads of fill dirt from various jobs to help fill the gully from Stuart Mill Road to the back of the land. Percolation tests would be impossible to take care of this need for the facility which they are seeking.

Mrs. Mary Johnston, 10927 Stuart Mill Road, discussed the danger of the road situation.

Mr. Smith read the Planning Commission recommendation for denial of the application.

April 20, 1971

CREATIVE COUNTRY DAY SCHOOL, INC. - Ctd.

Mr. Dendem stated that Stuart Mill Road between Bergford Lane and Vale Road has 206 vehicles per 24 hour period. The average width of the road is 17 feet. Traffic on Hunter Mill Road is 2039 with an increase of 306 per twenty-four hour period if this application were granted.

There is no indication that this school is to serve the immediate area, Mr. Smith stated. The children are going to be bussed.

In application S-27-71, application by Creative Country Day School in Virginia, Inc. application under Section 30-7.2.6.1.3 of the Ordinance, to permit private school and day camp, grades nursery through kindergarten and elementary, approximately 300 children, 9 a.m. to 5:00 p.m. five days a week, property located at 10948 Stuart Mill Road, also known as tax map 37-1 ((1)) 25, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of April, 1971 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Contract purchase of the subject property is the applicant.
2. Present zoning is RE-2.
3. Area of the property is 9.196 acres.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. The Planning Commission on April 12, 1971 recommended denial of this application.
6. The present water supply and septic tank system are inadequate for the proposed use.

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

1. The applicant has not presented testimony indicating compliance with Standards for Special Use Permit uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will 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 Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied.

Seconded, Mr. Baker. Carried unanimously.

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MANSION HOUSE YACHT CLUB, INC., application under Section 30-7.2.6.1.6 of the Ordinance, to permit marina and related facilities (private club) located 9321 Old Mt. Vernon Road, Mt. Vernon District, (RE 0.5), 110-4 ((1)) 9A, 9B, 9D, S-8-71 (deferred from 2/16)

Mr. George Arkwright, 9105 Chickawane Court, represented the applicant. The proposed operation would be a private non-commercial yacht club limited to 150 boats, he said.

What size boats, Mr. Smith asked?

20 ft. to a maximum of 35 ft., Mr. Arkwright replied. He would not anticipate many of the 35 ft. size. Mansion House Yacht Club, Inc. is contract purchaser of the property which is owned by Dr. Coker. He presented a copy of the contract. They contemplate a service building as indicated on the plat.

Has this been cleared with the Corps of Engineer and the Department of Conservation and Economic Development, Mr. Smith asked?

Mr. Arkwright stated that a letter dated March 12 had been received from the Corps of Engineers advising that they had reviewed the plans indicating approval. At the original meeting before this Board, the applicants were made aware that there was opposition so they requested deferral so they could work out some of the problems. They had discussions with these individuals and revised the breakwater accordingly.

When do you expect a decision by the Corps of Engineers, Mr. Smith asked?

Within two months, Mr. Arkwright replied. There would be two categories of membership -- slip rental, and some boats owned by the club fleet memberships. There is an indication of flexibility between the two types of memberships.

Would slips be rented to non-members, Mr. Long asked?

No, they are only to be used by the membership, Mr. Arkwright said. They would put in a ramp for pulling the boats out of the water but there would be no trailer type situation where boats will come and go and be put in the water - they plan to keep the boats in the slips.

April 20, 1971

MANSION HOUSE YACHT CLUB, INC. - Ctd.

Would a membership consist of a person or a family, Mr. Smith asked?

A family, Mr. Arkwright replied.

What size is the proposed service building, Mr. Smith asked?

It is a 16' x 22' one story building, Mr. Arkwright said. There will not be any gas dispensing units. This is primarily a sailing facility. The fleet boat that is contemplated is at the present time called an Albacore and is 17 feet long. It is a sailboat and will be the main stay of the fleet owned by the club. Sewer and water are available to this facility. This will be a forced sewer - a pumping station. They contemplate that the two adjacent lots will go into this station and they will also take the sewage from the boats. There are letters in the folder in favor of the application, Mr. Arkwright told the Board.

Mr. Smith noted receipt of letters from H. Bobbitt Aikin, President of the Mansion House Club; John J. Flanagan; William W. Love; James K. Pickard; and Mr. William B. Taylor in favor of the application. There were letters in favor of the application from Mr. Horton of 1395 Wysteria, and Colonel Campbell, 3908 Belle Rive Terrace, and Dr. Coker.

Mr. Arkwright presented an aerial photograph showing the breakwater and the general disposition of the river and the homes in regard to it. There are approximately 700 homes in the area, he said.

How many homes would have to be passed to get to this installation, Mr. Smith asked?

Mr. Arkwright replied -- none.

Colonel Faust, 3904 Rive Drive, living right next to the proposed marina, stated that when he purchased his property he was told that the marina was going in and that was one of the reasons he purchased the land.

Mrs. Annon, living on the cul-de-sac behind the proposed marina, said that she was very much in favor of the application.

Colonel Thomas Shideway, 3916 Rive Drive, spoke in favor. He has children and he thinks this would be a very good sport for them.

Dr. Joseph Coker, 3801 Belle Rive Terrace, stated that he and some associate investors bought forty-two acres of property in this area about twelve years ago. On first inspection of the property, two things were especially noteworthy -- one, this little swamp which they thought would make an ideal yacht basin, and secondly, a point of land alongside of it which he decided to build a home on. His house would be the closest to the facility and he felt it would be an asset to the community. It would be good to have the swamp cleared of mosquitoes and other factors.

Carl Hellwig, 3904 Belle Rive Terrace, stated that he has no objection as long as the rules and by-laws are adhered to and maintained.

Opposition:

Thomas F. Clary, Lot 32, felt that when the breakwaters are built the distance that is planned, shore lines are going to be affected from debris and there would be no way of keeping their property clean the way it is now. He moved into the area not knowing of a marina being planned here. He also feared that this facility might be completed. What guarantee would there be that if this is not completed, it would be removed?

Mr. Charles C. Wall, Resident Director, Mount Vernon, stated that he has no mandate from the Mount Vernon Ladies Association. He is before the Board as a long time responsibile resident of the immediate area, and as a one-time Chairman of the County Planning Commission during the 1940's when they were really establishing the basic zoning for the County. There is a most attractive residential community in this area along the river and the citizens want to keep their area this way. There has been one disaster immediately in front of Woodlawn and he opposed that rezoning against some very distinguished advocates who assured the Commission and Board of Supervisors that this rezoning would accommodate a high type restaurant. The Board has heard today some very persuasive and attractive promotors whom he would much rather abide with than to raise questions but there are certain aspects of this that deserves Board consideration. In over forty years, residents along the river have been responsible for the maintenance of a sea wall and wharf. They have had storms that have lifted the metal coping off the sea wall and damaging the causeway. They spent over $75,000 recently just rebuilding that causeway. He was very concerned with the engineering aspects. They have put two flumes under the sea wall to let algae flow up and down the river. The breakwater with planting upon it is unrealistic in terms of the storms that run up and down the river. He wanted to be assured that this Board and the applicants would be able to control the proposed facility.

This Board depends largely upon the Corps of Engineers for the engineering problems, Mr. Smith pointed out. The Board would have to rely upon their decision to a great degree as to whether or not this was feasible.

April 20, 1971

MANSION HOUSE YACHT CLUB - Ctd.

This Board could give a use permit and the Corps of Engineer could turn down the construction permit, Mr. Long suggested, and the whole project could fail.

In the past the Board has always waited until the Corps of Engineers has approved to project to the degree that they would allow it to be built, Mr. Smith said.

Mr. Smith read two letters in opposition -- from James W. Foristal opposing the access road which would run behind his property, and construction of the marina; and from James M. Martin, Jr.

Mr. Arkwright said he had been in touch with both of these individuals and both of them are trying to sell their lots. Neither of them live on the land.

In application S-8-71, application by Mansion House Yacht Club, Inc., under Section 30-7.2.6.1.6 of the Ordinance, to permit marina and related facilities (private club), on property located at 9321 Old Mount Vernon Road, also known as tax map 110-4 ((1)) 9A, 9B, 9D, County of Fairfax, Virginia, Mr. Kelley moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has beenproperly 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, letters tocontiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of April, 1971 and

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

1. The applicant is contract purchaser of the property.
2. Present zoning is RE 0.5.
3. Area of the lot is 2.97 acres of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

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

1. The applicant has presented testimony indicating that the application complies with standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. There shall be a maximum of 250 members with 75 parking spaces and 150 slips.

5. Landscaping along the property lines shall be preserved or replaced as approved by the Planning Engineer.

6. There shall be separate restroom facilities for both male and female within the service building for their use.

7. Mansion House Yacht Club, Inc. must comply with all requirements of the State Water Control Board, District Corp of Engineers and the Fairfax County Siltation Control Ordinance.

8. A bond in an amount sufficient to guarantee all proposed construction, dredging, etc. both on land and in the river, shall be approved and posted with the County to insure complete development of this project.

Seconded, Mr. Baker. Carried unanimously.

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April 20, 1971

NORTHERN VIRGINIA PARK AUTHORITY AND OLIN CORP., WINCHESTER WESTERN DIVISION, A VIRGINIA CORP., application under Section 30-7.2.8.1.3 of the Ordinance, to permit operation of public skeet and trap shooting facility with vending machines, snack bar, professional shop for sale of equipment and incidentals related to skeet and trap shooting only, and club house, 7700 Bull Run Road, Centreville District, (RE-1), 64 ((1)) 49, S-28-71 (deferred from 3/16)

107

Mr. John T. Hazel, Jr. represented the applicant. He stated that the purpose of the hearing today is two-fold with regard to this installation. (1) The prior applicant, in 1967, got a Use Permit (Northern Virginia Regional Park Authority and the Bull Run Shooting Center, Inc., the operating agency); that Use Permit was extended based on automatic extension annually if no complaints were received. In August 1970 the Zoning Administrator advised the Park Authority that this permit had been automatically extended for another year. In January 1971 they got a letter from Mr. Woodson granting an extension in accordance with the original use permit terms. In January 1971 there was an agreement between the operating atent and the Park Authority that Bull Run Shooting Center, Inc. would be replaced as operator by the Winchester Division of Olin. This was accomplished and Winchester is now lessee of the Park Authority land concerning this project. They are asking to substitute Winchester Company for the Bull Run Shooting Center, Inc., the prior operator, and wish to increase the hours of shooting from 9 a.m. to10 p.m.

The shooting activity, trap and skeet stands, are in the center of a rectangular area, Mr. Hazel stated. The club house is a one story structure with basement, adjacent to the shooting stands. The stands are screened and protected for safety factors. The area along #66 has been planted heavily with seedling pines. The reason for that is in an effort to completely preclude any adverse effect on adjacent residences. The Park Authority and the prior operators, in an effort to reduce the noise factor, went to the people at Dulles Airport requesting assistance and were advised of the forestation project. They set out 5,000 seedlings. This is all heavily wooded. The Park Authority was also advised that piling of brush in the area would help the noise problem. There is a wind row of brush piles along this area to supplement the seedlings.

This facility is very well received by the County generally, Mr. Hazel continued. He presented a letter from the President of the County Medical Society in favor, and a letter from the Fairfax County Recreation Department indicating that during the last year 286 students attended classes in shooting at this facility, and asking that the facility remain open. Mr. Hazel said he also had individual letters and petitions signed by in excess of 250 people, asking that this facility be continued.

The Park Authority maintains camping areas, nature trails, swimming pools and marinas, Mr. Hazel continued, and the Park Authority feels that these facilities should be at least self-sustaining wherever possible. In connection with the development of the Park Authority facility, the thought that if recreation is to be available and accepted and encouraged it has to pay its way. Consequently, all the facilities where possible are designed to be self-sustaining as this is. This facility has proven to be very popular and serves a considerable demand; the problem is that trap shooting, like bowling and many other things, is pursued frequently in the evening hours after supper and this is the reason that the 9 p.m. limitation is a critical one. The hours between 8 p.m. and closing time is when the business reaches its peak. The Planning Commission at its meeting recommended unanimously that the facility be extended as far as its operation, but that the hours be curtailed to 8 p.m. Terminating the operation at 8 p.m. would terminate the facility. This facility was planned originally as part of the Bull Run Park operation. There have never been complaints about this from the park users.

There was a tremendous amount of concern expressed by citizens as to adverse impact from this activity. Most of these citizens live across Route 66, Mr. Hazel said. There were studies conducted in 1967 and 1968. The shooting did not seem to be so significant that it was singled out in the noise studies as a detrimental effect. This is almost in direct flight pattern of the Dulles Airport. The wind row of brush has been devised, thought up, contrived and put in place by the Park Authority as further effort to help the noise problem if there is one. The record speaks for itself -- since 1968 until this application came along, there was not a single complaint from the neighbors about noise from this facility. The operation rents to the shooter a shotgun for 25 cents and for about four dollars, one can have a evening of trap or skeet shooting. A person cannot bring ammo to the premises or take it away.

In the club house they sell sodas from vending machines, shooting accessories, and shooting jackets. As part of the new lease arrangement, Mr. Hazel continued, there has been an additional sum of about $7,000 expended on the property. It cost originally in the neighborhood of $70,000. Additional expenditures for the rail fencing and paving some of the areas and improvements to the club house itself weredone so they could handle the shooting classes better. Classes are held in the downstairs level of the club house.

There was some discussion at the Planning Commission meeting as to whether this could be worked out with Fort Belvoir - a letter has been received from them and has been submitted for the record. (See file.)

If this permit is granted, Mr. Long asked, what would be the hours of operation on Sundays?

Same as the other days of the week, Mr. Hazel said. Traffic on Route 66 also increases in intensity on weekends and provides a considerable diversionary interest.

NORTHERN VIRGINIA PARK AUTHORITY & OLIN CORP. - Ctd.

Opposition: Mr. Harold Barr, 7121 Bull Run Post Office Road, stated that the gunfire from the shooting facility sounds like it is coming from his back yard. He has tried in vain to contact Mr. Lightsey of the Park Authority. Sundays have been the worst days and he has made many complaints to the Park Authority. He suggested that Mr. Lightsey visit the people living in the area and learn how strong their feelings really are in connection with the shooting facility. He said he could smell powder from the shots.

Mr. Stan Parris represented General Balrude, who was also present.

Mr. Parris stated that this operation has just plain not worked out. There have been too many noise problems and in the best interests of all residents in the area, the use should not be extended.

General Jack Balrude, Retired, 14705 Compton Road, discussed noise pollution and wind factors and described the additional noise on Route 66. He discussed decibels of noise and the difference in guns, and said that there was no attenuation from brush 18 inches high. He was opposed to increasing the hours - they should be decreased, if nothing else, he said, and he objected to his sleeping hours being dependent upon someone who feels like shooting in the park. He described a shooting range in Ohio located on airport property and suggested that Dulles Airport would be ideally suited for such an operation and would not be close to homes. The shooting preserve near his property does not bother him, General Balrude continued, as the noise comes from different places. However, in the park operation, the noise always comes from the same point and there is no way of getting away from it. He called the governor to complain - the governor wouldn't talk to him.

Mrs. William S. Harris, 15301 Lee Highway, said that many complaints were made in 1968 about this operation, both to the Board of Zoning Appeals and to the Park Authority. The Planning Commission at its hearing, she said, stated that people don't play golf at night so they don't need to shoot at night. She objected to living near a facility with shots being fired six days a week, including Sundays, up to thirteen hours a day. This is not consistent with the neighborhood, she said. Prince William County turned down flat an application for this use that would have affected fewer human beings than are being affected here. Efforts taken to dull noise have not worked. People in the new section of Sudley in Prince William county can hear the shots from there. She referred to books on noise pollution - THE FIGHT FOR QUIET, THE TYRANNY OF NOISE, and a resume from the Superintendent of Documents called NOISE AROUND US. The shots have driven residents from their yards, Mrs. Harris said, and the noise comes to them from over their radios, televisions, and everything else except window air conditioners. The shots do not need to be measured in decibels to be classed as public nuisance and noise pollutants. They do affect the mental and physical health of any person who is susceptible. Compared with thousands of people using the park pools and other facilities, this seems to be a limited facility.

Mrs. Harris presented a petition signed by neighborhood people in opposition.

Mrs. Mona Sorber, 15401 Compton Road, objected to increased traffic from the park, the noise from Route 66 and the airport; and blasting of the quarry, along with the noise from the shooting range. She was opposed to a 10 p.m. closing time as her children go to bed at 8 p.m.

Mr. William S. Harris, 15301 Lee Highway, asked the Board for relief from this noise problem. He asked that the applicant be required to have an acoustical engineer to give advice on the effect of angle of fire, direction of fire, and baffling, the effect of trees and brush piles. What about change of direction? Angle of fire? Excavation? The applicant should be required to seek consultation from an acoustical engineer.

Mrs. John Collins, 7100 Bull Run Road complained about too much traffic.

In view of the statements made by the opposition, Mr. Hazel offered to amend the proposed hours of operation. They would like to stay open till 10 p.m. but they would compromise to 9:30 and open each week day at noon. On Saturdays and Sundays, and the four Monday holidays of the year they would be open from 9 a.m. to 6 p.m. except on weekends when they had tournaments they would stay open till 8 p.m.

How can the Board justify granting a use permit based on the testimony that has been given today, Mr. Smith asked?

Mr. Hazel said he had not heard anything which was not in the record at the Planning Commission and at prior hearings when this was reviewed. This request is only to change the tenant and no evidence has been presented today that Olin Corporation is not a satisfactory tenant. It would havebeen very easy to manipulate this and not have to come back to this Board; Olin could have picked up the stock of the Bull Run Shooting Center and could have operated on the same basis. The permit is valid from 9 a.m to 9 p.m.

The existing permit was renewed by the Zoning Administrator, Mr. Smith said; This Board did not take any action. The original permit was for only three years.

Mr. Long moved to defer for thirty days to have the following things accomplished: (a) a demonstration of a skeet shooting at the site and a minimum of four nearby residences to determine the noise at their homes; and (b) the secretary will notify the Park Authority Board in summary form of the citizens opposition to this use and request a formal reply from them.

April 20, 1971

NORTHERN VIRGINIA PARK AUTHORITY & OLIN CORP. - Ctd.

Seconded, Mr. Barnes. Carried unanimously.

Mr. Smith stated that this would be put on the May 25 agenda if a reply is received from the Park Authority by then but the public hearing is completed.

He read the recommendation from the Planning Commission recommending a closing hour of 8 p.m.

Mr. Smith added that written material would be accepted up until the time of the May 25 hearing to be filed in the folder. This is not in operation now and he assumed the facility would remain closed until this Board has taken formal action.

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WILLIAM F. WALTERS, application under Section 30-6.6 of the Ordinance, to permit addition 13.9 ft. from property line, 7027 Jefferson Avenue, Providence District, (R-10), 50-3 ((5)) (2) 33A, V-52-71

Mr. Walters said he has lived in the house since May 1965 and plans to continue living here. He needs to build an addition onto his house as his children are getting older now. Also, his grandfather is coming to live with him shortly. This is an odd shaped lot and the variance is requested from the rear property line. The elevation of the lot is a problem also. They have a tri-level house and the addition would be put on the middle level.

No opposition.

In application V-52-71, application by William F. Walters under Section 30-6.6 of the Ordinance, to permit addition 13.9 ft. from property line, property located at 7027 Jefferson Avenue, also known as tax map 50-3 ((5)) (2) 33A, County of Fairfax, Virginia, 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of April, 1971 and

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

1. Owner of the subject property is the applicant.
2. Present zoning is R-10.
3. Area of the lot is 8,470 sq. ft.
4. Required rear setback is 25 ft.
5. This is a minimum variance.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: (a) exceptionally irregular shape of the lot; (b) exceptional topographic problems of the land.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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Transfer of Permit - Mildred Frazier to Mr. and Mrs. Warren H. McConnell.

Mrs. Esther C. Harney and Mrs. Warren McConnell were present, requesting that the Use Permit issued to Mrs. Mildred Frazier for a school at 2211 Wittington Boulevard, be transferred to Mr. and Mrs. Warren McConnell. The McConnells operate schools of youth training, Mrs. Harney explained, and they have signed a contract to have a school for thirty youngsters at this site. These youngsters would have specific learning difficulties, therefore the school would be kept small. The sale is ready to be closed and they hope to move as rapidly as possible since there has been a large amount of vandalism of the unoccupied building.

April 20, 1971

Transfer of Use Permit - Frazier and McConnell - Ctd.

Mrs. Cain operated a school in this location for about ten years, Mrs. Harney stated, then Mrs. Frazier obtained a Use Permit from this Board to take over the school. She was not successful in obtaining enough students to make it a successful operation and she had complied with all the County rules and regulations. Since Mrs. McConnell is an experienced person and can make a success of this operation, to make her wait until May 25 for a public hearing on this, would be a hardship.

Mrs. McConnell stated that she would have classes from 9 a.m. to 2:45 p.m. but would like to tutor the older students between hours of 4 and 7 p.m.

The Board discussed this at length. Mr. Long said he would have no objection to a transfer as long as it was all right with Mrs. Frazier.

Mrs. Harney assured the Board that she could get Mrs. Frazier to give the Board a letter relinquishing the Use Permit.

Mr. Long moved that the request to transfer the Use Permit from Mrs. Mildred Frazier to Mr. and Mrs. Warren H. McConnell be granted upon the applicant furnishing a letter to the Board from Mrs. Frazier relinquishing her Use Permit. Seconded, Mr. Baker.

Mr. Long amended the motion to read ages 6 through 12; hours of operation 9 a.m. to 3 p.m. and for ages 13 through 16 - hours from 4 p.m. to 7 p.m. for a total of 30 students. All other conditions of the original granting would pertain. Mr. Baker accepted the amendment. Carried unanimously.

(On April 21, 1971 this office received a "Renunciation of Use Permit" signed by Mildred W. Frazer, notarized by Esther C. Harney.)

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The Board discussed a possible resolution with regard to play and recreation facilities -- when are Special Use Permits required? Should Mr. Woodson review the development plans? This was taken under advisement until the next meeting.

The meeting adjourned at 4:45 p.m.
By Betty Haines, Clerk

Daniel Smith, Chairman

Date

June 8, 1971

110

111

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, April 27, 1971 in the Board Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes, Mr. Richard Long, Mr. Joseph Baker and Mr. Loy P. Kelley.

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

McLEAN HARDWARE CO., INC., application under Section 30-6.6 of the Ordinance, to permit addition 10.08 ft. from Redmond Drive, 6811 Old Dominion Drive, Dranesville District, (C-D), 30-2 ((3)) 3, V-55-71

Mr. James M. Morris, attorney, represented McLean Hardware Co. and the owners, Mr. and Mrs. O. V. Carper. When McLean Hardware moved into this building in late 1970 they stored peat moss and other materials in an area behind the building, Mr. Morris stated. This is not unusual because today you will notice it out in front of the hardware and drug stores. Dart Drug has a fenced in area in front of their building. When the Hardware building was built, it was planned to sit farther back from Redmond Drive than any of the other buildings because during the time of construction this building was leased to the Post Office Department with trucks continually backing into the area staying there during the night.

In order to protect his merchandise, Mr. Hinkle decided to fence in that particular area. He later put on a roof and enclosed it completely. Suddenly, they found that they should not have done this without obtaining a variance so that is why they are before the Board. The area does not affect the parking space because this particular area was used for servicing, loading and unloading. In addition, Redmond Drive is more or less a service drive. It is approximately two blocks long, running from Chain Bridge Road, across Center Street and ending at Poplar Street.

Mr. Covington reported that he had visited the site and the addition makes a pleasant appearance and is a better place for storing than on the outside.

Mr. Morris said he understood that there was talk of changing this area at some time and if so, this addition could be removed very easily.

Was a building permit obtained for this addition, Mr. Smith asked?

No, it was not thought that a building permit was necessary, Mr. Morris replied.

Mr. Donald J. McLaughlin, 4507 Andes Court, Vice President of the First and Merchants National Bank, Manager of the McLean Office, agreed that the addition was an improvement in the appearance of the rear of these stores and has not impeded traffic.

Mr. Curt Rasher spoke in favor of the application; it is definitely an improvement to the site.

Mr. Smith noted a letter from Mr. Sawmelle stating that the various business groups approve of the application.

There was no opposition.

In application V-55-71, application by McLean Hardware Company, Inc., under Section 30-6.6 of the Ordinance, to permit addition 10.08 ft. from Redmond Drive, property located at 6811 Old Dominion Drive, also known as tax map 30-2 ((3)) 3, County of Fairfax, Virginia, Mr. Kelley 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 localnewspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of April, 1971 and

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

1. Owner of the property is O. V. Carper.
2. Present zoning is C-D.
3. Area of the lot is approximately 45,000 sq. ft.
4. The applicant is the lessee.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: (a) unusual condition of the location of existing buildings.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The owner is to dedicate a minimum of 10 ft. of land to public street purposes.

4. This variance as shown on plats submitted with this application is granted until such time as Redmond Drive is improved at which time the addition must be removed at the owner's expense.

Seconded, Mr. Long.

Mr. Kelley read the comments from Mr. Chilton's office regarding this application: "This office has reviewed the subject request and would like the Board to consider that a McLean 1990 traffic circulation plan under study by the V. D. H. includes Redmond Drive as a one way four lane street being a part of a possible road circulation system for the McLean CBD area. As of this date, this is only a study and has not been adopted. For this reason we would question the advisability of encroaching any closer to Redmond Drive with any new building or addition, than those buildings already existing. In this study, Old Dominion Drive is to be one way to the west, with Redmond Drive being one way to the east through the McLean CBD. We would suggest that no additional structures be allowed."

Since the applicant is going to have the use of this additional land for five or ten years so in view of that, Mr. Smith said he thought the 10 ft. dedication was a reasonable condition.

Carried unanimously.

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MR. AND MRS. THOMAS FRANK, application under Section 30-6.6 of the Ordinance, to permit variance for back and side yard to install concrete swimming pool, 13157 Madonna Lane, Centreville District, (R-12.5), 45-3 ((57)) 32, V-56-71

Mr. Frank stated that he would like to have a swimming pool in his back yard. He moved into this house January 31, 1969. The pool will be 35½' x 17½'. Sylvan Pools is going to put in the pool.

If the Board grants this, every other lot owner in the subdivision will want the same, Mr. Long said.

This is true, Mr. Smith agreed, however, he felt that pools should be allowed anywhere. The Ordinance designates them as a structure and that requires a variance.

No opposition.

This is a general situation as opposed to a specific hardship, Mr. Smith said. The Board does not have authority to grant variances where the majority of the property owners have similar conditions.

In application V-56-71, application by Mr. and Mrs. Thomas Frank, application under Section 30-6.6 of the Ordinance, to permit variance for back and side yard to install concrete swimming pool, property located at 13157 Madonna Lane, also known as tax map 45-3 ((57)) 32, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 27th day of April, 1971

AND, WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owners of the property are Mr. and Mrs. Thomas Frank.
2. Present zoning is R-12.5.
3. Area of the lot is 9,072 sq. ft.

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

1. The applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved.

MR. AND MRS. THOMAS FRANK - Ctd.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby denied.

Seconded, Mr. Long. Carried unanimously.

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FAIRFAX EDUCATIONAL ASSOCIATION, INC., application under Section 30-7.2.5.1.4 of the Ordinance, to permit existing residential structure along with proposed addition to be used as offices for mutual benefit association recognized by the Commonwealth as a labor union, 9215 Little River Turnpike, Annandale District, (RE-1), 58-4 ((1)) 47, S-57-71

FAIRFAX EDUCATIONAL ASSOCIATION, INC., application under Section 30-6.6 of the Ordinance to permit existing structure with proposed addition and accessory parking spaces to be located less than 100 ft. from side property line, specifically to permit existing structure with proposed addition 47.8 ft. from side property line, and accessory parking spaces for structure to be located 35 ft., 9215 Little River Turnpike, Annandale District, (RE-1), 58-4 ((1)) 47, V-58-71

Wayne Schiffelbein, 1660 Chimney House Road, Reston, Virginia, represented the applicant and requested deferral to June 22.

No opposition.

Mr. Long moved that the applications be deferred to June 22 at the applicant's request. Seconded, Mr. Kelley. Carried unanimously.

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J. C. PENNEY CO., INC. AND J. C. PENNEY PROPERTIES, INC., application under Section 30-7 2.10.3 of the Ordinance, to permit tire, battery and accessory building and gasoline pumps for sale of gasoline, petroleum products, tires, batteries and automobile accessories including installation and servicing, Springfield Mall, intersection of Loisdale Road and Franconia Road, Springfield, Lee District, (C-D), 90-2 ((1)) 47, 48, 49, 65, pt. 76 (now known as parcel 6), S-59-71

Mr. Richard Hobson, representing the applicants, submitted a copy of the corporation documents with respect to both applicants, and similar documents for the next application on the agenda.

The applicant owns this section of the C-D zoned area, Mr. Hobson stated, which includes the main store and the T.B.A. (tires, batteries and accessories) building and gas pumps. There will be four gas pumps on two islands. This is a regional shopping center with 6,300+ parking spaces with a Wards Store, Penneys, Garfinckles, and Lansburgh's.

Mr. Hobson showed a photograph of the proposed T.B.A. building; the gas pumps are to be utilized with this building, he said. The traffic study submitted to the Planning Commission and Board of Supervisors at the time of zoning called for improvements in the area in connection with traffic. People will use these gas pumps and the T.B.A. building as an integral part of the services and goods offered in the main building of Penneys. Construction of the T.B.A. building will be the same as the main building. He introduced the representative from Penneys to answer questions of the Board.

Mr. Berckery stated that they would sell a Penneys House Brand of gasoline. There would be no renting of trucks, trailers or automobiles. Hours of operation would probably be from 9:30 a.m. to 10 p.m. although they might open earlier in the morning to serve customers going to work.

No opposition.

If you have no objections, Mr. Smith said to Mr. Hobson, the Board will hear the next application and then make resolutions on both of them.

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MONTGOMERY WARD & CO., INC. AND MONTGOMERY WARD DEVELOPMENT CORP., application under Section 30-7.2.10.3 of the Ordinance, to permit tire, battery and accessory building and gasoline pumps for sale of gasoline, petroleum products, tires, batteries and automobile accessories, including installation and servicing, located Springfield Mall, intersection of Loisdale Road and Franconia Road, Springfield, Lee District, (C-D), 90-2 ((1)) 72, 74 thru 79, 82, 83 and 84 (now known as parcel 2), S-60-71

Mr. Richard Hobson also represented this applicant. He presented his notices and stated that Monwar Properties, Inc. is now known as Montgomery Ward Development Corporation and the application should be changed to reflect that name. This is for approval of four gas pumps in connection with the building 75 feet from Franconia Road. The pump island will be 40 ft. long, five ft. wide, and the building used for sale of servicing autos and the equipment building will be brick and masonry construction, the same as the main building of Montgomery Wards, and compatible with the entire shopping center. Traffic studies submitted at the time of rezoning of this property called for significant improvements in roads around the property. He introduced Mr. Parkinson of Montgomery Ward.

April 27, 1971
J. C. PENNEYS - Ctd.
MONTGOMERY WARD - Ctd.

Mr. Parkinson stated that traffic circulation has been taken into consideration in the position of this location. There will be four gas pumps and two islands. These are not covered.

Mr. Smith questioned the diagnostic center in connection with the Penney's application.

Mr. Covington stated that there could be no heavy repair work or body work done here since it is a C-D zone. Nothing beyond light repair work, tunes-ups, etc.

Hours of operation would be from 8:30 a.m. to 9:30 p.m., Mr. Hobson stated. Building construction will be brick and masonry.

Mr. Berckery of Penney's stated that in some cases they would replace motors - they would set an engine in and this is not repair, this is just like replacing a wheel or batteries.

No opposition.

In application S-59-71, application by J. C. Penney Company, Inc. and J. C. Penney Properties, Inc., under Section 30-7.2.10.3 of the Zoning Ordinance, to permit tire, battery and accessory building and gasoline pumps for sale of gasoline, petroleum products, tires, batteries and automobile accessories including installation and servicing; located intersection of Loisdale Road and Franconia Road, Springfield Mall, Lee District, (C-D), map no. 90-2, ((1)) 47, 48, 49, 65, pt. 76, County of Fairfax, Virginia 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of April, 1971 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. Owner of the subject property is the applicant.
2. Present zoning is C-D.
3. Area of the lot is 15 acres of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.
5. These items were indicated on plats presented to the Board of Supervisors at the time of rezoning.

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

1. That the applicant has presented testimony indicating compliance with Section 30-7.1.2 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to the date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. There shall not be any storing, selling, rental or leasing of automobiles, trucks,, trailers, or recreational equipment in connection with this use permit.

5. Entrances shall be limited and as approved by the Planning Engineer.

6. There may not be any outside display or sale of merchandise other than gasoline in connection with this use permit.

7. There shall not be any major replacement or repair work.

Seconded, Mr. Barnes. Carried unanimously.

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MONTGOMERY WARD - Ctd.

In application S-60-71, application by Montgomery Ward & Co., Inc. and Montgomery Ward Development Corporation, application under Section 30-7.2.10.3 of the Ordinance, to permit tire, battery and accessory building and gasoline pumps for sale of gasoline, petroleum products, tires, batteries, and automobile accessories, including installation and servicing, located Springfield Mall, intersection of Loisdale Road and Franconia Road, also known as tax map 90-2 ((1)) 72, 74 thru 79, 82, 83 and 84 (now known as parcel 2), County of Fairfax, Virginia, 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of April, 1971 and

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

1. Owner of the subject property is the applicant.
2. Present zoning is C-D.
3. Area of the lot is 14.459 acres of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.
5. These items were indicated on plats presented to the Board of Supervisors at the time of rezoning, and

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in C districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted to the applicant for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. There shall not be any sale, storing, rental or leasing of automobiles, trucks, trailers or recreational equipment in connection with this use permit.

5. Entrances shall be limited and as approved by the Planning Engineer.

6. There may not be any outside display or sale of merchandise other than gasoline in connection with this use permit.

7. There shall not be any major replacement or repair work done on the premises.

Seconded, Mr. Barnes.

Mr. Hobson questioned item 6 -- when you say outside, the patio area with roof in accordance with Mr. Covington's remarks would be considered enclosed roofed area?

That was his understanding, Mr. Long said.

Carried unanimously.

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DRS. MARK A. JOHNSON & DONALD C. POWELL, application under Section 30-7.2.10.2.6 of the Ordinance, to permit small animal hospital, south side of Rt. 50 at intersection of West Ox Road and Legato Road, Centreville District, C-N, 46-3 ((1)) 53, V-66-71

DRS. MARK A. JOHNSON AND DONALD C. POWELL AND C. C. KENDRICK AND W. H. LOCKAWANDT, app. under Section 30-6.6 of the Ordinance, to permit building to remain closer to street than allowed, S. side of Rt. 50 at intersection of W. Ox Rd. and Legato Rd., Centreville District, (C-N), 46-3 ((1)) 53, V-66-71

DRS. MARK A. JOHNSON & DONALD C. POWELL - Ctd.

Grayson P. Hanes, attorney, represented the applicants who were also present. He presented a copy of the lease for the file.

In the variance application the Board felt that the property owners would have to be co-applicants.

The owners are aware of the application, Mr. Barnes said, they have signed a lease, therefore he would move that the owners -- Kendrick and Lockwandt -- be made co-applicants. Seconded, Mr. Baker. Carried unanimously.

Both of these doctors have been licensed as doctors in veterinarian medicine practicing in Virginia for two years. This is their first real venture into business for themselves. The proposed use is to continue the structure as it appears to be used as a veterinary small animal hospital. They will treat only dogs, cats, birds, and small reptiles. The use proposed will not have a crematory facility for disposing of dead animals. Hours of operation would be 8 a.m. to 8 p.m. six days a week with no one there on Sundays. The lot contains 20,851 sq. ft. of land. The church contains 3,200 - 3,300 sq. ft. of usable space. Water is served by a well on the property and the Health Department has indicated that the well must be raised twelve inches higher so there will be no problems with surface water. There is no sanitary sewer -- there is a septic field. The Health Department indicates there will be no problem concerning the septic field. The building will have to be rewired to handle the additional current. There will be an x-ray machine and they will put in lead plates so as not to endanger themselves or their employees. They will start on a small scale -- two doctors and one employee, with a total of five people including themselves. There will be units or wards in the basement. The building will be sound-proofed so there will be no problems to the adjacent neighbor, Mrs. Byrnes, who has expressed no objection to this use. This land was rezoned to C-N on May 22, 1968. The Board of Supervisors at that time rezoned this to allow a service station on the site. The neighbors are elated to learn that this will not be a service station, but rather this type of use. They will not change the structure itself except to put shutters on the building, and provide a small railing around the building. There will be ten parking spaces provided, Mr. Hanes said.

The State Highway Department relocated West Ox Road to the west of the property, Mr. Hanes continued, and the road was improved further away from the property. The variance is necessary because without it, the land cannot be used in the C-N zoning district.

They cannot afford to change the appearance of the church right now, Dr. Powell told the Board. Eventually they would probably take the steeple off.

No opposition.

In application S-61-71, application by Dr. Mark A. Johnson and Donald C. Powell, under Section 30-7.2.10.2.6 of the Ordinance, to permit small animal hospital, S. side of Rt. 50 at intersection of W. Ox Road and Legato Road, also known as tax map 46-3 ((1)) 53, County of Fairfax, Virginia, 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, letters to contiguous and nearby property owners, and a public hearing held by the Board of Zoning Appeals held on the 27th day of April, 1971 and

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

1. Owner of the subject property is W. H. Lockowandt and C. C. Kendrick. The applicant is the lessee.
2. Present zoning is C-N.
3. Area of the lot is 20,851 sq. ft. of land.
4. Compliance with Article XI (Site Plan Ordinance) is required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and development of the adjacent land and will bein harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further actionof this Board and is for the location indicated in this application and is not transferable to other land.

April 27, 1971

DRS. MARK A. JOHNSON & DONALD C. POWELL - Ctd.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether ornot these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. The hours of operation shall be 8 a.m. to 8 p.m. six days a week.

5. Sections 30-7.2.10.2.6 and 30-7.2.10.3.9 of the Zoning Ordinance shall be complied with.

6. The entrance and parking must be as approved by the Planning Engineer.

Seconded, Mr. Barnes. Carried unanimously.

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In application V-66-71, application by C. C. Kendrick and W. H. Lockowandt, application under Section 30-6.6 of the Ordinance, to permit building to remain closer to street than allowed by Ordinance, property located south side of Route 50 at intersection of W. Ox Road and Legato Road, also known as tax map 46-3 ((1)) 53, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 22 day of April, 1971, and

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

1. Owner of the subject property is the applicant.
2. Present zoning is C-N.
3. Area of the lot is 20,851 sq. ft. of land.
4. This is an existing building.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: (a) unusual condition of the location of existing buildings.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted.

Seconded, Mr. Barnes. Carried unanimously.

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ELIZABETH & RAYMOND D. CARTER, JR., application under Section 30-6.6 of the Ordinance, to permit addition 4.4 ft. from side property line, 5610 S. Quaker Lane, Lee District, (R-10), 82-2 ((14)) Blk. B. 3, V-62-71

They have a boy and a girl, Mrs. Carter said, and only two bedrooms. They have 20 ft. on each side of the house so the addition would have to have a variance. This will be a bedroom, and recreation-living room. They have owned the property for eleven years. Public sewer and water serve the dwelling. The addition could not be placed in back of the house because of the slope and because of the location of the sewer line. The new addition would be the same material as the present house -- aluminum siding.

No opposition.

In application V-62-71, application by Elizabeth and Raymond D. Carter, Jr., application under Section 30-6.6 of the Ordinance, to permit addition 4.4 ft. from side property line, property located at 5610 S. Quaker Lane, also known as tax map 82-2 ((14)) Blk. B, 3, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of April, 1971 and

April 27, 1971

ELIZABETH & RAYMOND CARTER - Ctd.

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

1. Owner of the subject property is the applicant.
2. Present zoning is R-10.
3. Area of the lot is 7,200 sq. ft.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: (a) narrow lot; (b) exceptionally topographic problems of the land.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless constructionhas started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Baker. Carried unanimously.

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ARTHUR E. AND CLARA M. MORRISSETTE, application under Section 30-6.6 of the Ordinance, to permit industrial building closer to residential district than allowed, south side of proposed Boothe Drive, Springfield District, (I-P), 79-1 ((1)) 7, V-63-71

Mr. Lawerence Hill told the Board he was present at the February 23 meeting asking for a variance on the 100 ft. setback on the warehouse to be built at the far end of the property to be known as the West Springfield Research and Industrial Plaza. At that time the Board granted a variance from the 100 ft. setback to give them the right to build within 50 ft. of the abutting property. At that time they were unaware that they should have applied for the whole variance down the property.

The closest development is in Cardinal Forest, single-family homes directly south of the site, Mr. Knowlton said. The land immediately south of the subject property is shown as open space on the plat.

What is the justification for the request, Mr. Smith asked, other than that this would afford greater use of the property?

All of their architectural and engineering work has been based on the assumption that they could set within 50 ft. of the adjoining property, Mr. Hill stated. This was their own interpretation.

When the Board considered the other variance, Mr. Long said, it was his understanding that the 50 ft. strip was to be left undisturbed and would be landscaped. The land involved today shows parking area and turnaround.

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

27 ft., Mr. Hill replied.

Why couldn't you move closer to Boothe Drive, Mr. Smith asked?

If they moved closer, it would cut down the size of the building and would not accommodate the ultimate use of the land.

It certainly is unfortunate that the Board didn't know this at the earlier hearing, Mr. Smith said.

Mr. Edward Tutney, representing the owner of the property, the parent company of Pennsbury of Washington, stated that Klinveil holds title to this property in Cardinal Forest. They object for three reasons: Mr. Morrissette is not in compliance with the contractual agreement to submit all proposals to them for their approval; it was their understanding that upon purchase of this property, Mr. Morrissette would adhere to the 100 ft. setback and not attempt to change such; and the change would not enhance their property. Pennsbury plans to start construction of an apartment development within 60 days, with a dedication for park uses, Mr. Tutney said. There would be 390 units. He has attempted to talk with Mr. Morrissette several times.

Mr. Kelley stated that it was his understanding that this section 3 phase 4 was approved by the Planning Commission but yet has to go to the Board and Section 9 is to be dedicated to the Park Authority but has not yet. He moved to defer until the Park area has been dedicated or the Board of Supervisors has disposed of the case on Section 3 phase 4. Seconded, Mr. Baker.

ARTHUR E. AND CLARA M. MORRISSETTE - Ctd.

Mr. Long stated that he supported the motion but shouldn't the Board finish the public hearing first?

Mr. John Lally - President of the Cardinal Forest Citizens Association, stated that the Association's position is for open space. They have always been under the impression that this was going to be open space.

Mr. Kelley's motion to defer until the Board of Supervisors has taken action on Sections 3 and 9 of Cardinal Forest carried unanimously.

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W. D. & MAXINE FAIRCLOTH, application under Section 30-6.6 of the Ordinance, to allow 6 ft. chain link fence to remain around house and yard, 5028 Stringfellow Road, Centreville District, (RE-1), 55-1 ((1)) 19, V-45-71 (deferred from 4/13/71)

EUNICE E. RILEY THORPE, application under Section 30-6.6 of the Ordinance, to permit 6 ft. chain link fence to remain around house and immediate yard, 4842 Stringfellow Rd., Centreville District, (RE-1), 55-1 ((1)) 5, V-46-71 (deferred from 4/13/71)

RALPH L. TEMPLETON, application under Section 30-6.6 of the Ordinance, to permit 5 ft. chain link fence to remain around house and yard, 5032 Stringfellow Rd., Centreville District (RE-1), 55-1 ((1)) 20, V-51-71 (deferred from 4/13/71)

Mr. Donald Giles, representing Lee Fence Company of Merrifield, stated that his company installed the fence for Mr. Templeton. They did not realize that it was in violation when they did it. They have been in business since 1955 and have never run into this problem.

Could the fence be cut down to four feet in height to meet the Ordinance requirements, at no expense to the owners, Mr.Smith asked?

Mr. Giles felt the cost should be shared.

Homeowners depend upon contractors for direction, Mr. Smith pointed out. Your company has a contractors license in the County and the Fence Company is responsible under the license, he said.

Cutting down the fence would not serve the purpose for which it was intended, Mr. Long felt, it would not contain the dogs. He said he had considered the testimony of this hearing and the fact that it appears to be an honest error on the part of the Fence Company, and considering the location, he would be in favor of a variance.

Mr. Barnes said he would like to see the Ordinance changed to allow a six foot fence. If there is any court action on these cases, it should be held up until such time as the Board has decided what to do about this. These are large dogs and this is a rural area, and the way the county is today, people need dogs for protection.

Mr. Koneczny, Zoning Inspector, stated that the cases could be nol-prossed.

Mr. Kelley suggested having the fence height cut down, or removing the fence, however, attorney for Mr. Templeton stated that they would not be interested in this. The fence was put up to keep the dogs in.

Mr. Kelley withdrew his motion to defer.

Mr. Frank Pannill stated that contractors who are licensed in the County are supposed to acquaint themselves with the Code. They can be brought in on a violation of any code requirement.

Mr. Long moved that Mr. Kelley's motion to defer be reinstated. Seconded, Mr. Barnes. Carried unanimously. Deferred indefinitely.

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The Americana Fence Company, responsible for the installation of the Faircloth and Thorpe fences, did not show up. Mr. Lally said he felt the Fence Company should have been subpoenaed. He hoped the Board today would grant this application as his clients have had a lot of trouble and expense and have made extra trips up to the courthouse because of this.

This Board does have the power to subpoena, Mr. Smith said, however, since 1958 the Board has never used those powers. They have always been able to get compliance without this. This will be deferred to have the Fence Company come in and it will not be necessary for the applicants to come back.

Mr. Long moved that the applications be deferred 30 days to have the Fence contractor come in. Seconded, Mr. Kelley. Carried unanimously. The court cases will be nol-prossed

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April 27, 1971

STONEHENGE MONTESSORI SCHOOL, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit preschool and day care center for children ages 2 1/2 to 12, 10917 and 10918 Marilta Court, Centreville District, (RE-1), 47-3 ((8)) (1) 12, S-31-71 (deferred from 4/13/71)

Mrs. Beth Willmore stated that the building at 10917 had already been approved for school use and they would like to have the school expanded to the building next door at 10918. The Stonehenge Montessori School, Inc. was incorporated in March of 1967.

Mr. Kelley moved to hear the case providing that a copy of the certificate is presented to the Board within five days. Seconded, Mr. Baker. Carried unanimously.

Mrs. Willmore said the inspections had been made. They have eighty children in the building with the existing use permit. The children are brought by parents or in car pools, there are no buses. They would like to have a permit for 50 children in the other building making a total of 130 in both buildings. The children would be age 2 1/2 to 12, hours of operation 8:30 to 11:30 and day care to 6 p.m. The children ages 6 through 12 would be there till 3:00 and the five year olds would be there from 8:30 to 2:00.

This application will be subject to Health Department approval and site plan approval, Mr. Long said. It seems that there ought to be some kind of turnaround on the property so people living in the cul-de-sac would not be inconvenienced, he said.

There have been no complaints in the past, Mrs. Willmore said. Parents are very good about not blocking driveways. There is a parking area (gravel) behind 10918, she said. There is a blacktop area at 10917 but they prefer to park behind 10918 and let the children use the blacktop for play area.

How many parents would be visiting the school at a time, Mr. Long asked?

Four, Mrs. Willmore replied. They limit their observation to four people - two sets of parents at a time so that would mean two cars. They would need nine spaces for the teachers.

No opposition.

In application S-31-71, application by Stonehenge Montessori School, Inc., application under Section 30-7.2.6.1.3 of the Ordinance, to permit preschool and day care center for children ages 2 1/2 to 12, located at 10917 and 10918 Marilta Court, also known as tax map 47-3 ((8)) (1) 2, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 27th day of April, 1971

AND WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. Owner of the subject property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 40,639 sq. ft.
4. Compliance with Article XI (Site Plan Ordinance) is required.

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

1. The applicant has presented testimony indicating compliance with standards for special use permit uses in R districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This application is granted to the applicant only and is not transferable without further action of this Board and is for the location of the two properties indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. Hours of operation shall be 8:30 a.m. to 3:30 p.m. for classes, and 8:30 a.m. to 6:00 p.m. for day care.

April 27, 1971

STONEHENGE MONTESSORI SCHOOL - Ctd.

5. The operation shall be subject to compliance with the inspection report, the requirements of the County Health Department, the State Department of Welfare and Institutions and the obtaining of a certificate of occupancy.

6. Maximum number of students shall be 130.

7. There shall be provided 11 parking spaces on the site with adequate ingress and egress satisfactory to the Land Planning Branch.

Seconded, Mr. Baker. Carried unanimously.

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VIENNA DAY CARE CENTER - Request to increase enrollment to 45 children.

Mr. Barnes stated that the Center has excellent facilities. It is next door to him, and there have been no problems. He would move that the request to increase the enrollment from 40 to 45 children be approved. Seconded, Mr. Baker. Carried unanimously.

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TYSONS BRIAR SWIM CLUB - Mrs. Charles Cook requested permission to install a small tennis shelter and a sundeck.

The Board discussed this and the consensus was that this would require a new application and a new public hearing.

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Request of Bruce Harding, Jane and Jacquelyn Harding to reduce the required number of parking spaces in connection with school at 3335 Annandale Road.

Mr. Knowlton reminded the Board that they required 10 parking spaces plus six parking spaces for the school buses the school was expected to use. Circumstances have made it necessary that the buses be disposed of and consequently they are asking that the six spaces be taken out.

Mr. Long moved that the application of Bruce Harding, Jane and Jacquelyn Harding be amended as follows:

1. That the required 16 spaces be reduced to 12 as noted on the sketch by the Land Planning Branch.

2. There is not to be any busing of students. All transportation is to be provided by the parents. Seconded, Mr. Barnes. Carried unanimously.

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SOUTHLAND CORPORATION - Mr. William Price told the Board that on March 26 the Board granted a variance on site plan #55 for a structure 60' x 40' in size. One of the main reasons for the rear yard variance was to permit additional space up front for automobile maneuverability. They now find that by changing the building from 60' x 40' to 80' x 30' they will gain an additional 10 ft. which will give all concerned an even better margin of safety up front. The revised site plan is identical in every way except the building is made 10 ft. shallower and 20 ft. wider in the unused area which in no way changes the site nor the reason or need for the variance granted.

Mr. Kelley moved that the request be approved - that the total square footage of the building remain the same, but that the build be 60' x 80' in size. Seconded, Mr. Barnes. Carried 3-2, Mr. Long and Mr. Smith voting against the motion.

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PLEASURELAND TRAVEL CENTER, INC. - Request for out of turn hearing - located 8131 Richmond Highway.

The Board agreed to place this on the agenda at the earliest possible time - May 18, if it can be properly advertised.

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The Board again discussed the request of a doctor who treats eye disorders of pets, to locate in a residential area as a home professional office.

Mr. Long moved that the request for interpretation be deferred for the following items: (a) interpretation from the Zoning Administrator; (b) request the Zoning Administrator and Land Planning Branch to make their comments on this and place it on the regular agenda; and (c) that the County Attorney's office be requested to be present at the regularly scheduled discussion. Seconded, Mr. Barnes. Carried unanimously.

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April 27, 1971

After agenda items - Ctd.

JOHN L. HANSON (McDonald's) - located on Gallows Road.

Mr. Smith read a letter from Walter L. Phillips, engineer, regarding changing the size of the building.

Mr. Smith expressed concern about the enclosed trash area shown on the plat. There was objection from the adjacent property owner at the original hearing ragarding burning on the site and the Board ruled that there was to be no burning on the property, that all trash was to be picked up.

In the request for revised site plan building measurements, Mr. Long moved that a new application would be required. This request should be referred back to the applicant for a formal application with new plats submitted. The Board will hold a hearing on the request in a formal application as soon as the applicant furnishes the proper information. Seconded, Mr. Baker. Carried unanimously.

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CLAUDE JENKINS - Mr. Jenkins received a variance from the Board on one lot in Hillcrest Acres. He thought the variance pertained to both Lots 1 and 2.

Why can't the motion be changed to include both lots 1 and 2, Mr. Barnes suggested.

The Board deferred action on this matter until a reading of the minutes granting the original request. Further thought should be given to the best way to accomplish this so that the owner of the property can make reasonable use of the land area.

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Mr. Knowlton recalled that at the April 20 meeting, the Board discussed recreation areas in connection with developments and the matter was deferred for further thought. He presented a proposed resolution which he said he felt would be helpful to Mr. Chilton's office.

The Board adopted the following resolution: (Motion by Mr. Long and Mr. Barnes.)

WHEREAS, play and recreation facilities are desirable within a community, and

WHEREAS, certain zoning districts set forth a requirement for developed recreation area, and,

WHEREAS, many development plans submitted to the Planning Commission and Board of Supervisors now indicate these facilities, and

WHEREAS, a need has arisen in which a distinction needs to be made as to when a Special Use Permit is required,

NOW THEREFORE BE IT RESOLVED, that the Board of Zoning Appeals shall require a Special Use Permit only where:

1. A swimming pool, marina, or other facility specifically listed in Article VII of the Zoning Ordinance is to be erected;

2. the facilities are operated for a profit;

3. the facilities abut the boundary of the development;

4. the membership does not include all residents of the development; and

5. the membership is offered to residents outside the development.

Carried unanimously.

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The meeting adjourned at 4:50 p.m.

By Betty Haines, Clerk

Daniel Smith

Daniel Smith, Chairman Date

June 8, 1971

The regular meeting of the Board of Zoning Appeals was held on Tuesday, May 11, 1971, in the Board Room of the County Administration Building at 10:00 a.m. All members were present: Mr. Daniel Smith, Chairman; Mr. Richard Long, Mr. George Barnes, Mr. Loy Kelley and Mr. Joseph Baker.

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

VIRGINIA ELECTRIC & POWER CO., application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection, operation, and maintenance of transmission lines and towers, located adjacent to existing transmission line from Ox substation south to Prince William County line, Springfield District, (RE-1), 105 ((1)) 1, 2, S-49-71

Mr. Randolph W. Church, Jr. represented the applicant, and pointed out the location of existing lines in the County. He introduced Mr. R. W. Carroll, District Manager of the Potomac District of VEPCO.

Mr. Carroll stated that the northern Virginia area has grown rapidly in its demands for electricity in recent years. During the summer of 1970 the peak electric load for this area was approximately 1,250,000 kilowatts, more than double the 1964 peak load. The Company estimates that this peak load will more than double again by 1975 and that by 1980 will reach a demand in excess of 5,000,000 kilowatts. Ox Substation has been developed in an orderly manner with the first step as a major 230 KV switching station. The second step was the extension of a 500 KV line from Loudoun Substation. Continued load growth in the Northern Virginia area makes it necessary to further reinforce the supply to this substation to assure continuity of service.

Ox Substation is a vital element in serving this growing load in the Fairfax area, Mr. Carroll stated. Load growth is in the order of 14% per year compounded. Major 230 KV Substations in Fairfax County affected by service continuity at Ox are Braddock Substation, Keene Mill Substation, Hayfield Substation, Van Dorn Substation, Gum Spring Substation and Bull Run Substation in 1971. It is imperative that an alternate source of supply be provided in the event of the loss of the Loudoun to Ox 500 KV line. To guard against such a loss, they propose to construct an additional 500 KV line to connect Ox Substation with the Elmont-Loudoun 500 KV circuit near Bristersburg, in Fauquier County. This will form a loop into Ox Substation so that it can be served from either t he northern or southern leg of the 500 KV network. They anticipate that the line will also tie to the new North Anna generating facility in 1974.

The right of way to be used is now occupied by a steel tower line and two wood pole "H" frame lines, Mr. Carroll continued. This right of way is now 285 ft. wide and will be widened to 300 ft. One of the wood pole lines is being removed to provide space for the new 500 KV line. The portion of line in Fairfax County is 1.5 mile long and will consist of steel towers averaging 120 ft. in height. The average distance between towers will be 1200 ft. The line will be similar in appearance to the existing Loudoun-Ox line. With one exception the new towers will be placed abreast of the existing towers.

Through the utilization of existing right of way the line will have minimal effect upon property owners in the area, Mr. Carroll concluded. When the proposed line is completed the power supply to Fairfax County and northern Virginia will have increased reliability and will have additional capacity for anticipated growth. All construction will meet or exceed the requirements of the National Electrical Safety Code and existing Fairfax County ordinances. No new traffic which might be hazardous or inconvenient to the neighborhood will be created and there will be no adverse effect on normal radio and television reception.

Mr. Church stated that in 1947 225 feet of right of way was acquired. An additional 60 feet was acquired in 1960.

Mr. McK. Downs, real estate broker and appraiser, described the area and the results of a study which he had made, concluding that the proposed project would be in harmony with the purposes of the comprehensive plan of land use as embodied in the existing County ordinance.

Mr. Carroll stated that he was not aware of any opposition to this request. Mr. Ober, nearby resident, had asked VEPCO to put more gravel on the roadway, which VEPCO agreed to do.

Mr. Ober stated that he was not in opposition, but wanted to ask one question -- is VEPCO going to seed the right of way after installation of the towers?

Mr. Carroll said they have an arrangement with the property owner whereby they contribute toward the seeding of the property. If there is any erosion problem, he would commit VEPCO to seeding.

Mr. Smith read the Planning Commission recommendation for approval.

VIRGINIA ELECTRIC & POWER CO. - Ctd.

In application S-49-71, application by Virginia Electric & Power Company, application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection, operation and maintenance of transmission lines and towers, located adjacent to existing transmission line from Ox substation south to Prince William County line, also known as tax map 105 ((1)) 20, 28; 106 ((1)) 1, 2, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 11th day of May, 1971 and

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

1. Owner of the subject property is the applicant.
2. Present zoning is RE-1.
3. Length of the line is approximately 7200 ft.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. The Planning Commission on April 29, 1971 approved the subject application.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

Seconded, Mr. Baker. Carried unanimously.

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MOUNT VERNON LEE DAY CARE CENTER, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit community day care center, approx. 50 children, 7 a.m. to 6 p.m. 6120 N. Kings Hwy. (Calvary Presbyterian Church), Lee District, (R-10), 83-3 ((4)) 1, 2, 3, S-64-71

Mrs. Mary Ellen Page, 6113 Houston Court, Alexandria, presented a copy of an agreement with the Trustees of the Church, and a signed agreement from the owners of the shopping center property across the street regarding parking.

This is a church sponsored school with a separate organization operating it, Mrs. Page said. They have an agreement running for one year. This center would provide day care for approximately 40 to 50 children in low income families and will provide an educational program with qualified personnel with emphasis on child development with a health program and hot lunch. The center is included in the County day care budget for the coming fiscal year and would serve children living in the area from the RF&P RR to Potomac River and from Alexandria to Fort Belvoir. The school would hope to purchase buses or parents would bring the children. They hope to commence operation in September. The agreement has an option to renew it for an additional year.

Mrs. Bateman, County Day Care Coordinator, spoke in favor of the application.

No opposition.

Mr. Smith read a letter from Supervisor Alexander urging that funds be included in the budget for day care centers. The Health Department commented that "enrollment should be limited to 38 children per session unless additionally fenced play area is provided".

Mr. Smith pointed out that under this the maximum number children on the premises at any one time would be thirty-eight.

May 11, 1971

MOUNT VERNON LEE DAY CARE CENTER, INC. - Ctd.

In application S-64-71, application by Mt. Vernon-Lee Day Care Center, Inc. under Section 30-7.2.6.1.3 of the Ordinance, to permit day care center, approximately 50 children, 7 a.m. to 6:00 p.m., located 6120 North Kings Hwy., also known as tax map 83-3 ((4)) 1, 2, 3, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 11th day of May 1971, and

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

1. Owner of the property is Trustees, Calvary Presbyterian Church.
2. Present zoning is R-10.
3. Area of the lot is 27,280 sq. ft. of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is n ot transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. This permit is granted for a one year period with the Zoning Administrator being empowered to extend the permit for three one year periods.

5. Ages of the children will be from 2 through 8.

6. A recreational area shall be enclosed with a chain link fence in conformance with State and County Codes.

7. All buses used for the transporting of students shall comply with the Fairfax County School Board color and lighting requirements.

Mr. Smith asked for a copy of the certificate from the State Corporation Commission.

Seconded, Mr. Baker. Carried unanimously.

//

G. LANCE & ELIZABETH JOYCE GILBERT, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of Montessori School, 3035 Cedar Lane (Bruen Chapel United Methodist Church), 49-3 ((1)) 25A, (RE-1), S-65-71

Mr. Gilbert stated that he and his wife are applying for a Special Use Permit for operation of a Montessori School in the Bruen Chapel United Methodist Church. They will be able to meet all the conditions set forth by the Inspections Division in their report. His wife intends to graduatefrom the Montessori Internale in Washington, D. C. and will be a qualified teacher and directress of the school. They have full support of the church. Enrollment would be 52 children. The school would open in September and the hours of operation would be 8:30 to 4:30. At the present time they intend to have a class from 8:30 to 12:30 with the possibility of a second class later on. The play area is located in the rear of the church, about 100 yards from the road. They do not feel it would be necessary to fence it as it is so far back and the children would always be supervised the little time they would be outside.

G. LANCE & ELIZABETH JOYCE GILBERT - Ctd.

Mr. Gilbert said he knew of other Montessori schools that did not have fenced play areas.

The Board has no authority to waive the fencing requirements, Mr. Smith stated, that would have to come before the Health Department.

No opposition.

In application S-65-71, application by G. Lance and Elizabeth Joyce Gilbert, under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of Montessori School, 3035 Cedar Lane, also known as tax map 49-3 ((1)) 25A, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 11th day of May, 1971 and

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

1. Owner of the subject property is Bruen Chapel United Methodist Church.
2. Present zoning is RE-1.
3. Area of the lot is 2.654 acres.
4. Compliance with Article XI (Site Plan Ordinance) is required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. 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 use permit to be re-evaluated by this Board.

4. Ages of the children will be from 2 1/2 to 6 years.

5. Hours of operation will be from 8:30 a.m. to 4:30 p.m.

6. Maximum number of children will be 52.

7. A recreational area shall be enclosed with a chain link fence in conformance with State and County codes.

8. This permit is granted for a one year period with the Zoning Administrator being empowered to extend the permit for three one year periods.

9. Transportation for all children will be provided by the parents.

Seconded, Mr. Barnes. Carried unanimously.

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STEPHEN W. POURNARAS, application under Section 30-6.6 of the Ordinance, to permit building to be constructed closer to side and front property line than allowed, 6870 Elm St., Dranesville District, (COL), 30-2 ((10)) (6) pt. 1; (11) pt. 6, V-67-71

Mr. Pournaras stated that he and his wife purchased this property in 1965 and at the time it was rezoned COL. In the middle of last year, they decided they would like to have an office building on the property. Under the zoning of COL permitted by the Code they would be authorized to put the building 50 ft. from Elm Street and 25 ft. from all other property lines. The master plan for McLean programs the property between this particular piece and Dolley Madison for COL. The Board recently granted a variance to allow the Maichak and Gault building to be closer to the street than allowed by the Ordinance.

STEPHEN W. POURNARAS - Ctd.

Mr. Pouraras stated that he had approached Mr. Sawmelle, Chairman of the McLean Planning Committee, and Mr. Sawmelle suggested that he meet with a sub-committee -- the land use and development sub-committee. He met with them on February 19, 1971 and they looked with favor upon the plan. On March 10 he met with the McLean Planning Committee and they approved Plan #1 for two waivers -- the 20 ft. setback from Elm Street and the building along the property line. On March 24 he submitted the request to the Board of Zoning Appeals for this hearing. On April 22 he called Mr. Sawmelle requesting his support and he said that they were going to reopen the hearing. On May 5 he met with the McLean Planning Committee and they passed a resolution addressed to Mr. Dan Smith, Chairman of the Board, as follows:

> "At a meeting of the McLean Planning Committee held Tuesday, May 4, 1971, with Mr. Sawmelle presiding as Chairman, the following resolution was adopted:
>
> 'Resolved, the McLean Planning Committee looks favorably on the request of Mr. Stephen W. Pournaras for the 20' setback from Elm Street and a waiver of setback from the west side of the property to allow construction on the property line. The Committee and the adjacent property owner have no objections since the adjoining property is planned for COL zoning. Compatible fenestration is to be achieved on the west side of the building and adequate screening of utility towers on the roof is to be provided'."

Mr. Smith said he did not feel that the way to accomplish what the Board of Supervisors intended in the plan was through variances -- he felt the Ordinance should be amended to allow these buildings to be placed closer to the road, if that was the intent. He asked Mr. Pournaras if the building could be placed at the 50 ft. setback.

Mr. Chandler, architect, said that it could be moved back but it would not allow for planting in front of the building. If all of the land is developed as shown in the plan, this would be the only building setting back 50 ft. with parking in front of it.

Mr. Pournaras said he had been contacted by Mrs. Bradley wanting to have this deferred for two weeks.

Mr. Chandler said that he was distressed to see that Mr. Smith would differ with the plan for the area which everyone had worked so hard to achieve.

If this is a general situation in the area, this Board has no authority to grant a variance, Mr. Smith contended. The Zoning Ordinance should be changed.

Opposition: Mr. John Aylor represented Mrs. Louise Smith, adjacent property owner. Mrs. Smith is not opposed to a variance, he said, but would request that the building be moved from the west side line to the east side line. If the building is put on the west side it would shift the proposed location of Fleetwood Drive to the east. This would involve running through a new medical building, an Esso station and another building.

Mr. Aylor stated that he had discussed this with the Transportation section of Planning and was told that a study of the road network is underway. It would still be proposed to have Fleetwood Drive and Mrs. Smith would prefer that the road not be built but if it has to be built, it should go to the east and provide a gradual curve. Putting this on the east would mean that Mawyer Place could be vacated. Mrs. Smith is contemplating high rise apartments with some contract purchasers, Mr. Aylor said.

Mr. Vernon Sanders represented his mother and father living at 6867 Elm Street -- they have no objections to a variance, he said, but would concur with the statements made by Mr. Aylor.

Mr. Barnes pointed out that there is a road proposed right through the middle of the Pournaras property.

These roads were put in by freehand pencil, Mr. Pournaris said. When the hearing was held by the Planning Commission, he pointed out to them that Mawyer Place was in existence and Fleetwood was planned to come into this. No study was made as to where the roads would be located.

Mr. Smith read a letter from Equitable Construction Company, signed by Thomas H. Maichak objecting to a side line variance. (Letter in file.)

Mr. Long moved that this application be deferred for thirty days to allow the applicant to furnish the Board the following information:
(a) a plat showing the proposed 44 ft. road section for Elm Street; (b) required parking; (c) landscaping and pedestrian walkways in conformance with the McLean master plan. Seconded, Mr. Barnes. Carried 4-0, Mr. Baker out of the room.

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ENGLESIDE BAPTIST CHURCH, application under Section 30-6.6 of the Ordinance, to extend present sanctuary east wall to 33.2 ft. from front property line, 8428 Highland Lane, Lee District, (R-17), 101-3 ((4)) 34, 35, 36, V-68-71

Mr. Paul Asbury stated that they wished to extend the present sanctuary closer to the street than allowed by the Ordinance. This is the only logical way to extend the sanctuary

May 11, 1971

ENGLESIDE BAPTIST CHURCH - Ctd.

This is to provide additional seating capacity in the sanctuary itself, Mr. Asbury said. There is a new entranceway coming out of the parking lot and the front entrance will be completely sealed.

Do you plan to construct curb and gutter along the roads, Mr. Long asked?

No, they got a waiver when they originally built the building, Mr. Asbury replied.

The addition will come under site plan control, Mr. Long pointed out, and the Planning Engineer could require construction of curb and gutter.

No opposition.

In application V-68-71, application under Section 30-6.6 of the Ordinance, by Engleside Baptist Church, property located at 8428 Highland Lane, also known as tax map 101-3 ((4)) 34, 35, 36, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 11th day of May, 1971 and

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

1. Owner of the subject property is the applicant.
2. Present zoning is R-17.
3. Area of the lot is 65,312 sq. ft.
4. Site plan will be required for the addition.
5. Compliance with Article XI (Site Plan Ordinance) is required.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved: (a) unusual condition of the location of existing buildings;

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted, with the following limitations:

1. This approval is granted for the location and the specific structure indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to the date of expiration.

Seconded, Mr. Baker.

Mr. Long said he hoped the Planning Engineer would take a close look at the parking area. He did not think the Planning Engineer should allow people to pull out of the parking lot into the street.

Carried unanimously.

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WOODBRIDGE CAMPERLAND, INC. BY WILLIAM F. CARTER, SR., application under Section 30-7.2.10.5.4 of the Ordinance, to permit sale and service of travel trailers, 10214 Richmond Hwy., Lee District, (C-G), 113 ((1)) 58, S-69-71

Mr. Gant Redmond, attorney, represented the applicant. The property in the past has been used as a used car lot. The property has now changed hands and the Colchester Corporation has leased it to these applicants for sale of camper trailers and the principles would be Mr. and Mrs. Carter. There would be no self-propelled camping vehicles involved in this operation. The site is zoned C-G and is shown in the Lower Potomac Plan for industrial use. Mr. Redmond said he has been familiar with this property for ten years and the Carters have been trying to clean it up since they leased it. They have a lease for one year and a five year option.

No opposition.

Mr. Smith read a letter from Mr. William Barry describing the willingness and cooperativeness of the applicants.

May 11, 1971

WOODBRIDGE CAMPERLAND, INC. BY WILLIAM F. CARTER, SR. - Ctd.

Mr. Long suggested viewing the site before taking any final action. Perhaps the Board could view it next Tuesday. He moved that the application be deferred for decision only to allow the members to view the site individually. Seconded, Mr. Barnes.

Mr. Redmond pointed out that there is a building on the property that is in the process of being demolished.

Carried unanimously. (The Board agreed that the applicants could remain in business while awaiting the Board's decision.)

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MRS. CALVIN M. DICKENS, app. under Section 30-6.6 of the Ordinance, to permit extension of existing carport to within 4.6 ft. of side property line, 7616 Boulder St., Springfield District, (R-12.5), 80-1 ((65)) 15, V-70-71

Letter from the applicant's attorney, Mr. Robert Lawrence, asked that the application be deferred due to the fact that there was an oversight on sending out the required notices.

Mr. Baker moved to defer to June 8. Seconded, Mr. Kelley. Carried unanimously.

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W. DONALD DUCKWORTH, app. under Sec. 30-6.6 of the Ordinance, to permit structure to remain 28.8 ft. from front property line, 3712 Maryland St., Mt. Vernon District, (R-17), 101-4 ((21)) 21, V-71-71

Mr. Duckworth stated that when the developer built the home he apparently built the corner of the house which contains the enclosed garage 28.8 ft. from the front property line. He moved into the house in February of 1970 and in December 1970 he received a notice of violation from the Zoning Inspector. He requested an occupancy permit at settlement and was told that everything was in order and he would receive one soon.

The developer from whom he purchased the home ran into financial trouble and transferred his interests to someone else and managed to slip out of his obligations so there would be no recourse. The house was built by SCM Corporation, Mr. Duckworth continued, and they completed thirteen homes before they went into financial difficulties.

No opposition.

Mr. Woodson checked the records and found that the builder was not licensed or bonded in the County or the State.

In application V-71-71, application by W. Donald Duckworth, application under Section 30-6.6 of the Ordinance, to permit structure to remain 28.8 ft. from property line, property located at 3712 Maryland Street, also known as tax map 101-4 ((21)) 21, County of Fairfax, Virginia, 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 11th day of May, 1971 and

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

1. Owner of the subject property is the applicant.
2. Present zoning is R-17.
3. Area of the lot is 10,500 sq. ft.
4. The dwelling was constructed in 1969.
5. Required front yard setback is 30 ft.

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

1. That the Board has found that noncompliance was the result of an error in the location of the building and

2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in t he immediate vicinity.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted.

Seconded, Mr. Barnes. Carried unanimously.

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May 11, 1971

MAXINE FAIRCLOTH, application under Section 30-6.6 of the Ordinance, to permit 5 ft. chain link fence to remain around house and yard, located 5028 Stringfellow Road, also known as tax map 55-1 ((1))19, County of Fairfax, Virginia, V-45-71 (deferred from 4/27)

EUNICE E. RILEY THORPE, app. under Section 30-6.6 of the Ordinance, to permit 6 ft. fence to remain around house and immediate yard, 4842 Stringfellow Rd., Centreville District, (RE-1), 55-1 ((1)) 5, V-46-71 (deferred from 4/27)

RALPH L. TEMPLETON, application under Section 30-6.6 of the Ordinance, to permit 5 ft. chain link fence to remain around house and yard, located 55-1 ((1)) 20, Centreville District, V-51-71 (deferred from 4/27)

Mr. George Allison, Jr. 8532 Spring Street, Alexandria, Virginia, representing Americana Fence Company, stated that he installed the fences on the Thorpe and Faircloth properties. He did not know that Fairfax County had a height limitation on fences. He has been installing fences in the County since 1955 and has never seen a copy of the Zoning Ordinance before.

Mr. Smith pointed out that Mr. Allison was putting his license in jeopardy by violating the Zoning Ordinance. The height limitation in a front yard in Fairfax County is 4 feet.

Mr. Allison stated that there should be something in the Home Improvement Code covering restrictions, etc. A permit is not required to put up a fence.

Mr. Kelley asked why Mr. Allison did not attend the meeting of April 27 in regard to these violations. Mr. Allison replied that it was an oversight and he did call Mr. Pannill's office.

In application V-45-71, application by Maxine Faircloth, under Section 30-6.6 of the Ordinance, to permit 5 ft. chain link fence to remain around house and yard, property located at 5028 Stringfellow Road, also known as tax map 55-1 ((1)) 19, County of Fairfax, Virginia, 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of April, 1971 and

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

1. Owner of the property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 8.2490 acres of land.
4. The fence has been erected and is five feet high.
5. The dwelling is in a sparsely developed area of the County.

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

The granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity; and that non-compliance was the result of an error in the location of the fence.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted.

Seconded, Mr. Barnes. Carried unanimously.

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Mr. Kelley said he wondered whether this would result in others wanting to do the same thing.

The only reason he supports this application, Mr. Smith said, was because of the circumstances surrounding the installation of the fence. In all fairness, the County should not take action against the property owners, but against the people installing the fence, he said. The fact that there are three cases involved bothers him, he said, but this is a rather remote area of the County. Perhaps the County should require a building permit to erect a fence and then this sort of thing would not be as likely to happen.

The Zoning Administrator should rule that a fence is a structure, Mr. Long suggested, and then a building permit would be necessary.

Mr. Woodson agreed to discuss this with the Building Inspections Department.

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May 11, 1971

In application V-46-71, application by Eunice E. Riley Thorpe, under Section 30-6.6 of the Ordinance, to permit 6 ft. chain link fence to remain around house and yard, property located at 4842 Stringfellow Road, also known as tax map 55-1 ((1)) 5, County of Fairfax, Virginia, 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals on the 13th day of April, 1971 and

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

1. Owner of the subject property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 2.49 ac. of land.
4. The fence has been erected and is six feet high.
5. The dwelling is in a sparsely developed area.

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

1. The Board has found that non compliance was the result of an error in the location of the fence, and

2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted.

Seconded, Mr. Barnes. Carried unanimously.

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In application V-51-71, application by Ralph L. Templeton, application under Section 30-6.6 of the Ordinance, to permit 5 ft. chain link fence to remain around house and yard, property located at 5032 Stringfellow Road, also known as tax map 55-1 ((1)) 20, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of April, 1971 and

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

1. Owner of the subject property is the applicant.
2. Present zoning is RE-1.
3. Area of the lot is 3.288 acres of land.
4. The fence has been erected and is 5 feet high.
5. The dwelling is in a sparsely developed area of the county.

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

1. The Board has found that non-compliance was the result of an error in the location of the fence, and that the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted.

Seconded, Mr. Barnes. Carried unanimously.

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Mr. Darrell Winslow of the Northern Virginia Regional Park Authority invited the Board to visit the skeet and trap shooting range at Bull Run Park on May 18 at 1:30 p.m. for a demonstration of the noise connected with this application.

The Board agreed to meet on the site at 1:30 on May 18 and in the meantime, Mr. Smith asked that the Park Authority contact some of the people in the area to see if they are satisfied with the procedures that are used in this test.

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May 11, 1971

WILLIAM E. WEST - Request for out of turn hearing on a variance application.

The Board agreed to hear this on June 8.

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JOSEPH A. W. SHOCKEY - Request for out of turn hearing in connection with commercial swimming pool at Falls Church Motel - they want to open for the season on Memorial Day. The Board agreed to hear this on May 25.

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ACCOTINK ACADEMY - Mrs. Warren McConnellrequested out of turn hearings on two applications for special use permit. The Board agreed to hear the one on Tuttle Road on May 25 and the one at 8989 Lewinsville Road on June 1.

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CENTREVILLE HOSPITAL - Request for extension. The Board granted an extension of 180 days. No further extensions may be allowed in accordance with the Board of Zoning Appeals by-laws.

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CLAUDE JENKINS - The Board recalled that Mr. Jenkins had requested that the motion granting the variance application on one of his lots be amended to include both lots.

The Board reviewed the minutes of the public hearing and agreed that this should be given further consideration. Mr. Jenkins should appear before the Board whenever the Agenda will accommodate to explain this and answer questions.

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HOWARD F. YOUNG - Mr. Knowlton explained that the Planning Engineer's office had received a different plat than what was approved by the Board of Zoning Appeals in connection with the variance that was granted. Is this acceptable to the Board, he asked?

Recordation has taken place on this plat, Mr. Long said, and the Board cannot change this without a formal application.

Mr. Long moved that a new application would be required in order for the Board to approve this request. Seconded, Mr. Baker.

Carried unanimously.

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Meeting adjourned at 4:00 p.m.
By Betty Haines, Clerk

Daniel Smith, Chairman

Date
June 8, 1971

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, May 18, 1971 in the Board of Supervisors Room of the County Administration Building, with all members being present: Mr. Daniel Smith, Chairman; Mr. George Barnes, Mr. Richard Long, Mr. Joseph Baker, and Mr. Loy Kelley.

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

Mr. Smith announced that he had asked the Land Use Department and the Zoning Administrator to reschedule all of the cases that were originally scheduled for May 18 to June 1 in the same order as scheduled for today. This came about because of the very unusual situation of having to vacate the Board Room today to make it available for a very important meeting of the Metropolitan Council of Governments for a live broadcast. The Board does have other business to take care of today.

Mr. Woodson announced that the Board was supposed to meet with citizens of the area and the Park Authority at the Bull Run skeet and trap shooting range at 1:30 today.

Mr. Smith stated that the Board was happy to have Mr. Yaremchuk present at the meeting today. The Board will tour property on Route 1 in connection with a trailer application this morning, and will meet at Bull Run Park at 1:30 in the afternoon, after lunch.

The Board recessed the hearing at 10:10 a.m.
Betty Haines, Clerk

Daniel Smith

Daniel Smith, Chairman

Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, May 25, 1971, at 10:00 a.m. in the Board of Supervisors Room of the County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes, Mr. Richard Long, Mr. Joseph P. Baker, and Mr. Loy Kelley.

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

STARLIT FAIRWAYS, INC., application under Section 30-7.2.7 of the Ordinance, to permit athletic center including three enclosed tennis courts, expansion of existing facilities by enclosing outdoor pool and including various auxiliary facilities and expansion of golf course to include practice driving, 9401 Little River Turnpike, (RE-1 and RM-2), 58-3, 58-4 ((1)) 2, 38B, S-80-71

The Chairman read a letter from Thomas O. Lawson, attorney for the applicant, requesting deferral.

Mr. Baker moved that the application be deferred to June 22. Seconded, Mr. Kelley. Carried 4-0, Mr. Long abstaining.

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Mr. Smith welcomed the Board's new Clerk, Jane C. Kelsey, who will replace the Board's present Clerk when she leaves very shortly.

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Mr. Smith stated that he had received a letter from Mr. N. Brent Higginbotham, attorney, requesting the County to assist in paying part of the expenses of the appeal in the pending "paid parking facility" case. His clients desire to appeal Judge Jennings' decision to the Supreme Court of Appeals and the Board might wish to appeal also due to its profound implications in Fairfax County. The suit was against the Board of Zoning Appeals, Mr. Smith recalled, and Mr. Higginbotham represented the Board. The fees were paid by a group of citizens who were also his clients. Apparently, the citizens are no longer able to pay the entire cost and the question now comes as to whether or not the decision should be appealed. That is a decision this Board will have to make, Mr. Smith said. Also if the Board desires to request the Board of Supervisors for funds to help pay the appeal, the citizens are still willing to contribute a considerable amount of money. In discussing this with Mr. Higginbotham, Mr. Smith continued, he indicated that the sum expended so far was approximately $2500.

Mr. Long moved that the Zoning Administrator prepare a letter for the Chairman's signature requesting the Board of Supervisors to join in the cost of appealing the decision by Judge Jennings in the pending "paid parking facility" case. Seconded, Mr. Baker.

Carried 4-0, Mr. Kelley abstaining because that happened before he came on the Board.

Mr. Smith stated that he would also request an audience with the Board of Supervisors if necessary, to go into this in detail.

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LANGLEY SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to allow house and lot adjacent to existing school to be used for school purposes including administration, 1417 Balls Hill Road, Dranesville District, (R-12.5), 30-1 ((1)) 43, S-83-71

LANGLEY SCHOOL, application under Section 30-6.6 of the Ordinance, to permit building to remain closer to street property line than allowed, 1417 Balls Hill Road, Dranesville District, (R-12.5), 30-1 ((1)) 43, V-84-71

Mr. Paul Kelly represented the applicant. He did not have a copy of the Certificate of Incorporation from the State Corporation Commission as he said he did not see that specified in the instruction sheet. The school is in good standing, and he would submit a copy for the record later on.

Mr. Kelly stated that they recently purchased the property which is approximately one acre in size and contains a frame house. It is their intention to use the house as the administrative offices for the school. They have had inspections and have received a list of modifications required on the property. There has been a tenant in the house up until now. They have had contractors look at the house to get estimates on the cost of making the required modifications and anticipate that they will be completed by the first of August. It is their intention to use the rear entrance of the house which faces the school, as the business entrance. The front will be used only as an emergency exit. All activity in the house will be directed toward the school immediately behind it. Three or four years ago they devoted a large portion of the front yard of the school to parking area accommodating approximately forty cars. In using this house for administrative facilities, there will not be additional requirements for parking.

May 25, 1971

LANGLEY SCHOOL -Ctd.

The existing facility bounds this property on two sides, Mr. Kelly continued. There is slightly less than five acres in the original tract plus one acre in the new tract.

Mr. Smith felt that the Board should have a copy of the plat of the entire tract so that the Board could amend the original use to include this. When was this property purchased, he asked?

They settled on this property in the fall of 1970, Mr. Kelly replied. There will only be three or four people at the most occupying this building.

Mr. Smith asked Mr. Woodson to get the original folder for Langley School. How many students are enrolled, he asked?

Approximately 300, Mr. Kelly replied, pre-kindergarten through seventh grade, ages three through thirteen. The three new buildings are brick buildings; the oldest one is brick and frame.

Mr. Smith stated that the original Certificate of Incorporation which was just handed to him by Mr. Woodson was signed by Judge Paul E. Brown in November 1945. Does the school provide transportation, he asked?

The students come in buses and car pools, Mr. Kelly replied. The school has five buses. At the last Board of Directors meeting arrangements were made to have the buses painted during the summer. They are the Econovan type buses.

No opposition.

Mr. Smith noted that the original application for Use Permit was filed December 6, 1947 and the other applications were dated 10/26/54; 5/24/64; 5/10/66; and November 1966. It seems that the Board should have an overall plat showing the entire complex, he said, to put into the last folder.

Mr. Long moved that applications S-83-71 and V-84-71 be deferred to June 22 for the applicant to furnish the following information: (a) Certificate of Incorporation from State Corporation Commission; (b) an overall development plan for the entire site; (c) complete details of existing and proposed school operation; (d) photographs of present school operation and proposed administrative building.

Seconded, Mr. Barnes. Carried unanimously.

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ROTONISU INVESTMENT CORPORATION, application under Section 30-7.2.10.3.1 of the Ordinance, to permit service station, N. W. corner of intersection of Centreville Road and Parcher Avenue, (C-D), 16-1 ((1)) pt. 6, S-85-71

Mr. Grayson Hanes, attorney, represented the applicant. The applicant owns the entire C-D property next to the RT-10 property owned by Reflection Lake Town Houses, Inc., he said. He introduced Mr. Doug Fahl to give engineering data and traffic study information. Mr. Ralph Rocks is the principal stockholder of the Rotonisu Corporation, Mr. Hanes stated. At the present time there is no contract in existence between the applicant and any major oil company as they are talking to several at the present time. Rotonisu owns a number of service station sites -- Esso, Gulf, and all the major chains -- and hopefully, they will get one as soon as this application is approved. They wanted to wait so they could tell the company of any stipulations which might be placed on the Use Permit. This is contained within the C-D category of 9.4 acres. The property was rezoned in 1967, for a total of 203 acres, with various types of zoning. The property to the immediate south is a CDM parcel and there is a restrictive covenant which was recorded immediately after the zoning hearing. That site will be in the near future a major motel site and that contains 8.9 acres. Presently under development are the townhouse units in the RT-10 category, developed under RTC-10. The tract adjoins the town of Herndon to the north and there are several developments there. Immediately to the north there are 166 acres approved by the Town of Herndon in February 1971 for development under Article 26 category (4.6 units per acre). The National Homes tract is ready to go as soon as sewer arrangements can be worked out. Mr. Hanes stated that he was representing them on the sewer agreement and these people have put up $400,000 to bring in sewer to the area and the water that is going to be brought from Floris will assure that this property will have all the necessary utilities.

The National Homes tract has been zoned for 690 units, Mr. Hanes continued. On that tract, they noted that there is a road that will be cut through, to be known as Crestview Drive, between this and the airport access road for an entrance into the airport road at this point. This will be the fast access to Washington D. C. and also to the uses that they hope will develop in the industrial area around Dulles Airport. There is another project with site plan pending in the Town of Herndon filed by Herndon Associates Limited Partnership, for 180 units of subsidized garden apartments under F.H. A. There is an application pending to the south for rezoning for townhouses, that will contain 540 units if granted.

May 25, 1971

ROTONISU INVESTMENT CORPORATION - Ctd.

The architecture for the proposed station is up in the air, Mr. Hanes continued. Development that is going in behind the townhouses is a little on the modern side and the architecture of the service station would be in accordance with that. They will do whatever the Board might require with regard to the architecture. This will be a brick station, and dedication will be made along Parcher Avenue and Centreville Road. There will be three bays, rear entrance to the bays, and two pump islands as shown on plats submitted.

Mr. Long stated that he noted the rendering shown by Mr. Fahl was different from the plat.

Mr. Fahl stated that he had made some adjustments with respect to circulation and access reflecting better design, and what the County would require in this situation. The pump island canopies are generally the size and shape of the deck itself, approximately 28' x 45' each. The building would be of brick construction.

No opposition.

Mr. Smith asked when the remainder of the C-D zoned land would be developed.

Within this year, Mr. Hanes replied, they are waiting fot the sewer. They can go with the sewer across the road right now. Sewer is in two directions. They could go tomorrow on the subject site. The station would be constructed starting this year. This site would be an adjunct to the motel directly across the road on the same side from it. They are negotiating now with a major motel chain at the present time. There is no firm construction date on the motel site.

Mr. Long stated that he was satisfied that the applicant has presented all the information he can stipulate to at the present time. He would have no objection to a motion granting t he application with the stipulation that the architecture of the entire site be submitted to this Board for review.

Mr. Long moved that the Board adopt the following resolution: Whereas, the Board of Zoning Appeals has made the following findings of fact: (1) that the owner of the subject property is the applicant; (2) Present zoning is C-D; (3) that the area of the lot is 47,210 sq. ft. of land; (4) Compliance with Article XI (Site Plan Ordinance) is required;

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

(1) The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 in the Zoning Ordinance, and (2) The use will not be detrimental to the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, THat the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. 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. This approval is granted for the uses and buildings indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not this additional use requires a use permit, shall be cause for this application to be re-evaluated by this Board.

4. The architecture of the gasoline station must be compatible with the shopping center and as approved by the Planning Engineer.

5. The station will be constructed of brick material with three rear entrance bays, four pump islands, parking and entrances as shown on rendering filed with this application, showing one entrance onto Centreville Road and two entrances onto Parcher Avenue with access to the shopping center at the northwesterly corner of the property.

6. Landscaping must conform to the rendering and be as approved by the Planning Engineer.

7. There is not to be any storing, renting, leasing and sale of trucks, automobiles, trailers and recreational equipment on this property.

8. The Board of Zoning Appeals must approve any changesin the site plan from the rendering.

Seconded, Mr. Barnes. Carried unanimously.

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May 25, 1971

CHARLES E. CUNNINGHAM, application under Section 30-6.6 of the Ordinance, to permit construction of garage 11.6 ft. from side property line, 8205 Westchester Drive, Providence District (RE-1), 39-4 ((3)) 49A, V-86-71

Mr. Cunningham described his reasons for requesting a variance to build a garage. He has room to build a single garage without a variance, however, he has need for two cars and would like protection for both of them. There are 80 to 100 ft. trees on the property and limbs sometimes fall, striking the cars. There is a drainage easement on the front half of the lot and the house was placed on the rear of the lot. There is no space to build behind the house. The other houses all set further toward the front of the lot than his does. Originally he had planned to build a carport with a wall around it, however he was advised by the Zoning Office that he could only have an eighteen inch high wall.

A patio is allowed an eighteen inch high wall, Mr. Woodson said, but a carport can have up to a four foot wall.

Mr. Cunningham stated that he has owned the property for 2 1/2 years and wishes the garage for his own use, not for resale purposes.

No opposition.

In application V-86-71, application by Charles E. Cunningham, under Section 30-6.6 of the Ordinance, to permit construction of garage 11.6 ft. from side property line, property located 8205 Westchester Drive, also known as tax map 39-4 ((3)) 49A, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 25th day of May, 1971 and

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

1. The owner of the subject property is the applicant.
2. Present zoning is RE-1.
3. The area of the lot is 30,000 sq. ft.
4. The dwelling is constructed on the rear portion of the property.
5. There would not be any dwellings adjoining this proposed construction.
6. The required setback for an open carport is 15 feet.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved: (a) exceptional topographic problems of the land; (b) unusual condition of the location of existing buildings;

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted for thelocation and the specific structure or structures indicated in plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. An open carport shall be constructed in lieu of a garage, a minimum distance of 11.6 ft. from the side property line.

Seconded, Mr. Barnes. Carried unanimously.

Mr. Woodson stated that Mr. Cunningham would be allowed to build a four foot high wall around his carport.

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DUNN LORING VOLUNTEER FIRE DEPARTMENT, INC., application under Section 30-6.6 of the Ordinance, to extend a portion of the present building to within 10 ft. of the northern property line, 2148 Gallows Rd., Providence District, (RE-1), 39-2 ((8)) 7, 7A, 8, V-87-71

Mr. Stenhouse, representing the applicant, requested deferral of the application as he had not received the notice from the staff and therefore had not notified adjacent property owners.

Mr. Baker moved to defer to June 15. Seconded, Mr. Kelley. Carried unanimously.

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May 25, 1971

VIRGINIA CONCRETE COMPANY, Inc., application under Section 30-7.2.1 of the Ordinance, to permit sand and gravel removal, 7603 Beulah Road, Lee District, (RE-1), 91-3 ((1)) 30, 100-1 ((1)) 1, NR-22

Mr. Long stated that his partner prepared the plats, therefore he would not participate in this case.

Mr. Ralph Louk, 4101 Chain Bridge Road, located the property on the map. Ten notices were sent out, he said; Mr. Harlowe and Mrs. Miller are contiguous property owners.

Mr. Smith noted that they did not meet the ten day requirement.

They were dated Sunday, Mr. Louk stated; they were sent out on Monday and they were not stamped until the 18th.

Mr. Barnes moved to hear the case. Seconded, Mr. Baker. Carried 4-0.

Mr. Louk stated that Mrs. Miller has given permission to the applicant, if this is approved, to excavate gravel within 50 ft. of her line. All the other property lines will be 100 ft. away except for Mr. Harlowe's property -- that excavation has taken place up to the line. This application is not an application to process or to crush gravel, or to store gravel; it is an application to remove 15 ft. of gravel from an average depth of between five and twenty feet, a maximum depth of twenty feet. Mr. Rinker has done the topo.

This includes the overburden, Mr. Smith asked?

The average overburden is five feet, Mr. Louk said, the gravel vein is 15 feet. It's for removal of gravel from the area and although the Ordinance requires that the tract be outlined on 42 acres, only 15.9 acres will have gravel removed and that is shown on a gravel plat as area of mining. He is told by Mr. Keller of Virginia Concrete, and incidentally they have been in the business for some time, they specifically bought this gravel processing plant -- it's an I-P area -- and they bought that after World War II, they have owned some of the property since then, and this property was acquired in the 50's. The processing plant for the gravel and where the sand and gravel is separated is in the I-P area as indicated. Virginia Concrete plans to have one dragline digging the gravel and three trucks hauling the gravel to the processing plant. On the 42 acres is a road coming off of Beulah Road going through the property, around to the processing site. He is told by Mr. Keller, Mr. Louk continued, there will be no need for these trucks to travel in the removal and the carriage to the processing plant on the highway, they will travel over the subject property. There will be no need for them to go out on Beulah Road. After the gravel is processed at the site, the I-P area, it then leaves and goes out to the east on Telegraph Road.

In the operations of removing gravel, one dragline and three trucks will be used, Mr. Louk stated, to clear the overburden of about an acre first, and once that is cleared and the gravel removed, from then on, as the overburden is taken from the next acres, it is brought back and put in the acre that the gravel has been removed from, and in each instance the overburden is damp, and should not create dust. The dust is created by the trucks as they travel from the removal of the gravel on the road to the site, Mr. Louk said he was told. There will be no crushing, processing or storage of gravel here, and once the gravel is removed, the County has gone into detailed plans of restoring the area. Basically the Restoration Board has approved this plan of restoration, and restoration will take place of not only the 15.9 acres that the gravel will be removed from, but from some 22 acres. To the rear of the site some 9.79 acres have already been restored, and some 2.4 acres, restoration is underway in accordance with the plans. Some 22.4 acres will be restored completely including the land up to the line of Harlow as far as grading and seeding is concerned. The Board of Supervisors passed this Ordinance back in the middle 60's after much study in which the Natural Resources zone was established. This is in the Natural Resources zone, the line is the black line, and all the other area that you see on the map is within the Natural Resources zone. This zone that the subject application is in is the most intensive zone because you can also process gravel here including the washing and the crushing of gravel. That is not planned because all of that will be done at the I-P zone which is away from any residences. The impact on the existing residential homes, in his opinion, Mr. Louk stated, will be minimal. The homes as indicated, Mr. Harlow has four lots on which there are two homes, and gravel has been removed up to its line. As to the property to the rear, there is a buffer of trees and an inspection of the site will indicate that there is a natural protective surrounding of trees.

Mr. Harlow's attorney, Mr. Louk continued, will testify that there is an issue as to whether or not clearing took place up to Harlow's property line at his request or whether it was not his request. The bulldozer operator is present today and he will tell the Board that Mr. Harlow requested the operator to clean out the brush up to his property line because of poison ivy. This was a verbal agreement between Mr. Harlow and the bulldozer operator.

The bulldozer operator had no right to be within that 50 ft. or 100 ft. area from the property line, Mr. Smith said. This is a situation that might have taken place but it is only a revealing factor and not one on which this Board can base a decision, Mr. Smith said.

Mr. Louk stated that Virginia Concrete has been mining and processing gravel in the area and the restored area has been looked upon by the County as an excellent job. They have a good record with the County in their operations. Basically this application is for a use permit for the mining of 15.9 acres as shown on the tract of ground of 42 acres, of the gravel from this site and taking it over to the I-P processing plant. Reasonable rules and regulations are permissible by this Board and they stand ready to comply with reasonable rules and regulations as contained in the Ordinance. They feel this will have minimal impact on surrounding propertyowners.

May 25, 1971

VIRGINIA CONCRETE COMPANY, INC. - Ctd.

What is the height of the tower, Mr. Smith asked?

That's the tower presently on the site, Mr. Louk replied.

That is a transmission tower, Mr. Rinker told the Board, it's probably 60 to 70 ft. high, it's a high tension electric tower. That is located in an easement.

Mr. Louk said he did not do the title, but he was under the impression that, and he represents also Hilltop Sand and Gravel, and has been concerned with an easement for the Water Authority, and each of these easements that are requested by public utilities or by bodies such as VEPCO and the Water Authority allow you to make whatever use of the property that does not interfere with their easement, which he was sure would not interfere with storing of topsoil or removal of gravel in it.

Have all the requirements of the Restoration Board been met, Mr. Smith asked?

He met with the Restoration Board, and Mr. Kelley, the County Executive requested that if the adjoining property owner, Hilltop Sand and Gravel, sold its site, there was permission to use a bond there for such sediment that there would be coming off the site, and if Mr. Galliot sold the property, the applicant would agree, and that letter is in the file, to build another sediment pond. That was the only request that they made after the hearing and prior to the recommendation.

Mr. Louk read the letter of April 15, 1971 signed by the County Executive, addressed to the Chairman of the Board of Zoning Appeals:

"Dear Mr. Smith:

On April 12, 1971 the Restoration Board reviewed and approved gravel operation application of Virginia Concrete Company NR-22, 42.7525 acres located at 7603 Beulah Road, including the accompanying restoration plan. The Restoration Board recommends that the bond be fixed at $1,000 per acre and calls attention to the fact that an agreement between Virginia Concrete Company and Hilltop Sand and Graven Company, Incorporated, for the use of a sedimentation pond on their property, is contingent upon the continued ownership of this property by Hilltop Sand and Gravel Company, Incorporated.

It is recommended that in the event Hilltop sells this property that Virginia Concrete Company be required to construct a holding pond."

There was a reply to that letter, Mr. Louk stated, signed by Virginia Concrete, indicating they would abide by those terms.

Mr. Smith read the following statement: "Virginia Concrete Company, Inc., is hereby given permission to use the pond for thirty (30) months from date of permit issuance on the Hilltop Sand and Gravel Company, Inc. property (tax map 100-1 ((1)) 8)for siltation control purposes to serve their land in accordance with gravel removal permit plans prepared by Long and Rinker dated November 1970. Virginia Concrete Company, Inc., hereby agrees to relinquish the use immediately and release all right, title, and interest, hereby given for use of the said pond if the property is sold or leased and the purchaser or lessee objects to the continued use of the pond. This permission isggiven with the understanding that it will be at no cost to the owner, with the approval of the appropriate governmental authorities, and any damage done by such use will be immediately corrected by Virginia Concrete Company, Inc.

Signed: Hilltop Sand & Gravel Co., Inc.
By Clemm S. Gailliot, Owner

Virginia Concrete Co., Inc.
By C. J. Shepherdson"

Opposition: Mr. James Abalard, attorney for Mr. Oscar Harlowe and citizens in Glynalta Subdivision, stated that he last appeared before the Board in this matter regarding NR 21 located to the north of the subject property. The same citizens were in opposition then. He asked for those in opposition to raise their hands. (Fifteen people raised their hands.)

Do they all live within half a mile or so of the subject property, Mr. Smith asked?

Yes, they do, Mr. Abalard replied. These citizens are asking that the permit be denied for several reasons. The most important reason is that what has gone on before gives the Board ample evidence to know what will go on in the future. Mr. Harlowe, the abutting property owner, is very concerned with the dust created in the prior excavation, that it not reoccur. This property was originally covered with trees and bushes, Mr. Abalard continued. He showed photographs taken in 1959 of the property and more recent ones taken during 1967 and 1968. On August 27, 1970 Virginia Concrete, after clearing the property, began digging operations at a distance of eight feet from Mr. Harlowe's property line. The digging operations were carried on for the whole 850 odd feet along Mr. Harlowe's line. As early as September 2, Mr. Covington and Mr. Keller came to see Mr. Harlowe, and at that time and even before,his client had requested that the County refuse to give Mr. Keller any permission at all to dig within 8 ft. of his property line.

Mr. Abalard showed pictures of dust coming out of the trench that began 8 ft. from Mr. Harlowe's property. He submitted a report from John C. Moore, President of the Moore Research Laboratories, Inc. that states that the paint job on both homes on the properties located on Gayfields Road have been effectively destroyed by the dust that came out of that pit. One of those properties had been painted only one year before. After August 1970, Mr. Abalard stated, his client needed paint jobs inside and out on both of these houses. The Board should deny the permit because dust created on this property will be so great.

The second reason the application should be denied, Mr. Abalard continued, is because of the danger to children in the area. There are seventy or eighty children living near this site. There is no proposal by the applicant to put up any kind of fence for the protection of children.

Mr. Smith stated that the photographs would be classified as Exhibit A and the letter from the Coatings Consultant as Exhibit B. Do you have any objection to this letter being entered into the record, he asked Mr. Louk?

As long as it is noted that this letter was written as a result of an inspection made some ten months later, Mr. Louk replied, also with the understanding that there is no evidence that this dust came from the gravel site alone. There is a dirt road on the other side of Mr. Harlowe's house.

Mr. Abalard submitted a disgram made by Mr. Harlowe, an end view showing that the excavation was begun 8 feet from his property line and went straight down 28 feetdby actual tape measure. (Exhibit C) Mr. Harlowe and Mr. Abalard gave a demonstration by tape recorder of the noise that occurs from this operation on Mr. Harlowe's property line.

Mr. Harlowe's 78 year old mother resides with him, Mr. Abalard continued, and his wife just came home from the hospital in August when this all occurred. All of this the applicant knew, because Mr. Harlowe advised them on September 2 when approached by Mr. Covington and Mr. Keller, to get permission to excavate after the fact.

Did Mr. Harlowe report this noise nuisance to the County authorities, Mr. Smith asked?

For the record, Mr. Abalard stated, he would like to submit a copy of a letter to Mr. Covington dated 27 August 1970 and unfortunately it was mailed return receipt requested, and was delivered August 31, 1970. (See Exhibit D in folder.)

Did you see the letter, Mr. Smith asked Mr. Covington?

Yes, he received several letters, Mr. Covington replied.

As early as September 8, 1970, Mr. Joe Alexander wrote a letter to Mr.Covington on the same subject, Mr. Abalard continued. He submitted a copy of that letter for the record, and a copy of a letter to Mr. Smith dated September 8, 1970. Through all of this the applicant maintained and still maintains that they have a non-conforming use.

The letter addressed to the Board of Zoning Appeals apparently went to the Zoning Administrator, Mr. Smith stated. Maybe the Board did receive it, but he did not remember it a t this point. He would say that the applicant has not requested any consideration under non-conforming use, he thought this had been established some time last year, that it was the opinion of the Board that this was not a non-conforming use and that is why the use itself was stopped. The applicant did not raise it as a factor and the opposition should not at this point. They are requesting a Use Permit under the County Ordinance. There was some excavation here prior to some time last year, but apparently this excavation was stopped, after a decision apparently by the Board of Zoning Appeals that it was not a non-conforming use.

Mr. Abalard said there was a fourth point they wished to make -- qualifications of the applicant. While Mr. Louk assures the Board that his client has always complied, in this case the Board can see from evidence before it, in fact what has been done is evasion of the 100 ft. limit. Gravel has been taken out. Work terminated only after they had done everything they wanted to do in violation of the Ordinance.

Fifth, Mr. Abalard continued, they feel that restoration is not possible at this point. There can be no restoring of trees as shown in the photographs and no effective prevention of the noise to his client's property. There can be no effective prevention of dust. They are dealing with a restoration and natural resources ordinance enacted in 1962 long before many of the houses were in the area that are now there existing, and in view of the Board's action last year on NR-21, this Board has effectively redrawn that Natural Resources border to run just north of the property in question and make it appear to many that what we are talking about is a borderline of the Natural Resources area rather than the area being set further into the Natural Resources area. They say restoration is not possible because there has been no showing that after 28 feet down being cut out that there can be any kind of suitable compaction of that area to allow building or restoration of that use other than just plain barren land. The restoration required by the Ordinance cannot be effected and they would ask the Board to deny the application in that regard. In the file is a petition signed by over 100 members of the community and they would like in the event that the Board decides to grant the permit that the area should be restored to 100 ft. level before allowing a use permit to be granted and that the Board consider the various restrictions on the use that are found in the petition -- they number six.

May 25, 1971

VIRGINIA CONCRETE COMPANY, INC. - Ctd.

They would ask the Board that bulldozers not be warmed up on the property, that hours of of operation be reasonable, that dust control be strictly enforced, and ask that if this permit is granted, after restoration see to it that these restrictions are placed on the use. This is what the Board is here for, Mr. Abalard stated.

141

Mr. Joseph Alexander, Supervisor from Lee District, stated that he did not normally make appearances before the Board of Zoning Appeals but it is very important at this time that he do so because Mr. Harlowe did come to him when he felt he was not getting response from the County. They did communicate with the County, they found there was a violation here, and the Zoning Administrator did take some time to tell that it was, the cease and desist issue was taken care of, and they did not operate after a visit by the Zoning Administrator.

Mr. Alexander said his plea at this point is that the Board deny the permit for a few very good reasons: (1) start with reviewing the Planning Commission minutes of the 20th -- at that time, Mr. Marx asked Mr. Covington if this case were denied, where does that leave the property as far as restoration is concerned? He would like to address the same question to Mr. Covington and ask him to respond at this point as to what the Zoning Administrator's position would be as far as restoration is concerned?

The office would take whatever action is necessary to have it restored, based on the Soil Scientist's and Planning Engineer's recommendations, Mr. Covington replied.

Require it to be restored back to the 100 ft. distance required by the Ordinance, Mr. Smith asked?

Yes, Mr. Covington said. Any part of the parcel disturbed in any way would be restored.

This action could be taken by the Zoning Administrator without any request of the citizens or the Board of Supervisors or the Board of Zoning Appeals, Mr. Alexander asked?

Mr. Covington said he felt that Virginia Concrete would do it as a matter of cooperation.

Within thirty days, Mr. Alexander asked?

Whatever would be a reasonable time limit, Mr. Covington replied.

Could you request thirty days, Mr. Alexander asked?

Yes, Mr. Covington said. The staff could make a recommendation to the court. It is a matter for a judge to decide whether to adopt it or not.

The people and the attorney for Mr. Harlowe have requested denial, Mr. Alexander said. The Planning Commission has recommended denial, and he is present as an elected official of the people asking denial. What will happen to that property if the application is denied? Mr. Harlowe has suffered aggravation for some time and it is his concern, Mr. Alexander went on to say, that the land be restored promptly. If the application is denied and the Zoning Administrator can require restoration the Board of Zoning Appeals has a legitimate reason to consider this as reason for denial. This area has had these operations for some time and it is unfortunate that this one started in violation. It is unfortunate that it took so long to stop it and it is his intent tomorrow to suggest to the Board of Supervisors that they review the Natural Resources Ordinance regarding areas such as this one which is built up now.

Mr. Alexander said he would not address himself to what would happen if the Board feels this application should be approved, except to say that restoration is an important thing. Mr. Harlowe has been damaged a great deal and as a County official, his property should be protected from now on.

Mr. Smith read a memorandum from the Planning Commission recommending denial. "The Commission questioned the effect the excavation would have on the wells of the adjacent property and additionally questioned whether the NR district should not be revised to take into consideration proximity to developed properties. The Commission further recommended that if the Board of Zoning Appeals sees fit to grant this application that the pipestem area out to Gayfields Road be specifically deleted, that the restoration recommendations in the amended staff report be adhered to by the applicant prior to the granting of the permit by the Zoning Administrator, and that the hours of operation be reviewed."

The only reason they give is that they question the effect it would have on adjacent wells, Mr. Smith said. This Board cannot make decisions based on this type of thing. This will probably go to court -- is the Board of Supervisors going to appropriate money for the Board to defend itself. The Board is already in court for defending the County Ordinance in accordance with the Zoning Administrator's interpretation, and the decision in court has been an adverse one. The Board has not received any money from the Board of Supervisors to defend actions brought against the Board of Zoning Appeals, he said.

Mr. Alexander said he would relay the message to the members of the Board of Supervisors. In this case, if the Board denies the application, certainly there would be no suit by the citizens, and if the applicant sues against this Board, it would be against the Ordinance that we are trying to uphold. It would have to come under the cognizance of the County Attorney and the Board of Supervisors.

VIRGINIA CONCRETE COMPANY, INC. - Ctd.

Mrs. Marilyn Klein, 8121 Norwood Drive, stated that Mr. Harlowe had returned to her several times, as he felt he was not getting response to his needs from the County government. After registered letters were sent to Mr. Covington and Mr. Alexander, five weeks elapsed before the gravel operations were stopped. Since that time, six more months have elapsed and neither the Zoning Administrator's office nor the elected Supervisor, moved to involve the County in legal action to restore the land. There has a been a presumption made on the part of too many people within the County structure that there was going to be a granting of a permit by this Board no matter what Virginia Concrete had done and that they would simply make them come across with the restoration at that time. That kind of presumption leads us to this kind of abuse, Mrs. Klein said. The Zoning Administrator's office should have determined immediately that no use permit had been issued, no registration number for non-conforming use existed, and extraction 8 feet from Mr. Harlowe's property line was an obvious violation under either conforming or non-conforming uses. Absolutely no justification existed for a five week delay with assumptionof validity in the face of such facts, while the vein of gravel was extracted 8 feet from Mr. Harlowe's property line 800 feet long by 28 feet deep. The staff report is correct when it notes "both the noise and dust from such a gravel operation would be vastly diminished by a protective buffer of grass and trees as were present in the 1964 photograph. It is therefore the feeling of the staff that this 100 foot strip should be restored to the original grade and vegetation cover before the Zoning Administrator issues a permit that will allow any graveling operation on this site. However, the staff should logically conclude that the use permit not be issued at this time, that it be considered at such time as the 100 foot strip should be restored to original grade and vegetative cover"which should take 15 years of growing time to provide even a partial buffer.

As a first step in restoring public confidence, Mrs. Klein continued, inthe Zoning Administrator's office, this Board should reprimand the Zoning Administrators staff and request a thorough investigation of procedure, policy and personnel. This is not the first instance of failure by the Zoning Administrator to act on bona fide citizen complaints in time to correct the abuse. It sets a new low for bureaucratic unresponsiveness, and unequal application of the law. Another violation during the service of Mr. Woodson ---

Unless it's against this particular operator, the Board is not going to allow this type of testimony, Mr. Smith ruled.

Mrs. Klein said she would be happy to provide copies to anyone who would be interested. It is becoming clear that when policies are not changed, personnel must be. She requested the Board of Zoning Appeals to order a complete review of all Lee District gravel extractions. This study should have as its object disclosure of all gravel extractions which (1) operate without use permits; (2) operate as non-conforming uses; (a) either without proper registration or with a six month lag between operations; (3) which have failed to make full and complete restoration of the land. The County should pursue such investigation and prosecute violators until lower Lee District no longer looks like a disaster area. Further, the Board should recommend that the Zoning Administrator's office in conjunction with the County Attorney's office seek legal action to compel Virginia Concrete and any other violator to fully restore the tract involved as Mr. Covington has told the Planning Commission his office will do in the event that the use permit is denied.

Mrs. Klein urged the Board to suggest to the Planning Commission and the Board of Supervisors a review of the Rose Hill Master Plan in order that the natural resource area be revised further away from established residential areas.

Mr. Smith asked if Mr. Covington wished to comment on the time delay.

They did run an investigation on this, Mr. Covington replied, only because they happened to find Mrs. Duvall, one of the former owners of the property, were we able to substantiate that it was not non-conforming. He had an old use permit issued by this Board in a rather nebulous manner, to Clarence Jones, for permission to use approximately 50 acres for a gravel pit located on the west side of Telegraph Road about 1,000 feet south of Road #635 in Mount Vernon District. "Mr. Jones stated that the property was located in between two gravel pits, one used by the State and one by the Northern Construction Company. The Board could see no objections to such use at this location and the Zoning Administrator believed the use to be all right. No one was present objecting to the same." Mr. Covington said this was in 1948, the oldest use permit on file, issued without time limit, without restoration prescription, and not to the applicant only and this permit was to the land which was purchased by the Virginia Concrete Company. Non-conforming uses go with the land itself and not with the individual. Recently there was a case in court where the non-conforming use had been discontinued for six months. The Judge ruled that the State two year limitation superseded the County and that was in effect. Mr. Lynch has several of these permits registered in the County. He maintains a ctive status by removing a little gravel every year. There is another active gravel operation in the county under non-conforming status, been operating for forty years without restoration. This does not require registration, there is a use permit here, issued to Clarence Jones. The only way they could prove that this wasn't non-conforming is by locating Mrs. Duvall who had owned the property formerly, and she stated that no gravel had been dug on the property during her tenure of ownership.

To run an investigation on these things takes time, Mr. Covington added. They went through the land records and into the field looking for former owners of the property.

May 25, 1971

VIRGINIA CONCRETE COMPANY, INC. - Ctd.

Daniel Roth, 7601 Beulah, adjoining tract designated NR-22. In addition to comments made previously, land is one of our most valuable possessions, we have an obligation to protect it. He knew when he moved here a year ago that he was next door to a gravel operation. He had every expectation that that property would be worked, but he did not expect that it would be worked in clear violation of County ordinances, or that those ordinances would not be enforced. The destruction of a woods at a time when birds and animals were breeding, the failure to restore that land so that it is eroding, the filling of the excavation with the silt that is now coming down to cover his land, these are clear and shameful violations of one of our public trusts which is land. On the basis of this experience, he is most reluctant to expect that the operator would proceed in a more responsible manner than he has.

The siltation should be brought to the attention of the Public Works Department, Mr. Smith informed Mr. Roth.

In line with Mr. Roth's statement, his property is on Beulah Road, and there is a small area on the northwest corner of the property that drains toward his front yard, Mr. Louk stated, in connection with the drainage plans, there will be a bale of straw placed there to filter the water. That bale would have been there had the applicant been able to continue, but Mr. Woodson asked them to cease operation. It's something they are aware of and would do something immediately about that.

Mr. Louk stated that he would like Mr. Covington's testimony put in the record in complete, as Mr. Alexander indicated that before the Planning Commission he had just made some statements. All of his statements before the Planning Commission should be put in.

Do you want thePlanning Commission minutes included in this hearing as an exhibit, Mr. Smith asked?

Yes, Mr. Louk stated.

The Board agreed that a verbatim transcript of the Planning Commission hearing should be made a part of the record. (This has been requested and will be placed in the file.)

Mr. Abalard stated that he was beforeethis Board last year, Mr. Louk stated. The application he referred to was the property to the north idantified by double circle one. The minutes of the Board of Zoning Appeals hearing are available. That was an application for a portable crusher as well as using the road in front of it by trucks. In this particular case the applicant has operated fairly and within the law, this is a piece of property, 42 acres, of which nine acres has already been mined and are to be restored. This particular operation of removing gravel from the property was done by advice of counsel, Mr. Hansbarger, that they had the right to remove gravel and Mr. Covington did not indicate by a violation notice that they were in violation until after the operation had begun. They do have clean hands. They have an excellent record of restoration indicated in Mr. Covington's testimony. Mr. Louk said he had not heard any solid ground upon which this application should be denied. The permit is to remove gravel within 100 ft. of the property owned on the north side. The evidence before this Board, from the testimony, is clear that this is in the natural resources zone and the owner of the ground has a right to remove natural resources if he takes certain precautions. He has taken adequate precautions as indicated in the exhibits of the engineer which will be introduced for the record. Before the Board can get a feel for this particular tract as to what would be reasonable rules and regulations for the operation, the Board should look at the site and to the east there is removal of gravel going on now by Virginia Concrete, the Board should look at that and also the recommendation of the Planning Commission as to restoration within the 100 ft. should be looked at. There was discussion that adding more fill dirt within that line might cause similar trouble. The applicant is entitled to a Special Use Permit with reasonable restrictions. It will have minimal impact on the property owners.

Mr. Smith requested a vertical aerial photograph of this property. Also, the VEPCO easement is not shown on the plats. What are VEPCO's rights?

Mr. Louk said he would submit a plat to the Board showing the easement.

Mr. Kelley said he had listened to each and every speaker and it is rather difficult to listen and read the letters, petitions, etc. that have been submitted at the same time. He would move to defer decision until such time as the members of the Board have had an opportunity to view the site and study and evaluate the entire hearing and the Zoning Ordinance covering gravel operations. Seconded, Mr. Baker.

Mr. Smith stated that ten days prior to final consideration and decision all interested parties should be notified.

The public hearing is completed, Mr. Kelley stated, but he would have no objection to leaving the record open for written documents.

Carried 4-0, Mr. Long not present.

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May 25, 1971

VIRGINIA STATIONS, INC., application under Section 30-7.2.10.3 of the Ordinance, to permit gasoline service station, SW corner Leesburg Pike (Rt. 7) and Gosnell Road, Dranesville District, (C-D), 29-3 ((1)) pt. 38, S-48-71 (deferred from 4/20/71)

144

Ralph Louk, attorney for the applicant, stated that this was deferred for further information requested by the Board. He represented Stohlman Chevrolet in the original request for the Chevrolet dealership and he is representing the people who would like to put a Scot gas station on the site. The folder contains a site plan of Stohlman, which has been approved for a Volkswagen dealership. In the corner of that site plan is a grass area which was reserved for the proposed gas station. Since the time of the last permit, January over a year ago, Mr. Louk said he appeared before the Board for the use of this site as a Chevrolet dealership. Due to the tight money market, they could not get financing. In the meantime they developed economic problems in the development of the rear portion of this site as to flood plain. They wrote a letter to the Board and got an extension of that permit. They negotiated with Volkswagen in March of this year and found that they could economically develop this site with a Volkswagen dealership because of the size which required about three acres for Volkswagens as opposed to six acres for the Chevrolet dealership. With Volkwagens they don't need as much space and the number of vehicles to be stocked on site would be 75 Volkswagens compared to 100 to 200 Chevrolets.

The original application for Use Permit included this area, Mr. Louk stated. Obviously in approving the site plan for the Volkwagens, the staff apparently did not refer the applicant back to the Board of Zoning Appeals.

Mr. Smith said he could not understand why they did not come back to the Board as there have been so many changes. He asked Mr. Woodson if he would allow body and fender work in C-D.

No, Mr. Woodson said.

The body shop shown on the plat has been deleted, Mr. Stohlman said.

Mr. Jack Chilton told the Board that he had a copy of the minutes and they don't indicate that any plat was given to the Board but in the minutes of April 28, 1970, it was indicated that the Board discussed the use permit granted to Richard Stohlman on Route 7 and Mr. Stohlman said it would be a Volkswagen dealership. The building will be smaller and they have enough parking to serve it. There was no motion by the Board, only a general discussion about screening. Apparently it was brought to the Board's attention that their plans had been changed, and it was to be a different size building. The approved site plans shows this spot as a grassy area - no approval has been given to a gas station.

Originally they intended to have a used car re-conditioning area, Mr. Stohlman stated, but again for economic reasons, there will be no body shop. This will be a smaller building with nothing but used car offices. Body and fender work will be subletted out.

If the service station is granted, will this complete the development of the entire tract, Mr. Smith asked?

They also have 2 1/2 acres which they are not using right now, Mr. Stohlman replied. There is no intention of putting anything more than the Volkwagen agency and gas station in this particular area.

No opposition.

In application S-48-71, application by Virginia Stations, Inc., under Section 30-7.2.10.3 of the Zoning Ordinance, to permit gasoline service station, located at S. W. corner Leesburg Pike and Gosnell Road, also known as tax map 29-3 ((1)) 38, 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 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, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 20th day of April 1971 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The owner of the property is Stohlman Chevrolet, Inc.
2. Present zoning is C-D.
3. Area of the lot is 24,000 sq. ft. of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

VIRGINIA STATIONS, INC. - Ctd.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. The architecture and construction must conform to the existing shopping center and be as approved by the Planning Engineer.

5. Entrances shall be limited and as approved by the Planning Engineer.

6. Access to adjoining property shall be provided and as approved by the Planning Engineer.

7. There shall not be any sale, rental, leasing or storage of automobiles, trucks, trailers, recreational equipment on these premises.

8. Any sign must conform with the Fairfax County sign ordinance.

9. The gasoline station site plan must show the gasoline station and the automobile agency improvements and parking.

10. There is not to be any body shop on any part of the entire Stohlman property and any changes in the site plan for the gasoline station or the automobile agency must be approved by the Board of Zoning Appeals.

Seconded, Mr. Barnes. Carried unanimously.

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CENTREVILLE PRESCHOOL, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of pre-school, three classes, ages 3-5, maximum 54 pupils, Tuesday, Wednesday and Thursday, 9 a.m. to 12 noon; located E. side of Elmwood St. between Westmore Street and Vernon Road, Centreville District, (RE-1), 34 ((6)) 46, 47, 48, 71, 72, S-50-71 (deferred from 4/20 at applicant's request, for additional information)

Mr. James Lee, President of the Centreville Pre-School, introduced Mrs. Judith Colocotronis.

Mrs. Colocotronis stated that they have submitted a copy of the lease. They are in their first year of operation at St. Timothy's in Herndon and would like to move their base of operation closer to where the people live. They approaced the Ox Hill Church asking them permission to use their facilities and they have signed a lease for a period of one year from September 1971.

The school would open the first week of September, Mr. Lee stated, and would operate through the last week in May, Tuesdays thru Thursdays, maximum of 48 students, sixteen per class. There would be two four year oldsclasses and one three year old class. Ages of the children would be three to five. There would be no afternoon classes. Completion of the church was just this month.

Mr. Smith pointed out that they would not be allowed to start the school until the church has had final inspections and received an occupancy permit.

The school will not provide transportation, Mr. Lee stated.

No opposition.

Mr. Long stated that his partner drew the site plan for the church but he has no interest in the school application.

Mr. Smith said he had no objection to Mr. Long making the resolution in this case since he has no interest in the school and is not a member of the church.

In application S-50-71, application by Centreville Pre-School, Inc., under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit operation of pre-school, property located east side of Elmwood Street between Westmore Street and Vernon Street, also known as tax map 34 ((6)) 46, 47, 48, 71, 72, County of Fairfax, Virginia, 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

May 25, 1971

CENTREVILLE PRESCHOOL, INC. - Ctd.

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals held on the 25th day of May, 1971 and

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

1. Owner of the subject property is Ox Hill Baptist Church;.
2. Present zoning is RE-1.
3. Area of the lot is 3.2386 acres of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1, and

2. That 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 Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further actionof this Board and is for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed byaction of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changesin use or additional uses whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board.

4. Hours of operation will be from 9 a.m. to 12 p.m. six days a week with a maximum of 48 children. Ages of the children will be three through five.

5. All transportation of students to be done by parents.

6. A recreational area shall be enclosed with a four foot chain link fence in conformity with State and County regulations.

7. The operationof the school may not commence until the church has obtained an occupancy permit.

Seconded, Mr. Barnes.

Carried unanimously.

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DONALD L. HANBACK, application under Section 30-7.2.7.1.4 of the Ordinance, to permit baseball batting cage and moon walk, Lee District, Cooper Road and Richmond Highway (C-G) 109 ((2)) pt. 3, S-54-71 (deferred from 4/20 for notices)

This is actually an existing use permit, Mr. Smith recalled, and the applicant is asking to change it to some degree -- he is substituting batting cage and moon walk for the mini-range.

Mr. Hanback presented new plats. This is to be a Dudley coin operated baseball batting cage, he said. All of the surrounding property is C-G. The original use permit was granted 2/9/71. The moon walk is a temporary plastic bag set on the ground, plugged into an electrical socket; it blows itself up and children walk around in it. They would like to provide temporary parking with a gravel area -- six parking spaces -- and get this in operation pending construction of the total parking lot.

This Board can only grant the use itself, Mr. Smith pointed out, and this temporary parking request should be discussed with Mr. Chilton's office.

A moon walk will hold 12 children at any one time or eight teenagers, Mr. Hanback stated. The baseball batting cage will have three stalls and three pitching machines. He has obtained site plan approval for the original application, he said.

This will require a revised site plan, Mr. Smith noted.

What is the construction of the new building, Mr. Long asked?

It is a frame building, Mr. Hanback replied and will have public sanitary facilities.

No opposition.

May 25, 1971

DONALD L. HANBACK - Ctd.

In application S-54-71, application by Donald L. Hanback under Section 30-7.2.7.1.4 of the Ordinance, to permit baseball batting cage and moon walk, property located at Cooper Road and Richmond Highway, also known as tax map 109 ((2)) pt. 3, County of Fairfax, Virginia, 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals, and

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

1. The owner of the subject property is Donald L. Hanback.
2. Present zoning is C-G.
3. Area of the lot is 42,000 sq. ft. of land.
4. A Special Use Permit was granted on this property 2/9/71.
5. Compliance with Article XI (Site Plan Ordinance) is required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. 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 the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. All conditions of the existing use permit are to be complied with except that the existing building is to be torn down and a new building erected.

Seconded, Mr. Barnes. Carried unanimously.

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NORTHERN VIRGINIA PARK AUTHORITY & OLIN CORP., app. under Section 30-7.2.8.1.3 of the Ordinance, to permit operation of public skeet and trap shooting facility with vending machines, snack bar, professional shop for sale of equipment and incidentals related to skeet and trap shooting only, and club house, 7700 Bull Run Drive, Centreville District (RE-1), 64 ((1)) 49, S-28-70 (deferred from 4/20)

This was deferred for the Board to take a look at the property and to receive a letter from the Park Authority, Mr. Smith recalled. On May 18 the Board did visit the site and listened from three different locations at the firing, and were able to hear it at all three locations, two of them were rather loud, one was particularly loud.

Mr. Smith read a letter from Mr. Lightsey -- "The Northern Virginia Regional Park Authority approved the attached resolution at its regular meeting last night(dated May 19). As It is our understanding from your letter of April 23, 1971 that the formal reply from the Park Authority completes the information requested by the Board of Zoning Appeals. If we can be of further assistance before the May 25 meeting when this application will be considered again, please advise us immediately."

Mr. Smith passed out copies of the Resolution adopted by the Northern Virginia Regional Park Authority and read it into the record:

"WHEREAS, the staff of the Northern Virginia Regional Park Authority and representatives of Olin Corporation havetoday conducted a demonstration of skeet shooting at the shooting range at Bull Run Regional Park as requested by the Board of Zoning Appeals; and

May 25, 1971

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY & OLIN CORP. - Ctd.

WHEREAS, the members of the Northern Virginia Regional Park Authority were provided on May 12 both the BZA Clerk's summary of comments/the various speakers, and the transcript of the hearing held on May 5 for their review and consideration; and

WHEREAS, the Northern Virginia Regional Park Authority is of the opinion that the outdoor recreational opportunities afforded by the operation of a skeet and trap shooting range is a desirable public service and that the Bull Run Regional Park location of the existing range was carefully chosen with the objective of minimum disturbance to an extremely small number of citizens;

BE IT RESOLVED, that the Northern Virginia Regional Park Authority hereby states its intention to continue and extend its plantings of trees and to implement such other measures as can be found to be effective in reducing the noise levels generated by the shooting range; and

RESOLVED, FURTHER, that the Northern Virginia Regional Park Authority hereby respectfully requests the Board of Zoning Appeals of Fairfax County to approve the pending application for a Use Permit thereby permitting the reopening of the skeet and trap shooting range at Bull Run Regional Park for public use and enjoyment."

Mr. Smith stated that it was evident from what was heard that the noise factor is here, you can hear noise off the site which is contrary to the Ordinance that any noise beyond the site itself is considered objectionable, and the Board has to decide whether or not this is a proper use. Certainly at the last home where the Board heard the noise, it was quite loud.

Mr. Long stated that he would like to see this operation continued if possible, there has been quite an investment expended there. The Park Authority plans to plant trees and he said he was wondering if they could extend the grade of the skeet range and place any of that planting on a level with the actual grade where the shooters would be shooting - this would help to alleviate the noise.

If they dig down very far they are going to hit water, Mr. Smith commented.

If they continue to fill back to wherever they felt was necessary, and plant the trees on a level with the range, Mr. Long said, rather than down in the lower elevation.

Mr. Hazel responded that since the last hearing the Park Authority has continued its efforts to develop some noise abatement procedures, they did plant within two or three weeks ago 1000 Lombardy poplars along the interior of the open area that was opposite the shooting stand. If your thought is to raise this some, certainly that could be explored. Mr. Hazel said he has not seen it since the Poplars were planted, but they are fast growing trees that grow up in a columnar effect.

Are you saying that you would bring fill in, Mr. Long asked, or plant trees at that level?

Yes, sure, Mr. Hazel said. It will take some time to get this going.

The brushpiling and the plantings have really had no effect on the noise factor, Mr. Smith said.

Since the public hearing is closed, Mr. Hazel stated, he would not discuss the merits of the case, but the presentation of a reasonable noise level is really the criteria in any type of activity conducted in this world - it's not a silent world for most of us, and if the noise level is at a reasonable level, comparable to other items which produce noise that is the proper test. They thought that the performance over the past years had indicated that this was a reasonable level and they want to continue to do everything possible to further minimize thise noise.

The people who live there say that it is not a reasonable noise, Mr. Smith said. He was sure there were better locations for this and better uses for this particular area of the park. Any noise that is created under a use permit, under the Ordinance, should never leave the perimeter of the use itself.

Mr. Long stated that he was at the demonstration also - the noise was not particularly objectionable. If proper corrective measures can be taken that's better than abandoning the site.

There are many uses that can be made of this site, Mr. Smith said, we are not talking about abandonment. There have been suggestions as to how the building and all could be utilized to be a more beneficial use to the community than this particular thing.

Mr. Kelley described the noise from the Northern Virginia Police Academy shooting range near where he lives, however, Mr. Smith said this was not under a Use Permit.
How are you going to abate the noise while the Poplars are growing, Mr. Smith asked?
The Zoning Administrator could determine whether the Park Authority is taking the proper steps to abate the noise, Mr. Long suggested.

The Board again discussed the hours of operation for the proposed operation.

May 25, 1971

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY & OLIN CORP. - Ctd.

Mr. Long stated that he was ready to make a motion. In application S-28-70, application by Northern Virginia Park Authority & Olin Corporation, application under Section 30-7.2.8.1.3 of the Ordinance, to permit operation of public skeet and trap shooting facility with vending machines, snack bar, professional shop for sale of equipment and incidentals related to skeet and trap shooting only and club house, property located at 7700 Bull Run Drive, Centreville District, also known as tax map 64 ((1)) 49, County of Fairfax, Virginia, Mr. Long moved that the Board adopt the following resolution:

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The owner of the subject property is the Northern Virginia Regional Park Authority.
2. The present zoning is RE-1.
3. Compliance with Article XI (Site plan ordinance) is required.
4. The use permit for this use was issued June 6, 1967.
5. The Board held a demonstration on this site May 18, 1971.
6. The Planning Commission recommended approval of this application at its regular meeting April 1, 1971, limiting the hours of operation to 8 p.m.

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

1. The applicant has presented testimony indicating compliance with standards for Special Use Permit Uses in R Districts.

NOW THEREFORE BE IT RESOLVED that the subject application be and the same is hereby granted, with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. This permit is issued for a three year period with the Zoning Administrator being empowered to extend the permit for three one year periods, making a total of six years.

5. The hours of operation shall be from 12 p.m. to 9:30 p.m. during weekdays and from 9 a.m. to 6 p.m. Saturdays and Sundays.

6. The trees the Park Authority plans to plant must be at the end of the range and at the same ground elevation.

Seconded, Mr. Barnes.

Carried 4-1, Mr. Smith voting against the motion as he felt it did not meet the standards set forth for Special Use Permits in Residential areas and it doesn't meet the one that the Board shall find that the use shall not be detrimental to the development and character of the adjacent land and will be in harmony with the purposes and the comprehensive plan of land use embodied in this Chapter.

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TYSONS INTERNATIONAL BUILDING & SECURITY HOLDING CORP., application under Section 30-6.6 of the Ordinance, to permit variance to setback requirements for front, rear and side yards, N. W. corner Rt. 7 and International Drive, Dranesville District, (COH), 39-2 ((3)) and ((17)) outlots B, C, and pt. of Lots 7, 8, 9, 10

Mr. Barnes Lawson represented the applicant. This is a piece of property located in the hub of the Tysons Corner development area with frontage on Watson Street, International Drive, and on Route 7. The property is presently zoned COH. The reason they are present today is that they think they have a classic case for appeal to the Board for the Board's help if they think the application has merit. The Code requires that when a lot is a corner lot, the side of the lot must have the same setback as the minimum setback for a front yard. That in itself is somewhat severe, but on top of that, unfortunately they happen to be in a COH zone and that zone requires on the front yard a 1 for 1 setback and on the side yard a 1 for 2 setback, based on a ruling the BZA made by memo, in 1968, the first 45 ft. of a COH setback is not calculated so that what one would have on this building since its height is 126 ft. would be an 81 ft. setback and since they have three sides or three fronts they would be required to have an 81 ft. setback on three sides of the property and a 40.5 ft. setback on the fourth side. Looking literally at the Resolution this Board made, you might say if you have anything below 45 ft. you would not have to have a setback for that or you would have to have the setback of that structure, or that could be considered CO and provide the CO setback.

May 25, 1971

TYSONS INTERNATIONAL BUILDING & SECURITY HOLDING CORP. - Ctd.

150

They are intending to construct a total 12 story building with two stories of a plaza mall type around the base of it. There is no request before the Board to relieve them of any requirements meeting the setbacks for the tower, Mr. Lawson continued. Since the staff rules that the building must be measured relative to setback from its highest point, 126 ft., they had to then rule that the setbacks would have to be 81 ft. They have had serious discussions with the staff hoping they could ask them to rule on the individual small structures from a height of 30 down to 14 feet, so they could meet the setbacks, or that they would have to rule CO under the 45 ft., and they felt sympathy toward the applicant, but in this instance, although they are greatly desirous and have encouraged them to do this type of structure in this location, they have the zoning for it, the staff felt the applicant should come before the Board and explain the case. Mr. Lawson showed exhibits to the Board and explained each one.

The first two floors are devoted entirely to shops, Mr. Lawson continued, and the four levels below grade are devoted to parking. All required parking has been provided in the underground level with 16 spaces extra on the surface level.

Are they going to charge for parking, Mr. Smith asked?

What they are trying to do, Mr. Lawson replied, is to include the charge of the parking in with the lease.

Mr. Smith said that to his knowledge there were no buildings in the County with below ground parking that charge -- that there were only two buildings that did charge in the County. This is probably an excellent plan; but if the Board grants variances to allow this applicant an advantage, certainly the Board has the right to set conditions on it.

Mr. Long said he did not feel the Board had the right to impose that restriction on this applicant.

Mr. Lawson said he felt this application meets the criteria set out in the Code, they meet the standards, they are compatible with the neighborhood, and they would hope the Board would approve the case. They would agree that the charge for parking would be included in the lease unless the court rules that it should be charged individually. This is a pilot building, they have been encouraged with it, the County wants them to go with it. Every time you look at four levels of below grade parking, you are looking at a million to a million and a half dollars. If the Board ruling stands, and if the court upholds it, each of them in the County in the high rise construction will be in an equivalent posture, they will all be dealing with their tenants on the same ground rules. If the court does not uphold the BZA position, then they would be under one ground rule and the remainder of the high rise buildings, unless they cameetoo and asked for a variance, would be under different ground rules, and it is for that reason he would ask that he be allowed to swing with the competition and see how it does go, Mr. Lawson concluded.

No opposition.

In application V-102-71, application by Tysons International Building and Security Holding Corporation, application under Section 30-6.6 of the Ordinance, to permit variance to setback requirements for front, rear and side, property located at N. W. corner of Route 7 and International Drive, also known as tax map 39-2 ((3)) (17) outlot B, C, and Lots 7, 8, 9 and 10, County of Fairfax, Virginia, 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, letters to contiguous and nearby property owners and a public hearing by the Board of Zoning Appeals on May 25, 1971 and

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

1. The owner of the subject property is the applicant.
2. Present zoning is COH.
3. Area of the lot is 2.0605 acres.
4. Compliance with Article XI, Site Plan Ordinance, is required.
5. The main building will meet the setback requirements.

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

1. The applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved; (a) exceptionally shallow lot; (b) considerable land was taken for road widening;

May 25, 1971

TYSONS INTERNATIONAL BLDG. AND SECURITY HOLDING CORP. - Ctd.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated on plats included with this application only and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried 3-0, Mr. Smith and Mr. Baker abstaining.

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JOSEPH A. W. SHOCKEY, app. under Section 30-7.2.7.1.1 of the Ordinance, to permit commercial recreational establishment - commercial swimming pool, 7155 Lee Highway, Providence District, (C-G), 50-2 ((1)) 2, S-97-71

Mr. Justus M. Holme, Jr., represented the applicant. The property is adjoined by commercial going down Lee Highway. This is a motel which has been in existence for a number of years -- the Falls Church Motel. The motel was built in the early 50's and the pool in the 60's. The motel has a swimming pool and because it doesn't get much use from the guests, they would like to allow members of the community, people in the neighborhood, to use the swimming pool on a membership basis. Total site contains 3.25 acres and as shown on the site plan, there are a number of structures on the site, the restaurant, pool and motel. The required parking for the motel has 49 spaces, and 37 for the restaurant, a total of 86 spaces. There is possibility for at least 101 spaces as shown on the plan. Most of the people who use the pool now come on foot or live in the neighborhood, and the pool generates on the average five, six or seven cars. They have sold 60 memberships and this includes close to 200 people.

What is the maximum number of family memberships, Mr. Smith asked?

They only had sixty requests so they allowed this number to use the pool, Mr. Holme said. The average crowd at the pool is about 25 people. Occasionally there is a peak crowd in the area of 50 people, five or six times during the summer. People using the motel are there at night, people using the pool are there in the day time.

Did you receive a violation notice on this, Mr. Smith asked?

Correct, Mr. Holme said.

Does the dressing room meet the Health requirements, Mr. Smith asked?

Yes, they are regularly inspected by the Health Department, Mr. Holme said. They have a men's and women's dressing room and separate toilet facilities.

No opposition.

In application S-97-71, application by Joseph A. W. Shockey, under Section 30-7.2.7.1.1 of the Zoning Ordinance, to permit commercial swimming pool, property located 7155 Lee Highway, also known as tax map 50-2 ((1)) 2, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 25th of May 1971 and

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

1. Owner of the subject property is the applicant.
2. Present zoning is C-G.
3. Areaof the lot is 3.25 acres of land.
4. Compliance with Article XI, Site Plan Ordinance, is required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

2. That the use willnot be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comp rehensive plan of land use embodied in the Zoning Ordinance.

May 25, 1971

JOSEPH A. W. SHOCKEY - Ctd.

NOW THEREFORE BE IT RESOLVED that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the uses indicated on 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 use permit to be re-evaluated by this Board.

4. There shall be a maximum of 100 family memberships.

5. There shall be 15 parking spaces provided for this use.

6. Hours of operation shall be from 12 p.m. to 8:30 p.m. seven days a week.

7. All noise shall be confined to the site.

8. All lighting shall be directed onto the site.

Seconded, Mr. Baker. Carried unanimously.

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ACCOTINK ACADEMY, app. under Section 30-7.2.6.1.3 of the Ordinance, to permit private school, 8519 Tuttle Rd., Springfield District, (RE-1), 79-3 ((4)) 30A, S-108-71

Mrs. Elaine McConnell stated that they would like to add four additional classrooms and an office upstairs for the special education school. This would not increase the total enrollment - this would decrease what they presently are allowed. They have permission for 160 students, they would decrease to approximately 80. The Health Department has approved them for 160 students on septic. They were on split shifts - 80 in the morning and 80 in the afternoon. 80 would be the maximum number on the premises at any one time.

How many buses do you operate, Mr. Smith asked?

At present 12 buses, Mrs. McConnell said. The drivers take them home. Only five buses come to this building. The staff is not being increased. They have twelve on the staff.

No opposition.

In application S-108-71, application by Accotink Academy, under Section 30-7.2.6.1.3 of the Ordinance, to permit private school, on property located at 8519 Tuttle Road, also known as tax map 79-3 ((4)) 30A, County of Fairfax, Virginia, 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 25th day of May, 1971 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. The owner of the property is Warren H. and Elaine N. McConnell.
2. Present zoning is RE-1.
3. Area of the lot is 1.917 ac.
4. Compliance with Article XI (Site Plan Ordinance) is required.

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

1. The applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

2. That the use will not be detrimental to the character and dedvelopment of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

May 25, 1971

ACCOTINK ACADEMY - Ctd.

1. This approval is granted to the applicant only.
2. This permit shall expire one year from this date unless construction or operation has started.
3. This approval is granted for the buildings and uses indicated on plats submitted with this application.
4. There is to be a maximum enrollment of 160 students with a maximum of 80 students on the premises at any one time.
5. The hours of operation shall be from 9 a.m. to 8 p.m. six days a week.
6. Buses shall comply with Fairfax County School Board requirements as to color and lighting.
7. There shall be a minimum of 12 parking spaces for this use.

Seconded, Mr. Barnes. Carried unanimously.

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Mr. Smith read a letter from John T. Hazel, Jr. addressed to Mr. Woodson, dated May 12, 1971 regarding use permit extension for Eldon J. Merritt at Calvary Hill Baptist Church, use of four classrooms for private school purposes.

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

Mr. Barnes moved to grant an extension of three years. Seconded, Mr. Baker. Carried unanimously.

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Mr. Smith read a letter from Mr. John F. McIntyre, Jr. regarding use permit for Citgo, 6381 Rolling Road. Can he obtain a building permit for the canopy without scheduling a nother hearing before the Board? He forgot to have it shown on the plats presented to the Board, he said.

The Board asked that Mr. McIntyre come in for re-evaluation, furnish renderings to the Board, and explain the type of canopy to be erected. There would not be a new public hearing.

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Mr. Paul Smith asked the Board to set a time limit on the abatement of the noise at the Bull Run Skeet and Trap Shooting facility.

Mr. Long's understanding was that they had planned to plant the trees immediately.

The Board is not going to reopen this hearing, Mr. Smith stated, this has been resolved. In order to set a specific time limit on noise abation, Mr. Paul Smith would have to make a formal request to the Board that they reconsider the motion and not on an impromptu basis as this.

If they don't do this immediately, there is no hope of the Zoning Administrator continuing this use, Mr. Long said. They have to start immediately.

If you have thought of appealing this to the court, Mr. Dan Smith said, there is a specified amount of time to do this.

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Letter from William Baskin, attorney, regarding Dwight H.Dodd use permit for Valley Brook School, asking that use permit be transferred to Valley Brook School, Inc.

The Board agreed that the applicant would have to come in for re-evaluation and bring the proper documents (certificate of incorporation).

Mr. Long moved that Mr. Baskin be requested to appear before the Board as a regularly scheduled item on June 22 for the Board to re-evaluate the request for transfer of use permit. Bring certification of the corporation, theofficers of the corporation, and the status of the school, number of students, etc. Seconded, Mr. Baker. Carried unanimously.

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Letter from Mr. George H. Alexander, Director of Fire & Rescue Services, Fairfax County, requesting out of turn hearing for Special Permit for Edsall Park Fire Station.

The Board agreed to schedule the out of turn hearing for June 15 providing the application is filed by the end of this week.

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May 25, 1971

Mr. Smith stated that the BZA had never spent any of the money allocated for travel expenses and he would rather have this allocated to the defense of the court case (paid parking) than to utilize any of it for his personal travel expense. Mr. Phillips was asked to find out how much money was left in the budget for this and if there is any objection to this being allocated for defense of the BZA rather than travel.

Mr. Phillips announced that starting next week someone from Mr. Woodson's office will be handling a lot of the Board's routine duties.

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The meeting adjourned at 6:35 p.m.
Betty Haines, Clerk

Daniel Smith, Chairman

September 14, 1971 Date

A rescheduled meeting of the Board of Zoning Appeals was held on Tuesday, June 1, 1971, at 10:00 a.m. in the Board Room of the Massey Building Fairfax County, Virginia. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes, Mr. Richard Long, Mr. Joseph P. Baker, and Mr. Loy Kelley. (This meeting was previously scheduled for May 18, 1971)

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

SCHEFER SCHOOLS, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a private school, maximum No. 30 students; 5 days a week; ages 8 to 13, 8:30 a.m. to 4:30 p.m., 8007 Ft. Hunt Road, Mt. Vernon District, (RE-0.5), 102-2((12))186 through 191 and 1/2 of 192, S-73-71.

Mr. William B. Fountain, testified on behalf of Schefer Schools, Inc.

Mr. Smith requested that the St. Luke's Church send a letter giving Schefer Schools permission to occupy premises. Rev. Morgan said he would be glad to comply.

Mr. Fountain stated that the children who would go the this school would be those who needed special help in order for them to achieve their grade level, some of these problems were caused by the frequent changing of schools, children with a physical handicap, such as brain damage, etc., but they would not be able to enroll children with serious emotional damage. Before entering, the children would be given placement tests. In other words, the school would be for the academically retarded children. They expect a 6 to 1 teacher-pupil ratio. The school was founded in 1952 as a non-profit corporation. They have 3 schools, one in Falls Church, McLean and hopefully Lt. Luke's Church. Using churches for the schools reduces the expenses which is passed on to the parents. They are financed by tuitions with no direct government grants. They expect the children to catch up to their normal age-grade level in two years and have been successful 95% of the time in the past.

The physical conditions of the school are: Four rooms in the parish hall and two baths. They will remove desks from corridors as requested by the Fire Marshall. There is now a fenced playground, but they plan to build a higher stockade type around the playground area to act as a screen. Their hours are planned from 9:30 to 4:15 if they include arrival and departure time with supervised teachers at all times. Age group is 8 to 13. Total number of students around thirty; They will operate five days per week, no Saturdays and expect to have a summer program for the month of July.

Mr. Smith said they could not issue a Special Permit unless they complied with the occupancy permit, even though the school and church had been in operation for some time and was completely finished inside, but the ground work had not been completed because of the bad weather.

No opposition.

As in the above described application number S-73-71, Mr. Kelley moved the Board of Zoning Appeals adopt the following resolution:

In application No. S-73-71, application by Schefer Schools, Inc., under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit operation of a private school, on property located at 8007 Ft. Hunt Road, also known as tax map 102-2 ((12)) 186 through 191 and one-half of 192, County of Fairfax, Virginia, he moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 1st day of June, 1971; and,

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

1. That the owner of the subject property is St. Luke's Episcopal Church.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 2.479 acres.
4. The ages of children will be 8-13 years, with a maximum number of 30, 5 days per week 8:30 to 4:30.
5. This permit is granted for a period of one year with the Zoning Administrator being empowered to extend the permit to 3 one-year periods.
6. This permit is granted contingent upon Church obtaining an occupancy permit prior to operation of School.

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

1. That the applicant has presented testimony indicating compliance with (Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and
2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion.

Carried unanimously.

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ZDZISLAW K. SZCZEPANSKI, application under Section 30-6.6 of the Ordinance, to permit addition 8.6 feet from side property line, 3416 Executive Avenue, Providence District, (R-12.5) 59-2 ((8)) 22, V-74-71

Mr. Szczepanski testified before the Board as follows: He requested the variance in setback in order to permit an additional living room. The house is placed on the lot at an unusual angle and he felt this was the only place he could add to the house to provide the most economic, functional, and harmonious affect to the interior and exterior of the house and would not hurt the atmosphere of the neighborhood in Holmes Run Acres. This addition was approved by several neighbors. It maintains same principle of spacing as other houses in neighborhood designed by the same architect (he enclosed a letter from the architect, Mr. Satterlee) His family had owned and lived in the house seven years.

No opposition.

In application No. V-74-71, application by Zdzislaw K. Szczepanski under Section 30-6.6 of the Zoning Ordinance, to permit addition 8.6 feet from property line, on property located at 3416 Executive Avenue, ~~also known as tax map~~ 59-2 ((8)) 22, County of Fairfax, Virginia, Mr. Kelley moves 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 1st day of June, 1971; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 13,105 square feet.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
(a) exceptional topographic problems of the land.
(b) unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The same type materials used in the existing building shall be used for the addition.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion. Carried unanimously.

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June 1, 1971

EASTERN CENTER, FAIRFAX ACTIVITY CENTERS FOR RETARDED ADULTS, application under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit use of classrooms in the church complex for daily school use, 2001 Sherwood Hall Lane, Alexandria, Virginia, also known as tax map 102-1 ((1)) FA, R-12.5, S-115-71.

Mr. Freaney, 8705 Bluedale Street, Alexandria, Virginia, parent of one of the children, represented the school and testified before the Board. There already are two centers operating, one in Fairfax and one in Falls Church, but these cannot accomodate all the retarded adults in the area. There seems to be plenty of schools for retarded children, he said, but everyone forgets about these children after they reach 16, which leaves no place but an institution. Their objective is that these adults will not disintergrate and to take some of the tremendous burden off the parents. Classes are to be held in the educational building of the Mount Vernon Presbyterian Church (copy of lease in file). They estimate they will start with four students and hope to have a total of 25 with eight instructors including volunteers. They are on a 90 day notice of cancellation type lease from the church. Classes will be held 5 days per week, 11 months per year. There will be no buses at first, only parent carpools, but they hope to get transportation from Fairfax County Mental Health and Rehabilitation Board.

Mr. Smith asked about fencing, but Mr. Freaney stated that he didn't think young people over 16 years would require a fence and they did not expect much outside recreation time, although they would have field trips.

Mr. Donald Pilkenton from the church spoke in favor of the school.

No opposition.

In application S-115-71, application by Eastern Center, Fairfax Activity Centers for Retarded Adults, under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit classrooms in the building of the church complex for daily school use, on property located at 2001 Sherwood Hall Lane, also known as tax map 102-1 ((1)) FA, 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 held on the 1st day of June, 1971; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Mount Vernon Presbyterian Church.
2. That the present zoning is R-12.5.
3. That compliance with Article XI (Site Plan Ordinance) is required.

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

1. That the applicant has presented testimony indicating compliance with (Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1.. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. This permit is for one year with the Zoning Administrator being empowered to issue a permit for three successive one year periods.

5. Hours of operation will be from 9:00 a.m. to 3:00 p.m., 5 days a week.

6. There will be a maximum of 25 students with one instructor and assistant instructor for each 6 students.

June 1, 1971

7. All transportation shall be by the parents of the students or Fairfax County.

8. All outside recreational activities shall be in the ratio of 6 students to 1 instructor and assistant instructor in lieu of a fence around the premises.

Mr. Barnes seconded the motion. Passed unanimously.

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BUDDY MAWYER, application under Section 30-6.6 of the Ordinance, to permit division of lot with less frontage than allowed by the Ordinance, 2607 Beacon Hill Road, Mount Vernon District, (R-12.5), 93-1 ((15)) 1, V-77-71.

Mr. Mawyer testified before the Board. He gave property owners adjacent to his property proper notice and he gave letters to the Board stating that the neighbors had no objections to the division of the lot. He stated that the State had taken 15 feet off the front of his property at the time they made a four lane road. This caused him to have less property on the front than is allowed by the Ordinance. His lot consists of 45,796 square feet and the existing house consists of two bedrooms and he needs to build a larger house on the property on the other lot but needs a 3.88 variance on the width of the lot. The house he plans to construct will be 50'x26' and will meet all the required setbacks set by the County.

Mr. Smith asked why he couldn't request a variance on the existing house and get a little more land in this lot. He said that all was needed was a variance on the existing house since this is R-12.5 zoning and he only needs 80 foot frontage so he would be 12 feet from the post property line and if the Board granted him a variance there, that would allow him to divide the property more equally, so rather than have a frontage variance it would be a variance from the existing house to the proposed property line.

No opposition.

In application V-77-71, application by Buddy L. Mawyer under Section 30-6.6 of the Ordinance to permit division of lot with less frontage than allowed by ordinance, also known as tax map 93-1 ((15)) 1, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 1st day of June, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 19,366 square feet of land.
4. Beacon Hill Road has been recently widened, and has curb, gutter and sidewalk in front of this property.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved.

(a) exceptionally narrow lot.
(b) unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. The existing dwelling located at 2607 Beacon Hill Road may be 8.2' from the proposed easterly line to allow Lot 1-A the proper width from the zone.

Seconded by Mr. Barnes

Carried unanimously.

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June 1, 1971

THOMAS A. CARY, INC., application under Section 30-6.6 of the Ordinance, to permit variance to allow 15feet lot width at building restriction line in lieu of 70 feet located in Brookfield adjacent to Galesbury Lane, Section 8, Centreville District, Lots 603, 604, (RT-10), V-78-71.

Attorney John Hazel testified representing property owners. This property is now under development, streets are now being constructed and there are no contracts on the house. There are no single family dwellings within a block or two within the site. The subdivision is now underdeveloped due to the fact that this section is zoned RT-10 providing 10 townhouse units per acre and is being developed as single family homes, therefore, it is essentially being developed as though it was zoned R-10. Mr. Cary in laying out section 8, which is a section where Galesbury Lane comes around on one side and pipestems come out on Galesbury, there are lots backing up coming in from the west side on a street so that the subject lots are in an oval effect and in the center of this oval there is an area which allows 2 pipestem lots to be created. The oval is in a topographic situation so that there is considerable height differential or grade differential between Galesbury Lane and the streets that are on the west. If these two had been compressed, the grade situation would have been such that this piece of land would have created a serious grade problem. He said the obvious way to handle was as it would have been handled had it been zoned R-12.5 and that is to use 2 pipestem lots and do it under what amounts to a cluster concept. Therefore, they need a variance in the front lot line from the 70 feet down to the 15 feet in each lot for the amount of frontage on a public street. Both lots are substantial in size, one is 19,236 square feet and the other 15,590 square feet so that the two lots created is 2 1/2 to 3 times the size of the other lots in the area.

Mr. Long stated that he felt that if Mr. Cary had built under the cluster concept he would not have had to divide these lots in this manner.

Mr. Hazel confirmed this and stated that the density is only one-third of what it would have been if developed under R-10. Mr. Woodson said that a pipestem under cluster zoning would not have required a setback.

No opposition.

In application No. V-78-71, application by Thomas A. Cary, Inc. under Section 30-6.6 of the Zoning Ordinance, to permit 15 feet lot width at building restriction line in lieu of 70', on property located at Section 8, Brookfield, also known as tax map 44-2 ((1)) 9, County of Fairfax, 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 1st day of June, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RT-10.
3. That the area of the lots are 19,236 square feet and 15,591 square feet.
4. That compliance with the Subdivision Control Ordinance is required.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpreation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

(a) exceptionally irregular shape of the lot.
(b) exceptionally topographic problems of the land.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific lots indicated in the

160

June 1, 1971
THOMAS A. CARY, INC.
PLATS INCLUDED WITH THIS APPLICATION ONLY, AND IS NOT TRANSFERABLE TO OTHER LAND OR TO other structures on the same land.

Seconded by Mr. Barnes

Passed unanimously.

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MOHAWK, INC., app. under Section 30-6.6 of the Ordinance, to permit existing dwelling with less total side yard than required, 4205 Vicki Court, Mason District, (R-12.5) cluster, 72-2 ((9)) 56, V-79-71

Victor H. Ghent, attorney representing owners, testified before the Board. He said that due to a change of the basic plan on the Wellington type home, they had added two feet to the overall dimensions of the house. The change was carried through on all Wellington models. They changed the plans to build garages instead of carports as a selling feature. The builder in carrying out these plans overlooked the fact that the one lot was too small. The other houses, sixty in all, have been built and there are no other violations. The day before they were supposed to settle on the house and did the final inspection, they realized their mistake. They did not settle and are awaiting the decision of the Board. He said that on the side yard it is 10 feet and on the other side it is 8 feet which is the minimum required by the zone, and the further back the total yard distances become better and the back of the garage increases another 8 inches and the back of the house is completely over the 20 feet. Mr. Long stated that the plat showed 9.98 at the closest point. Mr. Smith pointed out that he should be more precise and it was then determined that 9.98 was correct, therefore, they are 2.2' within the requirement.

Mr. Ghent said the adjoining owners had no objection.

Mr. Woodson was asked if the required total side yard area was 20 feet and he replied that in R-12.5 zoning, 8 feet is minimum side yard and 20 feet total side yards for a garage.

Mr. Ghent was asked by Mr. Long if the house was occupied and he said that it was occupied by the potential owners, but settlement has been delayed until after the hearing. It is a VA loan.

Mr. Smith asked if there was an occupancy permit, Mr. Ghent said no, but all the inspections had been made. Mr. Smith reminded Mr. Ghent that the developer should be more careful about letting people live in their houses before they have obtained an occupancy permit that it was a violation of the County Ordinance.

No opposition.

In application No. V-79-71, application by Mohawk, Inc. under Section 30-6.6 of the Zoning Ordinance, to permit existing dwelling with less total side yard than required, on property located at 4205 Vicki Court, also known as tax map 72-2 ((9)) 56, County of Fairfax, Virginia, I move 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 1st day of June, 1971; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is R12.5.
3. That the area of the lot is 9,452 square feet.
4. The construction has been completed.
5. The required setback is twenty feet for two side yards.

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

1. That the Board has found that non-compliance was the result of an error in the location of the building subsequent to the issuance of a building permit; and
2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures

indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion.

Passed unanimously.

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LEE R. & SANDRA L. JAMES, app. under Sec. 30-6.6 of the Ordinance, to permit construction of proposed garage 12 ft. from side property line, 9232 El James Dr., Springfield District, (RE-1), 69-4 ((2)) 12, V-81-71

Mr. Lee James testified on behalf of owners. Letters of approval from contigious property owners were received. They would like to build a two-car attached garage on their property. They cannot build in the back because of a septic field, hooking up to County water and sewer system. His house is located on one-half acre, most lots around them are on 1/4 acre, and some are on 1/3 acre. The zoning in his area is varied. He said they could not reduce the size of the garage because of the stairs coming down from the door into the house. He wants the 23 foot garage to give him enough room to get both cars in.

Mr. Woodson said that the zoning requirement on one-half acre lots was 20 feet for garages and 15 feet for carports.

The Board members discussed the area surrounding this particular house.

No opposition.

In application No. V-81-71, application by Lee R. & Sandra L. James, under Section 30-6.6 of the Zoning Ordinance, to permit proposed garage 12' from side property line, on property located at 9232 El James Drive, also known on tax map 69-4 ((2)) 12, County of Fairfax, Virginia, Mr. Kelley 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 theproperty, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 1st day of June, 1971; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 21,782 square feet.
4. Minimum setback is 20 feet.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
(a) exceptionally irregular shape of the lot,
(b) exceptionally narrow lot,
(c) exceptionally shallow lot,
(d) exceptional topographic problems of the land,
(e) unusual of the location of existing septic field & septic tank.

June 1, 1971

LEE R & SANDRA L. JAMES

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. Materials shall be of the same type used in existing dwelling.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation toobtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion. Passed unanimously.

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CRD. EDWARD FINK, app. under Sec. 30-6.6 of the Ordinance, to permit construction of pool 16 feet from rear property line, 1700 Hollinwood Dr., Mount Vernon District, (R-17), 93-4 ((11)) 43, V-82-71.

Crd. Fink said he felt the only placehe could possibly put the swimming pool is to the side of the yard behind the garage. The slope of the remainder of the yard is such that no one would undertake it and all of the contractors that came to estimate the costs said it could only be done by a company who could build a retaining wall. However, one of his neighbors had the same problem and did not know he could apply for a variance and went ahead and built a pool with a retaining wall and is having numerous problems with it. Therefore, he talked with his neighbors and they have no objection.

Mr. Smith suggested he move 12 feet behind the garage within 4 feet of the rear property line and asked if he was aware of this. Crd. Fink said no that he was not aware of that that he had called the County and was told that he needed a variance. They say that the line goes behind the house 12' which cuts off most of the lot because the lot goes the other way. Crd. Fink indicated that most of his lot in the back is impenetrable and there is a storm drainage easement in the back also. He proposes to build a pool with a curved shape in order to stay as far back from the property line as possible.

No opposition.

In application No. V-82-71, application by Cdr. Edward Fink, under Section 30-6.6 of the Zoning Ordinance, to permit construction of pool 16 feet from rear property line, also known as tax map 93-4 ((11)) 43, County of Fairfax, Virginia, 1700 Hollinwood Drive, 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on thelst day of June, 1971; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 19,277 square feet of land.
4. The required rear setback is 25 feet when the pool is less than 12 feet from the dwelling.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:
(a) exceptionally irregular shape of the lot,
(b) exceptional topographic problems of the land.

June 1, 1971

CRD. EDWARD FINK

NOW, THEREFORE, BE IT RESOLVED, that the subject application and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from the date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Mr. Barnes seconded the motion.

Passed unanimously.

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BURGUNDY FARM COUNTRY DAY SCHOOL, INC., app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit increase in existing use permit to allow 250 students, 3700 Burgundy Road, Lee District, (R-10) 82-2 ((1)) 5,6, 8, S-41-71 (deferred from April 13).

Mr. Douglas Adams represented the School. They requested an increase from 200 to 250 students. At the last meeting there were several requirements which the Board requested be complied with in the form of a motion (See April 13, 1971 minutes for motion in complete) One was the As-Built site plan which had to do with the building, which they had gotten approved in April, 1968 which is now complete and has been occupied. Two: The Inspector's report on the existing building that has been requested and is in staff hands, but has not reached the Board. The list has been reviewed by Mr. Burch and a couple of minor modification have been made and the remainder they are prepared to take care of. It is impossible to do all of them immediately, but the school has talked with Mr. Burch about phasing these things and doing the things that are mostimportant first. The report from the Health Department has been made some months ago but has not reached the Board's file, but he had a copy for the Board file and will forward it along with his letter he intends to write to the Board. The Health Department has given permission to have 300 students instead of the 250 requested. The survey engineer's report on providing adequate site distance has been complied with.

Mr. Smith said that the Board had determined that all the requirements that had been necessary and requested by the Board previously had been met and everything was in order and he felt the school had done an excellent job.

The school has three buses now, the majority of the children are carpooled. Mr. Smith asked if the buses conformed to the color code and Mr. Adams answered that they did not but plans were under way to paint them this summer.

It was determined that parking was adequate. Mr. Smith asked if Mr. Adams would see to it that the Board had a copy of the insurance coverage on the buses. He said he would.

No opposition.

In application No. S-41-71, application by BURGUNDY FARMS COUNTRY DAY SCHOOL, INC. under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit increase in existing use permit to allow 250 students, on property located at 3700 Burgundy Road, also known as tax map 82-2 ((1)) 5,6,8, County of Fairfax, Virginia, Mr. Kelley 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 theby-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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 1st day of June, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 23.45148 acres.
4. That compliance with Article XI (Site Plan Ordinance) is required.
5. A use permit was issued on this property for a private school: 6-24-46, 7-18-61, 4-23-68.

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

June 1, 1971

BERGUNDY FARMS COUNTRY DAY SCHOOL, INC. (continued)

1. That the applicant has presented testimony indicating compliance with (Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance as contained in Section 30-7.1.2 in theZoning Ordinance), and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. T hese changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

4. The applicant must comply with Article XI (Site Plan Ordinance) for location, number and site distances entrances shall be subject to approval of the Planning Engineer.

5. There shall be a minimum of 74 parking places.

6. There shall be a maximum of 250 students.

7. Hours of operation shall be 8:30 a.m. to 3:30 p.m., five days per week.

8. All buses shall comply with the Fairfax City School Board in lighting and color.

9. Recreation area shall be enclosed with chain link fence in Compliance with county and State regulations.

10. This permit is for a three year period with the Zoning Administrator empowered to extend the permit for three, one-year periods.

Mr. Baker seconded the motion. Passed unanimously.

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GEORGE TRUMAN WARD & CHARLES E. HALL, JR. FOR SPRINGFIELD TOWER OFFICE BUILDING JOINT VENTURE, app. under Sec. 30-6.6 of the Ordinance, to permit construction of East edge of elevated automobile parking deck 38 feet from Interstate Route 95 westerly right-of-way line at Springfield interchange, located on Augusta Dr., Springfield Shopping Center, Springfield District, (C-D), 80-4 ((1)) 6, V-42-71 (deferred from April 13)

Mr. Ward testified before the Board. He said he had given the Board a copy of the intent to lease at the April meeting. There was a discussion regarding the lease. Mr. Ward stated that the lease for a long term one for more than thirty years. Mr. Smith asked him if it actually stated thirty years. Mr. Ward answered, "No," it did not state the exact number of years, just long term.

Mr. Smith asked if Mr. Lynch owned the land, and Mr. Ward said that he did. Mr. Smith reminded him that the owner of the property according to the ordinance has to be joined in the application for appeal. Mr. Ward said that this was agreeable. Mr. Smith said that if the lease was more than thirty years, that that was given the same consideration as the Owner, but since the lease does not spell out the number of years, the Owner must be joined in the application for zoning appeal for a variance. Mr. Harvey A. Mitchell, Administrative Assistant for Edwin E. Lynch stated that he had authority to speak for the Lynchs and he would be glad to include Vernon M. Lynch and Edwin L. Lynch, Trustee, as co-applicant on the appeal and they would have joined in the beginning, but did not know that it was necessary.

June 1, 1971

GEORGE TRUMAN WARD & CHARLES E. HALL, JR. FOR SPRINGFIELD TOWER OFFICE BLDG. (continued)

Mr. Long moved that the application be amended to include Vernon Lynch & Sons and Edwin Lynch, Trustee, as a party to the application.

Mr. Barnes seconded the motion. Passed unanimously.

Mr. Ward discussed the reasons why he feels they should be permitted to construct east edge of elevated automobile parking deck. (He shows Board a plat and a rendering of the building). He said the land is part of an overall 19 acre parcel owned by Edwin Lynch all of which is in the Springfield Shopping Center. Humble Oil is on the left and Howard Johnson is on the right to the north. All of the land in this area is owned by the Lynches. Augusta Drive is a privately owned roadway, owned and maintained by the Lynches. The space will be leased and the office building will be built on this land. He stated that on May 12, the Board of Supervisors acted on and approved the CD height waiver they had requested. The main structure meets the required setback from the Interstate right-of-way, therefore, their request is only applicable to the one level of elevated parking. This land has been zoned CD for 19 years. He said he had given in his letter of justification their reasons for the need for the variance, but he again outlined their reasons:

1. They need to build an extra parking area because the required number of parking spaces is 103. Underground parking is impractical because of the high water table and the economics involved in underpining Humble Oil. Spaces would be lost in ramps leading to underground parking. They have at least one-half of the building leased already and time is of an essence. It would be a major economic hardship if they were not able to build at this time.

Mr. Long asked Mr. Ward if the Board of Supervisors was aware of the need for this variance when they approved the C-D height waiver. Mr. Ward answered that they had made them aware of all the needs that they could. The land was zoned commercial before Shirley Highway was in the Interstate system.

Mr. Smith said the situation now is that the highway is there. The discussion should be in this particular area of the mandatory 75' setback from the interstate highway.

Mr. Ward again stated that the building itself meets the Interstate requirements for the setback. The building covers 25,750 square feet. The land area is 15,942. They have 55 parking spaces on grade and 48 on the proposed elevated portion.

Mr. Barnes read the staff report concerning this application:

> On May 14, 1971, a site plan was submitted to this office for review. A careful review showed that the developer had made no provision for turnout area from parking spaces abutting walls underground. Also, after checking the parking tabulation shown on that plan we have found that there is an apparent shortage of approximately 34 parking spaces as per the requirement of this zone.
>
> The existing entrance on Commerce Street lacks sight distance and should be closed. A ramp should be constructed at this location as shown in the site plan submitted.

Mr. Smith commented that the traffic circulation is getting rather dense in this area. He further stated that he did not see why they did not go underground even though it would be more expensive and then they could go to 1' from the property line.

Mr. Ward in answer to one of the Board members questions said that he did recall bringing the parking problem out in the Planning Commission hearing but not before the Board of Supervisors. There was no recommendation from the Planning Commission. An excerpt from the Planning Commission minutes concerning this property and an excerpt from the Board of Supervisors' minutes were requested to be obtained.

Mr. Long said that he thought they had gone through the same thing before in another area, the Woodward and Lothrop warehouse, and he felt it was closer than 75' from Interstate 95.

Mr. Smith reminded him that the circumstances of that cases were very different.
Mr. Smith continued by saying that in this particular case with Springfield Towers, the reason for the hardship was not because the State took some land, but because of the waiver in the height restriction.

June 1, 1971

TRUMAN WARD & CHARLES E. HALL, JR. FOR SPRINGFIELD TOWER OFFICE BLDG. (continued)

Mr. Smith asked if this were approved, did they intend to make any charge for parking on this land. Mr. Ward answered that it was intended to be parking for the building only, and he did not know the details concerning charge, that this was being worked out now between the agents and those that are interested in leasing the space. Whether parking will be rented or not is not yet determined one way or the other.

Mr. Ward said the only streets that would be serving this would be Augusta and Bland and the private road in the rear which connects from Bland to Commerce. Mr. Kelly reminded him that the Staff Report suggested thatCommerce be closed.

Mr. Art Rose from the Land Planning Branch was called to testify as to the staff report on the above mentioned application.

Mr. Rose stated that their office had again reviewed the plans and from their review they found that the Springfield Tower Joint Venture is not short 34 parking spaces, but 8 or 9. In reply to a question from the Chairman, Mr. Smith, on the closing of the existing entrance on Commerce Street, Mr. Rose answered that their office had found that there was a poor site distance at this point and they would, therefore, recommend closing. Concerning the comment in the staff report regarding the spaces themselves for turn around areas abutting the walls, Mr. Rose commented that they had found the parking layout to be insufficient for maneuverability and has to be changed to provide better turn around, thereby cutting down on existing spaces, but not 34, only 8 or 9.

Mr. Long moved that application No. V-42-71 be deferred for decision and for the following information until June 8, 1971:

1. Was the date of the issuance of the use permit for the Esso Station, May 23, 1967, after right-of-way taking for the recent widening of Interstate 95.

2. Brief summary of minutes of Zoning hearing for height variance before Board of Supervisors and Planning Commission.

3. Justification of hardship under ordinance.

4. Reply by developer to County Staff report on this application.

Seconded by Mr. Barnes. Carried unanimously

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CHARLES E. BANGE, THE ELMS CORP., app. under Section 30-7.2.6.1.9 of the Zoning Ordinance to permit operation of funeral chapel, 2447 Gallows Road, Centreville District, (R-12.5), 30-4 ((1)) 33, S-40-71 (deferred from April 13)

Mark Bettius, attorney, representing the corporation, testified before the Board. This case was deferred from April 13 for additional information. The Board asked counsel at the April 13 hearing to address himself to two points at the hearing today. One was an inspection by the county relative to required improvement and they anticipated there would be some. Mr. Bettius submitted a copy of inspection number 518 made by the county. With respect to the notations made on the inspection report, he said he had discussed each of the items with his client and it was their intention if they were successful in getting Board approval to meet and exceed each of those requirements which they had anticipated by virtue of their proposal of the development. The second issue that had caused the Board concern was the question of proposed improvements along Gallows Road in the vicinity of this application. They have been conducting meetings with Mr. Phillips who is their engineer with both VDH and the staff and several questions have been raised. It has been found that the widening of Gallows Road would require the taking of 15' off their property. The staff had asked that there be a requirement for a service drive in front of this site. They are concerned about this as it would not be in keeping with the residential area in which the Funeral Chapel is to go. They feel this is not in the best interest with the Funeral Chapel and the community. He continued by saying that they had had tremendous cooperation from the neighbors in that area. They have provided what is in effect, a service drive connection within the site itself in the form of a horseshoe drive in front of this home which would serve the same function of providing ingress and egress, but does it in a fashion which is consistent with the residential neighborhood and insofar as the client is concerned they feel it is their responsibility in connection with this application to conform to those things which VDH feels will be necessary to make the construction of this facility an improvement to Gallows Road possible. His

June 1, 1971

CHARLES E. BANGE, THE ELMS CORP. (continued)

clients have agreed toprovide the 15' dedication that is projected by VDH on this side of the tract and at the time VDH is ready to go ahead with these improvements to contribute a sum sufficient to provide curb, gutter and sidewalk on the front of the side. He says it is a mystery to him why the Board wants a service drive in front of one establishment.

Mr. Smith said the main thing they were interested in is how The Elms Corp. is meeting the requirements of the ordinance and he reads Section 30-7.2.6.1.9.1. Mr. Bettius said that it was their intention that if the Board felt it was appropriate, they would construct the 15' of pavement now and the curb, gutter and sidewalk now. But, he continued, they felt it would be of greater service to the taxpayers of Fairfax County and to the community as a whole if they bonded these improvements at the time they went to subdivision control so that what The Elms Corp. does will correspond with what VDH does.

Mr. Bettius said they were talking about a period of time relative to the construction of improvements on this particular site which should coincide to almost dovetail to the proposed plans for development of the 4 lane Gallows Road. They find themselves in the unfortunate circumstances that the landowner wishes to make an immediate sale of this property and we are asking that you recognize that these improvements are coming, and that we are doing our part to meet those requirements and go a point beyond and recognize that the two uses may and will closely coincide with each other.

Mr. Smith said there is no specific time for the 4 lane highway to be finished.

Mr. Kelley said when the ordinance says "existing" and there is no "existing" road, the Board does not have an interpretation to make, and they have to live under the ordinance.

Mr. Smith said that the Board was sympathic with Mr. Bettius's position, but the Board finds they are going to have to render an adverse decision because of how the ordinance reads.

Mr. Bettius said that one possible solution would be to go before the Board of Supervisors and ask for an emergency amendment to the ordinance to insert the words "proposed" to the ordinance and set some standards for that. Therefore, he would request a 60 day deferral.

Mr. Baker moved that the Board of Zoning Appeals grant the request for a sixty day deferral in order to allow the applicant time to explore the possibility of going before the Board of Supervisors.

Mr. Kelley seconded the motion. Passed unanimously.

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PLEASURELAND TRAVEL CENTER, INC., app. under Section 30-7.2.10.5.4 of the Ordinance, to permit display, sales, service, storage, rental and distribution of recreational vehicles (travel trailers, truck campers, camping trailers, etc.), 8131 Richmond Highway, Mount Vernon District, (C-G), 101-4 ((1)) 28, S-93-71 (out of turn)

PLEASURELAND TRAVEL CENTER, INC., app. under Sec. 30-6.6 of the Ordinance, to permit variance of 20 ft. from U.S. #1 for display area, 8131 Richmond Highway, Mount Vernon District, (C-G), 101-2, 101-4 ((1)) 28, V-91-71 (out of turn).

Hunter Bourne, attorney representing the applicants, testified before the Board. Only the left portion of the lot is actually leased by the applicant. These trailers will not be a mobil home type of sales. It was determined that there was 32,276 square feet including the frontage of 65' along the highway. There are two frame buildings on the property. The front one to be used for an office and the one in the rear for storage.

Mr. Smith asked if when he said distribution, did he mean wholesale distribution or distributorship only from a sales standpoint.Mr. Bourne answered that he meant distributorship only from a sales standpoint. They would retail all those that had to be sold from tradeins, but that would be the extent of resale items.

Mr. Smith said he didn't see where the Board had authority to grant a variance under the ordinance because the applicant is not the owner of the property and are only contract purchasers which actually does not entitle them to a variance. Secondly, theBoard of Supervisors just passed a highway corridor amendment to the ordinance which that area covers and they would be completely out of context if they granted the variance.

Mr. Smith said trailers for travel were getting to be a poplar item and Mr. Long continued by adding that what is botheringhim is that none of these places are first class places and are becoming a detriment to the community instead of enhancing the area. Mr. Smith said he felt strongly on that point too and that a site plan is required and compliance

June 1, 1970

PLEASURELAND TRAVEL CENTER, INC. (continued)

with site plan ordinance is required. But, Mr. Long commented that unless the Board makes it a specific requirement they would not have to comply with the site plan.

Mr. Bourne said that the primary purpose for this short time lease was to see whether or not the area would support such a center and if they did prosper, then they did plan to purchase the property and build a rather extensive display for the purpose of displaying camper equipment. The lease will run for 13 months. Mr. Smith told him that anything up to two years is considered temporary.

Mr. Bourne asked if it would be proper for him to request that the Board defer the case until he could ask the owner to join in the application for a variance.

Mr. Smith answered that it would be up to the Board that they had turned down a lot of similar type things on Route 1. They could not grant a permanent variance and the only thing they could do would be to grant a temporary variance.

Mr. Bourne told the Board that his client had no objection to a temporary variance.

Mr. Long said he definitely could not support a permanent variance because it would affect the adjacent property owners.

In application No. S-93-71, application by Pleasureland Travel Center, Inc. under Section 30-7.2.10.5.4 of the Ordinance, to permit display, sales, service, storage, rental and distribution of recreational vehicles (travel trailers, truck campers, camping trailers, etc.), 8131 Richmond Hwy., Mt. Vernon District, (C-G), 101-2 101-4 ((1)) 28, S-93-71

and

In application No. V-91-71, application by Pleasureland Travel Center, Inc., app. under Section 30-6.6 of the Ordinance, to permit variance of 20 ft. from U.S. #1 for display area, 8131 Richmond Hwy., Mt. Vernon District, also known on tax map 101-2, 101-4 ((1)) 28, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned applications have 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on thelst day of June, 1971; and

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

1. That the Contract Purchaser of the subject property is the applicant.
2. That the present zoning is C-G.
3. That the area of the lot is 40,994 square feet of land.
4. That compliance with Article XI (Site Plan Ordinance) is required.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 in the Zoning Ordinance); and
2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject applications be and the same hereby are granted in part with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

June 1, 1971

PLEASURELAND TRAVEL CENTER, INC. (continued)

4. Repairs other than minor repairs and service of new trailers are prohibited.

5. Distribution storage facilities are prohibited except for trailers to be sold to individuals from these premises.

6. The owners of the property must agree to eliminate parking in the front of brick building #8135, Route 1. Owners meaning Contract Purchasers.

7. This permit is for a one-year period from June 1, 1971, until June 1, 1972, at which time a new application must be filed.

8. The customer parking and display area arrangement must be approved by the Planning Engineer and conform with all county requirements.

Mr. Barnes seconded the motion. Passed unanimously.
Mr. Smith said this covers both S-93-71 (granted) and V-91-71 (denied).
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ACCOTINK ACADEMY & ST. THOMAS EPISCOPAL CHURCH, app. under Section 30-7.2.6.1.3 of the Ordinance, to permit private school, 8939 Lewinsville Road, Dranesville District, (RE-1) 28-2 ((1)) 12, S-107-71 (out of turn)

Mrs. McConnell testified before the Board on behalf of the Accotink Academy & St. Thomas Episcopal Church. They would like to have four classrooms in the church for children with special learning difficulties. The total enrollment is expected to be 32 children.

Mr. Smith asked her to submit in writing a letter giving the school permission to operate in the church. The Senior Warden of the Church, Rev. Dickey was present and verbally stated that the school had his and the church's permission to operate, but he would send something in writing. Mr. Smith requested him to send a copy of the lease for the file when it was completed.

Mrs. McConnell stated there would be 8 children to each classroom, ages 6 to 12, hours, 8:30 until 3:15. They would be using the church school classrooms which are part brick and frame. They plan to operate 5 days per week, 180 days per year. Placed in the record was a petition signed by a number of people in the church stating their approval.

Rev. Dickey stated the church was used for two years for Fairfax County Retarded Children and therefore there were several items of school equipment there which was donated by one of the service organization, so the property is equiped to handle this type of thing. Their transportation will be at least one bus, but primarily carpool. There is no fencing, but there is a large field in the back of the church which is fairly isolated from conjested areas of land. The church is located on 6 acres of land. Mr. Smith reminded them that fencing was required by the State and County. He asked if they had had a team inspection and they were expecting them to get one. Mrs. McConnell answered that it had been ordered and they expected the inspectors next week.

Mr. Long recommended that the Board approve the school subject to the approval in writing of the Health Department and a team inspection.

In application No. S-107-71, application by Accotink Academy & St. Thomas Episcopal Church under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit a private school, on property located at 8989 Lewinsville Rd., also known as tax map 28-2 ((1)) 12, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 1st day of June, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 5.129 acres.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has presented testimony indicating compliance with (Standards

June 1, 1971

ACCOTINK ACADEMY & ST. THOMAS EPISCOPAL CHURCH (continued)

for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

4. The hours of operation shall be 9:00 a.m. to 2:45 p.m., with a maximum number of students being 32, five days per week.

5. The age of the students are 6 to 12 years.

6. Recreation areas shall be fenced in compliance with Fairfax County and State regulations.

7. Buses used for transporting students shall comply with Fairfax County School requirements in regard to color and lights.

8. This permit is granted for a period of one year with the Zoning Administrator empowered to grant three, one-year extensions.

9. All requirements of County and State must be complied with.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion. Passed unanimously.

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AFTER AGENDA ITEMS:

Mr. Paul Smith asked the Board for a reconsideration of the decision by the Board relative to the Regional Park Authority's Bull Run Skeet and Trap Shooting facility that is near his home. He did not have new evidence to present, therefore, it could not be reconsidered.

Mr. Woodson said he had been out to inspect the area and some planting had been done as a noise buffer and he felt they were complying with the Board's decision and stipulations.

The motion was amended to add the words "except Mondays" to clarify the previous motion of May 25, 1971 for the days of operation. Mr. Long made the motion. Seconded by Mr. Barnes. Passed unanimously.

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MT. CALVARY BAPTIST CHURCH. A letter was received from Mr. Quander, Trustee, for the church, stating that they were having difficulty getting financing for their proposed additon, therefore, they asked for an extension of six months.

Mr. Baker moved that the Board of Zoning Appeal grant the extension request for six months from May 26, 1971.

Mr. Kelley seconded the motion. Passed unanimously.

Mr. Smith requested the Clerk inform the applicant that this is the only extension allowed under the Board policy.

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June 1, 1971

WOODBRIDGE CAMPER SALES

Mr. Barnes moved to defer the viewing of this business until a later time.

Mr. Baker seconded the motion. Passed unanimously.

Mr. Baker made a motion to adjourn. Mr. Barnes seconded the motion.

The Board of Zoning Appeals adjourned at 5:52 P.M.
By Jane C. Kelsey, Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

September 14, 1971
DATE

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A Regular Meeting of the Board of Zoning Appeals was held on Tuesday, June 8, 1971, at 10:00 A.M. in the Board Room of the Massey Building, Fairfax County, Virginia. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes; Mr. Richard Long, Mr. Joseph P. Baker, and Mr. Loy Kelley.

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

Mr. Long made the motion that the Chairman write a letter to Dr. George Kelley, Fairfax County Executive, commending Mrs. Betty Haines, who had been Clerk to the Board of Zoning Appeals for several years, and just resigned last week, and to request that this letter be entered into the permanent employment record of Mrs. Haines.

Mr. Kelley seconded the motion. Passed unanimously.

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Mr. Long nominated Mrs. Jane C. Kelsey to be the Clerk of the Board of Zoning Appeals.
Mr. Kelley seconded the motion and moved that the nominations be closed.
Mr. Barnes seconded the motion that the nominations be closed and the motion carried unanimously.
The motion that Mrs. Kelsey be appointed Clerk of the Board of Zoning Appeals carried unanimously.

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FRANK J. ALBANESE, app. under Sec. 30-6.6 of the Ordinance, to allow construction to come closer to rear property line than allowed, 4222 Petal Ct., Centreville District, (R-12.5), 45-3 ((2)) ((14)) 8, V-89-71.

A letter was received from Mr. Albanese stating that he must stop all plans for construction, therefore he requested that his application be withdrawn.

Mr. Baker moved that the Board withdraw the application at Mr. Albanese's request without prejudice.

Mr. Long seconded the motion. Passed unanimously.

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GORDON DONALD, app. under Sec. 30-6.6 of the Ordinance, to permit construction of detached carport in required front yard, 911 Swinks Mill Rd., Dranesville District (RE-1), 21-3 ((1)) 25, V-88-71

Mr. Bradford C. deWolf, architect for Mr. Donald testified before the Board. He stated that the major problem was the most of the lot lies in the fl ood plain. Mr. Donald wants to move the carport as close to the road as possible in order to get it out of the flood plain and that would put them in violation with the setback ordinance. They want to put the carport where it will serve the house to the best advantage with the least change to grade and the least damage to trees.

Mr. Smith asked him what happens if the Highway Department widens Swinks Mill Road. Mr. deWolf stated that he did not feel they would widen that side of the road, but he supposed they would go the other direction.

Mr. Long stated that he felt the Board would need to know what the final width of the road might be after widening.

Mr. Smith said the ordinance prohibits a carport on the front setback area, and the variance itself is quite extensive, not only from the ordinance standpoint, but the distance from the front road.

Mr. Smith asked if the house was in the flood plain and Mr. deWolf answered that it was and that they had had several floods. The house was built in 1955 and recently Mr. Donald had gone to extensive construction in order to raise the house above flood level. One flood in 56 did not quite reach flood level, another in '66 surrounded the house and again in '68 the flood level was reached and because of the upstream construction, they expect the floods to worsen. He also stated that a well in back prohibited going backwards from the house and they wanted to avoid removing large trees, but stressed the main reason was to get the carport out of the flood plain. He stated that there were several other carports down the street that were 16' from the street.

Mr. Smith asked if those houses were also in the flood plain and he answered that they were. Mr. Smith asked if Mr. Donald lived at the property now and if he planned to

GORDON DONALD (continued)

continue to live there. Mr. deWolf answered that Mr. Donald did live there and plans to continue to live there.

No opposition.

Mr. Long moved that this application be deferred until the first meeting in July to allow the applicant the opportunity to furnish the Board of Zoning Appeals the following information on the plat prepared by Schiller & Associates.

1. Present pavement width of Swinks Mill Road.
2. Present right-of-way width.
3. Proposed highway width.
4. The proposed addition must be out of the ultimate right-of-way width of Swinks Mill Road.

Mr. Bakes seconded the motion. Passed unanimously.

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NANCY C. CARROLL, app. under Sec. 30-7.2.6.1.5 of the Ord., to permit operation of beauty shop in home, 5 days per week, 9 a.m. to 6 p.m. and to 9 p.m. one night a week, 2611 Jeanne St., Providence District, (R-10), 50-1 ((2)) 110, S-90-71

A letter was received from Nancy C. Carroll requesting withdrawal due to a recent rejection of premises by the Team inspectors.

Mr. Baker moved that the Board grant the request for withdrawal with prejudice.

Mr. Smith asked if it might not be possible for her to remedy her problem. The file did not indicate a report on the inspection; apparently, there was a considerable problem as far as making the premises ready for the use applied for. She might want to come back before the Board aftershe corrects the problem.

Mr. Baker then moved to amend his motion to grant the request for withdrawal without prejudice.
Mr. Kelley seconded the motion.
Passed unanimously.

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PATRIOT & AMERICANA DRIVES, INC., app. under Sec. 30-7.2.6.1.1 of the Ordinance, to permit swimming pool for use by homeowners association, proposed Phase II, Sec. 10, Americana Fairfax, Annandale District, (RM-2G), 70-4 ((11)) C, S-99-71.

David Feldman, Attorney, represented the applicant and testified before the Board.

Mr. Feldman said 175 townhouses, approximately, are to be constructed. The residents of these townhouses are the only members allowed for the pool. The first phase has already been built. The swimming pool will be built in connection with Phase II which is estimated to be ready sometime next spring. He showed the plans to the Board and indicated that Site Plans had been approved by the County with only two notations which they planned to take care of.

Mr. Smith asked him if he had a copy of their corporation papers and Mr. Feldman said he did, but he did not have them with him, but will send them for the file.

Mr. Feldman said that this was a FHA-VA project and once it has been built will be conveyed to the Bristow Village Homeowners Association, which has already been established. Mr. Smith asked if Patriot & Americana Drives, Inc. was the contractors and Mr. Feldman answered that they were fee simple owner and contractor, both. Mr. Smith asked if the Homeowners Association might be incorporated into the Use Permit so that they would not have to come back again after it was deeded over. Mr. Feldman agreed.

Mr. Long moved that Bristow Village Homeowners Association be made co-applicants of this application.

175

June 8, 1971

PATRIOT & AMERICANA DRIVES, INC., app. under ---(continued)

Mr. Baker seconded the motion. Passed unanimously.

Mr. Feldman continued his presentation before the Board by stating that the pool would be conveniently located so that all the residents of both Phase I and II would be able to walk to the pool. There will be no additional construction between the pool and Route 495.

Mr. Smith said there would be a required setback from Americana Drive and the bathhouse and the pool itself of at least 50 feet.

They estimated the pool to be 40'x60'x25' and Mr. Smith reminded them they would have to tell them what the maximum size would be and they would have to be accurate.

Mr. Feldman asked if they determined that they would need a variance, could they come back and ask for both at the same time. Mr. Smith stated that the language of the ordinances says that the need for a variance must be concurrent with the use itself. He suggested that the Board would defer this until they could get a more accurate plat with the size of the building and pool and if at that time they find they need a variance the Board could consider it, but he did not see how they could grant a variance from Americana Drive since it was a dedicated street.

Mr. Feldman said it was an unusual shaped piece of land and that the slope of the parcel was more or less necessary because of the topography.
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No opposition.

Mr. Long moved that the Board of Zoning Appeals defer this case until June 15, 1971, for the following additional information:

1. Plat showing building dimensions.
2. Plat showing required building setback distances.

Mr. Barnes seconded the motion. Passed unanimously.
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SUN OIL COMPANY, app. under Section 30-6.6 of the Ordinance, to permit service station with 0' rear setback, N.W. corner Rt. 50 and Downs Drive, Centreville District, (C-G), 34, ((5)) A, B1, V-92-71.

Mr. Ralph Louk, Attorney, represented the applicant and testified before the Board. The two contiguous property owners were Alvin and Geraldine Dodd and Marbury Hutchison. Mr. Louk said this property was zoned C-G two years ago. Application was made for a rear variance from the ordinance. The issue at that time was whether or not the sewer could be furnished to the property and the adjoining owners were notified of the hearing and there was no opposition. Since then, he said he had been asked by Dr. Southgate if they could work out the sewerage problem and they have worked it out by providing drain fields on Dr. Hutchison's property which is shown on the plan. (A sewer line from the Sun Station across South Drive east to Dr. Hutchison's property.) He said he then reactivated the application for 0' variance, but that is not necessary under the present plans and it will be a little over 10' from the rear property lines. The "L" part of the building is for the purpose of the inspection station, they need a longer lane for that, which is about 15' wide. This property has been zoned C-D for many years, but because it is C-D in that spot, it is a rather unique piece of property. He asked Mr. Dodd, the adjacent property owner if he had any objections to the station coming within 10' of his property line and Mr. Dodd told him that he did not as long as they fenced the rear property with a picket fence as required by the County. He continued to discuss the neighbors that had no objections: Mrs. Shear, Mr. Dodd, and Dr. Hutchison. He continued by saying that the septic field would be handled under the Site Plan and he understood that would not come under the Board's jurisdiction. Mr. Smith asked if it was residential land where the septic field would be put and Mr. Louk said that it was.

Mr. Schiller said it had been passed by the Health Department. The use of ground is below ground and he knew of no part of the ordinance that prohibited the use of the soil, other than the Health Department for drain field, unless the Board of Supervisors saw fit to pass an ordinance prohibiting that and applied certain standards to it.

Mr. Smith said that they were establishing a commercial use on residential land by disposing of the sewerage from the commercial land.

Mr. Smith said that the Southgate property, the subject of the application is owned by Dr. Southgate under contract to Sun Oil and would need Dr. Southgate to sign the Appeals application. Mr. Louk so moved that the application be amended to include Dr. Southgate.

Mr. Baker moved that Dr. Southgate be added to the application as the co-applicant.

June 8, 1971

SUN OIL COMPANY (continued)

Mr. Barnes seconded the motion. Passed unanimously with the four members voting. Mr. Long abstained as his partner furnished plats on the application.

Mr. Smith stated to Mr. Louk that the contract as far as he could tell between Sun Oil and Dr. Southgate had expired, but Mr. Louk assured him that as attorney representing both people, the contract was valid. For the record, he stated that both parties consider themselves bound under the contract.

Mr. Smith requested the letter from the Health Department. Mr. Louk said the Health Department has approved the drain field and the design of the drain field, along with the method used to get the sewerage over to the drain field. The use was known.

Mr. Woodson answered a previous question that Mr. Smith had asked him;that was is this septic field in a residential area a permitted use. Mr. Woodson answered that it was.

Opposition: Mr. John S. Smith, Jr., adjacent property owner of Lot 6. Mr. Smith, Chairman, asked Mr. John Smith if he spelled his name the same and if he was related to him in any way? Mr. Smith said he spelled it S-m-i-t-h, but he was no relation to the Chairman. Mr. John Smith spoke for himself and a neighbor, Mr. Cregger, who was unable to be present. He said his property and the man he represents is located in the rear of the applicant and the applicant had not been in contact with them. Their property is zoned residential and they jointly own eight lots in the area and have owned them for the past ten (10) years, it is unimproved and there is no structure on the lots. He said he understood from the application that there was a variance of 0' setback request, but it was explained to him that it was going to be a 10' setback which is a varianceof 40'. He said he felt this service station would decrease the value of his land because of the additional use of Downs Drive and the service road. Mr. Barnes reminds him that this area where the station is requested is zoned commercial and the only reason they were here at all was to request a variance of the setback.

No further statement from Mr. John Smith.

Mr. Smith asked Mr. Louk why they couldn't set the building closer to the frontof the property because they had plenty of room since it sets back 80'. Mr. Louk replied that it was because of the maneuverability of the cars. Mr. Smith said that since this was a residential area and they are requiring a variance and that they should make every effort to get as far away from the residential zoned land as possible and that should be their first consideration.

Mr. Long asked what the proposed design would be and Mr. Louk answered that it would be of colonial design with three bays and two pump islands with no canopy.

In application No. V-92-71, application by Sun Oil Company and Dr. Herbert S. Southgate under Section 30-6.6 of the Zoning Ordinance, to permit service station with 10' rear setback, on property located at Northwest corner of Route 50 and Downs Drive, Centreville District also known as tax map 34 ((5)) A, B1, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of June, 1971; and

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

1. That the owner of the subject property is Sun Oil Co., and Dr. Herbert S. Southgate.
2. That the present zoning is C-G.
3. That the area of the lot is 46,236 square feet.
4. Compliance with Article XI (Site Plan Ordinance) is required.
5. Screening will be required along the proposed rear of the building. and along the northerly property line.

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

1. That the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land.

June 1, 1971

SUN OIL COMPANY (continued)

177

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance is for a 10' setback from rear property line.
3. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

FURTHERMORE, the applicant should be aware that granting of this action by this Boarddoes not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion. Passed 3 to 2. Mr. Long abstaining and Mr. Smith voting no.

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EARL McGEE, app. under Section 30-7.2.10.5.4. of the Ordinance, to permit boat sales added to Special Use Permit for used car sales, located 6298 Arlington Blvd., Mason District, (C-G), 51-3 ((1)) 36, S-94-71

Notices were in order, contiguous property owners being Dr. Nagan and Westminister Investment Corporation.

Mr. McGee owns the land on which he is operating and has been operating for more than fifteen years, When he came in for the original variance and special use permit they stated that his permit read that he be allowed to put the trailer on the property line and be operated in the manner as he had operated in the past, provided he limit his business to the buying and selling of automobiles, but not including major resale. It was granted for three years with the understanding that it could be automatically renewed for an additional three years. The site plan was waived.

Mr. Smith told him that the resolution at that time was very broad and now that he proposes bringing in boats that you haven't had before, he was changing from one use to another. The traffic situation is bad in that area and bringing in boats would worsen the condition.

The staff report indicated that he does not have proper parking spaces.

Mr. Smith said that he had made the original motion in May of 1968 based on the fact that he enjoyed a nonconforming situation and had been operating for a long period of time, but to bring in a use such as boats would demand a 50 foot setback and other conditions which Mr. McGee could not meet.

Mr. McGee said this was to be only a temporary summer situation. That he now has boats that he had taken in on a tradein and that it had not created any problems, but if the Board rules against he will get rid of them.

Mr. Long moved that the Board of Zoning Appeals defer this case until the first meeting in July for the following information to be shown on a certified plat:

1. existing facilities,
2. Display area, existing and proposed,
3. Required parking.
4. Public facilities.

Mr. Baker seconded the motion. Passed unanimously.

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JOHN A. & MARIE L. NETTLETON, app. under Sec. 30-6.6 of the Ordinance, to permit re-division of lots with less area and width than required by Ordinance, 904 and 908 Seneca Road, Dranesville District, (RE-2), 6 ((1)) 48, 49, V-98-71

Mr. Long stated that he could not participate in this application because his firm prepared the plans.

Notices were in order, contigious owners being: Mr. and Mrs. Warden Donaldson and Mr. and Mrs. S. I. Ballard.

June 8, 1971

NETTLETON (continued)

178

Mr. Nettleton said that he had two lots, 48 and 49, consisting of 1.9365 acres. He lives on parcel 48. The parcel 49 is leased, but there is nothing in the lease that would deny him the right to make this proposed change. A member of his family lives in the leased house. He has three daughters and they have purchased a horse and we would like to fence in an area as shown on parcel 49. (They refer to the map) Lot 48 has 7/10 of an acre. In order to make the improvement they want the Board to allow them to reverse lot sizes. He has had a horse about three years and purchased another one in April.

Mr. Woodson reminded that he didn't have a total of two acres of ground which was required for a horse. Mr. Nettleton said that they kept the horse in fair weather in a pasture that is across the street owned by a neighbor.

He says he does not intend to sell the property and plans to build a shed on the other lot. He shows the place on the map. He can only moved the line within 4' to the shed. He will have .67 acres, a little less than what he has now.

A discussion ensued on where the best place for the lot line should be in order to best conform with the ordinance.

Mr. Smith said that all they needed to do is to grant a variance to change the lot lines and they would not be creating any nonconformity, but only allowing him to better utilization of the land.

Mr. Smith commented after reading the staff report that this was not a resubdivision, just a lot line change. The only thing that will be changed will be the shed will be with the other house on the other lot.

No opposition.

Mr. Kelley moved that this application be deferred until such time as the applicant has time to submit a corrected plan, for decision only, Until the June 15, 1971 meeting.

Mr. Baker seconded the motion.

With discussion of the motion, it was suggested by Mr. Smith that it would be good to have the other question answered as to the lot line change rather than the resubdivision of the lots and that he should see Mr. Chilton's office.

Motion passed, all members voting Yes, except Mr. Long who abstained.

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CHARLES J. CLOWSER, TRUSTEE, app. under Sec. 30-6.6 of the Ordinance, to permit variance to allow building to be constructed closer to both side lines than allowed by Ordinance, 2955 Gallows Road, Providence District, (I-L), 49-4 ((1)) 22, V-100-71

Mr. Clowser holds property in title. He owns 25 per cent of it. It was purchased in 1964. Property is 75' in width and they would like to put a 60' building on it; however, the County turned down the 15' but said they could have 22'.

Mr. Smith asked Mr. Woodson if I-L zoning allowed one to build a building on the property line and Mr. Woodson said Yes, it did. Mr. Clowser said there was a 12' outlet road which was actually 22' from the building. Mr. Smith again asked Mr. Woodson was the setback requirement from outlet roads 50' and Mr. Woodson said that was correct. Mr. Clowser said the road was a dirt road and he was not sure it was on the map, or who owned it, that he might even own it. There is a covenant on the Idleman piece of property that says they cannot use that road. On the Idleman piece ingress and egress has to be on Gatehouse Road.

Mr. Smith asked if there was parking for the people who will work in the building and if the parking was adequate and he answered that he had checked and it was adequate. He said that he assumed to that they could not use the access road.

Mr. Woodson said the building had to be 75' from the center line of the access road. Mr. Clowser said the lot was only 75' wide. This access road is to serve three families. He already has tenants to occupy the building.

Mr. Long said the Board couldn't give a variance that prohibited the development of the property in the rear. But Mr. Smith said the property in the rear was forbidden to

June 8, 1971

CLOWSER, CHARLES J. (continued)

to use the access road anyway. Mr. Clower said that he had owned the land for two to three years and it was already zoned when he bought it.

Mr. Long said that if Mr. Clower is giving 22' and the owner of the property across the road gives 22' then that will be 44' for the road.

No opposition.

In application No. V-100-71, application by Charles J. Clowser, Trustee, under Section 30-6.6 of the Zoning Ordinance, to permit variance to allow building to be constructed closer to both sidelines on property located at 2955 Gallows Road, Providence District, also known as tax map 49-4 ((1)) 22, County of Fairfax, Virginia, Mr. Kelley moved 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 , letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of June, 1971; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Charles J. Clowser, Trustee.
2. That the present zoning is I-L.
3. That the area of the lot is 25,483 square feet.
4. That compliance with Article XI (Site Plan Ordinance) is required.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
a. exceptionally narrow lot.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the sameis hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of the Board prior to date of expiration.

3. A 4' sidewalk for the full frontage of the property will be required under the Site Plan Ordinance.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion. Motion passed 4 to 1, Mr. Long voting No.

Mr. Clowser was asked if he understood that he was not to use the access road and Mr. Clowser said that that was understood.

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TYSONS BRIAR, INC. T/A CARDINAL HILL SWIM & RACQUET CLUB, app. under Sec. 30-7.2.6.1.1 of the Ordinance, to permit amendment to Special Use Permit to allow construction of 40'x9' tennis shelter on the property, 9117 Westerholm Way, Centreville District, (RE-1), 28-4 ((1)) 45A, S-104-71.

Mr. R. Colton Montague, President of the above corporation, 8624 Coral Gables Lane Vienna, Virginia represented the applicant and testified before the Board.

Notice to property owners were in order, contiguous owners being Mr. Herbert McDowell and Mr. & Mrs. William Becker and Mr. and Mrs. Russell White. The Certificate of Good Standing he did not have, but he said he personally signed the check to the State of Virginia and if there was any question he would have it there within 24 hours.

No objections. The Certificate would be send. The hearing proceeded.

June 8, 1971

TYSONS BRIAR, INC. (continued)

Mr. Montague stated that they have five tennis courts on the property without shade either for the players or the people waiting to play. This particular shelter is to be built between the two sets at the top of the course. They plan to construct it with redwood and fir and they will try to make it as attractive as possible. They have 600 members in the Club and there are 200 parking spaces.

No opposition.

In application No. S-104-71, application by Tysons Briar, Inc. T/A Cardinal Hill Swim and Racquet Club under Section 30-7.2.6 of the Zoning Ordinance, to permit construction of 40'x9' tennis shelter, on property located at County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been property 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the8th day of June, 1971; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 5.696 acres of land.
4. That compliance with Article XI (Site Plan Ordinance) is required.
5. A use permit was granted on this property December 5, 1967 for recreational uses.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has presented testimony indicating compliance with (Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and
2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, andis for the location indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

4. All conditions of the original permit shall apply.

5. The Shelter shall be constructed with California redwood and fir lumber.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion. Passed unanimously.

HAPPY DAY CARE CENTER, app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit day care, kindergarten - 65 children, ages 2 - 8, 7 a.m. to 6 p.m., 5 days a week, 4100 Hunt Road, Annandale District (RE-1), 58-4((1)) 19, 19B, S-103-71

Mr. Claude Sheaffer, 8312 Accotink Road, Chairman of the Board of Trustees for the First Church of God in Fairfax, testified before the Board on the application.

June 8, 1971

HAPPY DAY CARE CENTER (continued)

Notices to property owners were in order, the two contiguous owners being: Mr. Fred Ray, III, 4104 Hunt Road and Frances C. Orsman, 4056 Hunt Road.

Mr. Sheaffer stated that they plan to open a day care and kindergarden program. They feel it is needed in the area and in the community surrounding the church. It will give an opportunity to provide proper care and elementary education to children who might not otherwise get proper care. They want to instill basic church learning to these children. The Church does not plan to operate this entirely. The Happy Day Care Center has its own Board of Trustees, of which he is Chairman and each member of the Board is also a member of the church. He did not have a letter of permission from the Church, but they would supply the file with one. The entire building is planned to be used for the Center. They must enroll twenty children prior to the opening of the school. They are in the process of installing new serviceable equipment in the playground area and will comply with all state and local ordinances including the fence. They are restricted by the Health Department to no more than 53 children. They have had a team inspection, but a copy was not in the file. The inspection had been completed and they need to make some changes in the kitchen. The church building had an occupancy permit and the building is complete. They plan to operate a teacher-child ratio of 10 to 1. They would have at least two teachers for 20 students with assistants and at the moment they have made arrangements for three teachers . Parking spaces are adequate for the church building.

Mr. Smith reminded them that if and when they did use buses, they would have to comply with state regulations as to color, lighting, etc.

In application No. S-103-71, application by Happy Day Care Center, under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit day care and kindergarden, on property located at 4100 Hunt Road, also known as tax map 58-4 ((1)) 19, 19B, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of June, 1971;and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is First Church of God.
2. That the present zoning is RE-1.
3. That the area of the lot is 36,840 square feet.

AND, WHEREAS, the Board ofZoning Appeals has reached the following conclusions of law:
1. That the applicant has presented testimony indicating compliance with (Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and
2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferabel to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

4. The hours of operation shall be 7 a.m. to 6 P.M., 5 days a week.

5. Ages of students will be 2 years to 8 years.

HAPPY DAY CARE CENTER (continued)

6. Maximum number of students shall be Fifty (50).

7. All transporting of students to be by parents.

8. Recreation areas shall be enclosed with chain link fence in accordance with State and County laws.

9. This permit is granted for a period of 3 years with the Zoning Administrator empowered to grant three, one-year extensions.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion. Passed unanimously.

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WILLIAM BRYANT & WILLIAM E. WEST, app. under Sec. 30-6.5 of the Ordinance, to permit garage to remain closer to side property line than allowed, 8724 Arlington Blvd., Providence District (RE-1), 49-3 ((6)) 157, 158, V-105-71

Mr. William West, Sanger Court, Annandale, Virginia, representing himself and Mr. Bryant, testified before the Board as follows:

Mr. West stated that he felt there was an error on the Zoning Administrator's part. They had called the County to get the information to see if they had enough room to have a garage in there. They had a purchase agreement on the lot and he had forty-eight hours to find out if he could put a garage on the house. He called the County and got a 10' offset and built the garage in good faith and then found out on his final plan that he was 2 1/2 feet over. The original building permit had included a carport. "If I had known I wasn't supposed to build a garage on the property, I wouldn't have" he stated. He continued by saying that when he talked with Mr. Woodson, he did tell him he planned to build a garage and Mr. Woodson turned him over to the building permit office. Mr. Smith asked him if he did not move the house from the original place on the plans. He said he did moved the house to save some trees.
He said that originally there was no plan to build the garage, then he was in the process of selling the house and the people wanted a garage, therefore, he called the County to see if he could build it and was under the impression that he had the o.k. from the Zoning Administrator and went ahead and built it. Now the people are in the house. The garage was in the original sale and he still has money tied up because the garage is not finished. He put the roof on it, but it is not complete.

Mr. Smith said he did not know how the Board could resolve this under Sec. 30-6.5 of the Ordinance since the Zoning Administrator says he did not say you could put the garage in, but that you could put a carport. Mr. Smith asked Mr. Woodson if it would not be better under the mistake section of the Zoning Ordinance, Sec. 30-6.6.5.4. Mr. Woodson said they should bring it under the hardship section. There was discussion among the Board members regarding this.

Mr. Smith told Mr. West that where he made the mistake was not coming in with an amended plan and having it amended and approved, then he would have something to base his appeal on.

Mr. West said the lots were 50' lots. He stated he wasn't against filing it under the other Section, he just wanted to be able to finish the garage.
Mr. Long moved that the application V-105-71 be amended to be filed under Section 30-6.6.5.4 of the Zoning Ordinance.

Mr. Kelley seconded the motion. Passed unanimously.

Mr. West answered Mr. Smith question as to how long he had been building in Fairfax County and said three years, but this was the first group of building he had done on his own.

In application No. V-105-71, application by William Bryant and William E. West under Section 30-6.6.5.4 of the Zoning Ordinance, to permit garage to remain closer to side than allowed, on property located at 8724 Arlington Boulevard, also known as tax map 49-3 ((16)) 157, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

June 8, 1971

WILLIAM BRYANT & WILLIAM E. WEST (continued)

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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of June, 1971; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 17,231 square feet of land.
4. That the required setback for a garage would be 17' from the side property line (including a 15% reduction from 20')
5. The garage is nearly complete.
6. This is a substandard lot because of area requirements and width.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the Board has found that non-compliance was the result of an error in the location of the building subsequent to the issuance of a building permit; and
2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted.

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion. Passed unanimously.

DEFERRED CASES

MRS. CALVIN M. DICKENS, app. under Sec. 30-6.6 of the Ordinance, to permit extension of existing carport to within 4.6 feet of side property line, 7617 Boulder Street, Springfield District (R-12.5), 80-1 ((65)) 15, V-70-71 (deferred from May 11)

Mr. Robert Lawrence, attorney, representing Mrs. Dickens testified before the Board.

Notices were in order, contiguous property owners were: Mr. and Mrs. James Peterson, 7619 Boulder Street; Mr. and Mrs. William A. Balanger, 7615 Boulder Place and Mr. George Salyer, 5716 Boulder Street.

The applicant has owned the property twelve years Mr. Lawrence stated. He shows photographs to the Board showing the distance between the two homes where the extension of the carport would be constructed. The home is not situated on the center of the property because of the slope. They need to make room for one more car. The distance between that carport and the neighboring house would be roughly equivalent to the setback line as shown on the house of the Dickens on the westerly side, 55.6'. It would not be feasible to build the carport on the westerly side, because the existing one-car carport is on the easterly side. 4.6 feet is the closest point the carport would come to the property line because the rear angles away from the house.

Mr. Smith reminded Mr. Lawrence that the closest you could come under the ordinance would be within 7 feet of the property line. He said the Board could allow a 5' extension which would mean you would be 7 feet from the property line. Mr. Lawrence said the ordinance as he requested the variance was under Section 30-3.3.8 which says the distance is 5 feet. Mr. Woodson said that was in R-10 zoning and this was R-12.5 zoning. In the case of R-12 zoning, 7 feet, and this was an amendment to the ordinance which was to cut down on the number of variances.

184

MRS. CALVIN M. DICKENS (continued)

Mr. Lawrence said the lot size is 15,780 square feet which is quite a large lot. The setback from the contiguous property line is practically the same as the one shown on the other side of the Dickens property. He does not feel it will have an injurous affect to the neighbors. It was determined that the rear setback of the carport would be 5 1/2 feet.

Mr. Long said he did not believe a surveyor would place the house on the lot as he did unless there had been some topographic problems.

Mr. Smith said that they could cut down at least one foot and it would not affect the desired results of the carport. He could still have a 20 foot carport.

No opposition.

Mr. Smith asked if it would be constructed out of the same type of material as the house and Mr. Lawrence said it would be harmonious with the house.

In application No. V-70-71, application by Mrs. Calvin M. Dickens under Section 30-6.6 of the Zoning Ordinance, to permit extension of existing carport to within 4.6 feet of side property line, on property located at 7617 Boulder Street, Springfield District, also known as tax map 80-1 ((65)) 15, County of Fairfax, Virginia, Mr. Kelley moved 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, 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of June, 1971; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 15,782 square feet.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
(a) exceptionally irregular shape of the lot,
(b) exceptional topographic problems of the land,
(c) unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The proposed carport shall be a 5.6' variance from property line.

4. All materials used in proposed carport shall be of the same type as in existing dwelling.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion. Passed unanimously.

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June 8, 1971

CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA

Original application heard before the Board on May 12, 1970, application under Sec. 30-7.2.2.1.4 of the Ordinance to permit erection and operation of dial center. Granted.

Mr. Randolph W. Church, attorney representing applicant, testified before the Board. He stated that during the course of the original hearing there was no discussion of screening; however, when the Board approved the permit, there was an added stipulation, a No. 6 which stated that the property shall be landscraped and screened from the residential property adjacent to it. The people in the Site Plan Office have interpreted No. 6 to mean standard County screening which is a stockade fence and 2 rows of trees and bushes or a row of trees and a row of bushes. C & P feel the Board could reasonably interpret this as something other than the standard screening. Their plan is to eliminate the portion of the fence in red on the plan and substitute an additional row of screening instead of the fence and give a more harmonious effect to the neighborhood, otherwise it will look like an institution. He had letters from the contiguous property owners saying they had no objection to that type screening.

Mr. Smith said that if it was as good or better than the standard screening then they would give consideration to it.

Mr. Long said they were trying to get all public utilities to landscape and make their buildings more harmonious with the area it was in.

Mr. Church says as the plan is now according to County specifications, the people who drive up and down the road will only see the fence and the contiguous property owners agree that it would look better to have another row of shrubbery instead of a fence.

Mr. Barnes agreed and said he would rather have the additional shrubbery than the fence.

Mr. Church said they would have a fence in the rear. He requested the Board to pass a resolution which says that the Board approves the plat as the C & P Telephone Company has drawn up and that the plan conforms with the Board 's interpretation of screening in the previous resolution that you passed on May 12, 1970.

Mr. Long and Mr. Barnes commented that if the adjoining people were satisfied with it and in fact liked it better then we should approve it and the landscaping C & P had done in other areas had been very good and attractive, maintaining the residential character of the neighborhood.

Mr. Long moved that in application No. S-73-70, Condition No. 6 be interpreted to mean "landscaping to provide screening" and <u>not</u> a stockage fence with screening.

Mr. Baker seconded the motion. Passed 3 to 0 with Mr. Kelley and Mr. Smith abstaining.

Mr. Smith said that as he understood it, the request was to amend the proposed plat as Mr. Church had shown the Board and state that it is in compliance with the Board's No. 6 condition of their May 12, 1970 resolution.

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WARD & HALL, SPRINGFIELD TOWERS, appl. under Sec. 30-6.6 of the Ordinance, to permit construction of East edge of elevated automobile parking deck 38 feet from Interstate Route 95 westerly right-of-way line at Springfield interchange, located on Augusta Dr. originally heard June 1, 1971, deferred until June 8, 1971 for decision only and to provide several items of information.

Mr. Douglas Adams represented Ward & Hall and Springfield Towers and testified before the Board on subject application as follows:

Date of issuance of the use permit for the Esso station in question was May 23, 1967, after the right-of-way was taken for Interstate 95. Interstate 95 was widened and just after that Edwin Lynch entered into a lease with the Esso station. At that time the piece of land was 16,000 square feet, subsequent to this the laws were changed and a special use permit could be obtained to allow a height waiver. This was obtained. The point is this, Mr. Adams said, the law came into effect after Mr. Lynch entered into the contract with the gas company which gave him additional opportunities in ways to use this piece of land. In answer to your questions of last week, he said, which was, "did Edwin Lynch create the problem himself", the answer is No, the laws were changed which permitted this type of use.

June 8, 1971

WARD & HALL -- SPRINGFIELD TOWERS (continued)

186

Mr. Smith said Yes the height waiver permitted the use provided he could provide the parking and this was where Lynch created their own hardship, by asking for additional height when they couldn't provide the proper and required parking.

Mr. Adams said he did not feel the proper evidence was presented last week. He said it was the Board of Zoning Appeals that decided that they should go before the Board of Supervisors first. He said it was stated all through all the hearings that the problem was the underlying soil conditions and high water table which go together to make it impractical to put the parking below level.

Mr. Smith asked Mr. Adams if he could tell him where in the meeting before the Board of Supervisors the statement was made about the fact that they would not be able to provide parking without a variance. He said he had looked over the minutes quite carefully and could not find it.

Mr. Adams said that in the plans presented to the staff and in discussions with the staff and Planning Commission the entire thing was covered. It was shown clearly on the setback of the office tower and the waiver to be requested for the parking desk was shown as being approximately 30' from the Interstate 95 right-of-way. It was a matter of public record that the waiver had been requested before the Board of Zoning Appeals. Mr. Adams said they had lost four feet in the last take for Interstate 95. He said that they had made no attempt to hid the fact that they needed a waiver.

Mr. Smith said that his concern was that it was not discussed. He said that he felt had the Board of Supervisors known they were creating a hardship in allowing the additional height, it might make a difference. It seems that it would be better to wait until the Central District Plan is adopted and would bring them into the district and they would not need a variance.

Mr. Adams stated that was the only opposition before the Planning Commission and the Board of Supervisors, but after hearing testimony they felt the building met what they intended and what the staff intended for the future development of the central district plan.

Mr. Adams reminded them that the building itself meets the setback requirements but it is only the parking deck which is fourteen feet above ground that needs the variance.

Mr. Smith asked if they had any information to present to verify the soil conditions. Mr. Adams presented a letter from Mr. Thomas A. Downey of June 3 which stated that it would be extremely difficult to provide underground parking on this site. He reads the letter to the Board and presents it into evidence. He stated that were it not for these conditions, they would not need the variance.

Mr. Barnes stated that he thought the County needed something like this office building to relieve the tax burdens on the homeowners. Mr. Smith agreed, but the Board must not overlook the Ordinance he said. He asked if Mr. Pammel, Director of Land Use knew of the need for a variance and Mr. Mitchell from Lynch answered Yes and they had discussed it. Mr. Smith that during the Board hearing on this Mr. Pammel spoke at some length but did not mention the parking problem, and if he had indicated there was a need for a variance, it might have had a different bearing.

Mr. Smith said he had hoped that the minutes of the Board of Supervisors would have brought something to their attention to shed some light on this. That he didn't see how the Board of Supervisors could have voted for the height variance if they knew they were creating such problems. He said he felt that construction without proper planning would just create problems for the community, law enforcement agencies and for the county in general rather than relieve the homeowners of their tax burden. He said he felt the Board of Supervisors granted Springfield Towers the right to take advantage of the height provided they could meet the Site Plan requirements, but if they could not meet the Site Plan requirements without a variance, he said he didn't feel the Board of Zoning Appeals was intended as a Board to come in and alleviate all the self-created hardships.

Mr. Adams said that it was the decision of Mr. Bowman, Mr. Alexander and Mr. Pammel to go before the Board of Zoning Appeals and the Board of Supervisors.

WARD & HALL -- SPRINGFIELD TOWERS (continued)

In application No. V-42-71 by GEORGE TRUMAN WARD & CHARLES E. HALL, JR. FOR SPRINGFIELD TOWER OFFICE BUILDING JOINT VENTURE, AND VERNON M. LYNCH AND EDWIN LYNCH, TRUSTEE, under Section 30-6.6 of the Ordinance, to permit construction of East edge of elevated automobile parking deck 38 feet from Interstate Route 95 westerly right-of-way line at Springfield interchange, located on Augusta Drive, originally heard June 1, 1971, located in Springfield District and known on tax map 80-4, Springfield District, Mr. Long made the following motion and 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, the proper notices to the public by advertisement in a local newspaper have been made, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of June, 1971; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is C-G.
3. That the area of the lot is 15,942 square feet of land.
4. That compliance with Article XI (Site Plan Ordinance) is required.
5. The zoning laws were changed allowing a greater building height in a C-D zone after construction of the Esso station.
6. There is a ground high water table preventing an underground garage.
7. Augusta Drive is a private street 38' wide and the setback from a dedicated 26' service road is only 10'.
8. The high rise office building meets the required building setbacks.
9. This will be a minimum variance.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved.
(a) exceptionally irregular shape of the lot,
(b) exceptionally shallow lot.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations.

1. This approval is granted for the location and the specific structure and landscaping indicated in the plats include this application only and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion. The motion failed by vote 3 to 2 against the resolution. Messrs. Kelley, Baker and Smith voting no.

Mr. Smith stated that he felt in voting against it that the Board is not denying the owners of the reasonable use of the land involved, but that they under the ordinance can make use of the land in keeping with the zoning ordinance, and that this hardship rather so-called hardship, was brought about by the additional density and height of the proposed construction.

Mr. Baker said that was his feeling also.

Mr. Smith said that he didn't feel the Board of Supervisors waived the height limitations simply to give the owners the right to the highest and best use that could be made under the ordinance . He said as a matter of fact they gave the height limitation a special permit for that reason, because they didn't want to create additional needs for variances in order to allow the construction without anything in the record to consider the parking. He said there was nothing in the record to even indicate that the Board of Supervisors even considered it, that there would be a need for variance for parking.

The discussion continued concerning this vote.

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CITIES SERVICE OIL COMPANY AND H. D. HALL, original hearing February 17, 1969 to permit erection and operation of service station. Granted on that date. This service station is located on the east side of Rolling Road approximately 396 feet south of Old Keene Road.

Mr. John McIntire represented the applicant. He stated that at the original hearing they omitted the canopy.

Mr. Smith said this would require an amendment to the permit. Mr. McIntire submitted plats showing the canopy.

Mr. Smith said he felt canopys for service stations were very good for the operators of the automobiles and the service station operators. He said he was glad to see them going back to canopys. He said it prevented water from getting into the gas tank. Mr. Smith asked Mr. Woodson if he would substitute the plats if that is what the Board intends to do here. Mr. Woodson answered that he would.

Mr. Smith asked Mr. McIntire if it met all the setback requirements. Mr. McIntire replied that it did.

Mr. Long moved that application S-245-69 be amended to allow canopy as shown on plats prepared by Runyon & Huntley, June 1, 1971 and these plats made a part of the original application.

Mr. Kelley seconded the motion. Passed unanimously.

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WOODBRIDGE CAMPER SALES (Date set to set time of viewing)

Mr. Baker moved that the viewing be made on the 15th of June after the regular meeting.

Mr. Kelley seconded. Passed unanimously.

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SPRINGFIELD TOWERS --WARD & HALL

Mr. Adams stated that they would like to ask for a reconsideration. That they had the property two-thirds leased and the steel is under order.

Mr. Long told him it had to be on new evidence, something that they could not have presented at the original meeting. Mr. Smith said that they would have to file with the Zoning Administrator a request for a reconsideration and outline the points they could not have presented at the regular meeting in conformity with the ordinance. This is only for a decision on the reconsideration. He said they could not take it up and hear it on the same day because it has to be readvertised.

The meeting adjourned at 5:10 P.M.

By Jane C. Kelsey, Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

September 14, 1971
DATE

A Regular Meeting of the Board of Zoning Appeals was held on Tuesday, June 15, 1971, at 10:00 A.M. in the Board Room of the Massey Building, Fairfax County, Virginia. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes; Mr. Richard Long, Mr. Joseph P. Baker, and Mr. Loy Kelley.

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

BERNARD M. FAGELSON & ROBERT L. TRAVERS, app. under Sec. 30-6.6 of the Ord., to permit erection of indoor tennis court within 25 ft. from property line instead of 40 ft as required located at Ladson Lane, approx. 1200 ft. W of Route 1, Lee District (C-G), 101-2 ((1)) 14, V-95-71

BERNARD M. FAGELSON & ROBERT L. TRAVERS, app. under Sec. 30-7.2.7.1.2 of the Ord., to permit commercial non-spectator enclosed tennis courts, located Ladson Ln., approx. 1200 ft. W. of Route 1, Lee District, (C-G), 101-2 ((1)) 14, S-96-71

Mr. Fagelson, attorney, testified before the Board, representing himself and Mr. Travers, who are the owners.
Notices were in order. The two contiguous property owners were Audobon Estates Trailer Park and Monroe Development Properties.

Mr. Fagelson stated the subject property fronts on Ladson Lane. This property is close to the general commercial area, but you don't want to put tennis courts in prime commercial areas where the traffic will generate other problems he said. It is close enough to the general commercial location and close enough to an area that needs this type of recreation (Mt. Vernon - Lee) and yet it is not in a place that will generate any adverse effects to the immediate neighborhood. The lot itself according to the plat is almost an equilateral triangle and is a very hard piece of land to develop because so much of it is lost due to the 45 degree angle at the northern part of the property. There is no objection from the adjoining neighbors. The back two acres would be used for the tennis court and the front would be used for normal commercial development.

Mr. Smith told him the question the staff raised on this is that it has no frontage on a state maintained road. Mr. Fagelson said he felt a solution to this is that they would accept as a requirement of this use permit -- that one-half of Ladson Lane or the part they are interested in be developed by them so that it would be accepted by the state.

Mr. Smith asked if this entire parcel is zoned C-G and Mr. Fagelson answered that it for four or five years. The surrounding zoning is RM-3 for trailer parks to the east and southeast and RM-2 for 20 units to the acre apartment land to the west and northwest. A tiny strip immediately adjacent to this is zoned R-12.5. It is in the plan for development for RM-2G.

Mr. Smith asked if they would be able to develop Parcel A & B without the need for a variance. Mr. Fagelson said they did not anticipate the need for a variance.

Mr. Long asked if Parcel C is a division of record and Mr. Fagelson answered that it was not a division of record at the moment. He said they only showed it that way on the plat so that the Board would understand how they planned to develop it. As far as the Board is concerned they did not have to show A & B.

They plan to have four tennis courts Mr. Fagelson said. There would be no more than four people on each court at any one time. They do not plan to have tennis tournaments and no spectators.

The Club House will be Georgian brick type. A small one story club house, 60'x50' and for the purpose of changing clothes and having a soft drink. The basic building would be masonry and some steel. It will have a regular pitch roof. It is architectually designed and the project is definitely not a private club.

Mr. Long said he felt the Board was creating a division when they approve this piece of property into three pieces.

Mr. Smith said the division of the lot was not before the Board. They were only being asked to issue a Use Permit for the construction of the building at the location shown and the use proposed, which is areendosed tennis courts.

Mr. Long said that if he used the entire site he would not need a variance because he has sufficient land.

Mr. Smith said that the Board had to recognize that this was an odd shaped piece of property. They would have to have a variance to utilize that. There is high density development proposed all around it. The Board has to decide whether this is a reasonable use of the land and whether it meets the hardship section. This use would

190

be a minor use considering the fact that on the land area involved, you would only have sixteen people.

Mr. Long moved that application V-95-71 and S-96-71 be deferred for decision only until the first available date (June 22, 1971) in order for the applicant to furnish the Board with architectural rendering of the proposed structure and to give an indication of the proposed development for the entire property.

Mr. Long said that if the Board requires the dedication we reduce the front two parcels down to small tracts and later on they would have a development problem.

Mr. Smith said that he disagreed with the theory that the Board is dividing the land. This could be done without the Board approval.

Mr. Fagelson apologized for interrupting after the formal public hearing was over, but he said he wanted to stress that if they follow what Mr. Long has in mind, the Board is in effect forcing them to subdivide. It is not their intention to subdivide and if they can avoid it they will find another way of developing. Mr. Long said the plat showed three parcels, A, B and C and if the Board gives the variance and require them to dedicate 15 feet off the front of their property, and they have a road where they now have it on the plat, right down the middle, then in effect the Board has divided the property and condoned it.

Mr. Barnes called forthe question.

The vote was 3 to 2 in favor of the motion to defer. Mr. Baker and Mr. Smith voting No.

Mr. Smith asked Mr. Fagelson how soon he felt he could come up with the required items and Mr. Fagelson said that he couldn't say when he could come up with the use for the front part and he didn't know if he could at this point without deliberately damaging himself beyond any economic advantage. He said as far as the plat part was concerned, he was sure he could come up with that in the next week or so.
Mr. Long said to just show a building, or buildings, with parking laid out on those two lots to see that some kind of building could be fitted there. He said that any time you have a lot 135' x 135', you have a problem.

Mr. Baker asked if it would affect their building to move the road to one side or the other. Mr. Fagelson said they would consider this.

Mr. Baker moved that the deferral be set for June22, 1971 for final action.

Mr. Kelley seconded. Passed.

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SYLVIA M. SHORT, app. under Sec. 30-7.2.6.1.5 of the Ord., to permit beauty shop in home, 7020 Grove Rd., Lee District, (R-17) 92-2 ((19)) 174, S-101-71

Notices were in order. Contiguous property owners:Mrs. Thomas, 7024 Groves Rd. and Mr. and Mrs. Brown, 3424 Spring Drive and Mrs. Dunn, 7017 Grove Road.

Mrs. Short testified before the Board. She would like to have a one-chair beauty shop in her home. She has been a beautician for fifteen (15) years. She is a mother and wants to stay at home with her three children. She has a report from the Health Dept. which was approved. They have applied for a building permit because they are going to remodel the house completely. Her house is surrounded completely by residential. She exhibited the approved plat plan. The hours of operation are by appointment only, 5 days per week, Monday through Saturday. She has adequate parking.

In application No. S-101-71, application by Sylvia M. Short under Section 30-7.2.6.1.5 of the Zoning Ordinance, to permit beauty shop in home, on property located at 7020 Grove Road, Lee District, also known as tax map 92-2 ((19)) 174, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous andnearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of June, 1971; and

SYLVIA M. SHORT (continued)

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 11,739 square feet.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has presented testimony indicating compliance with (Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance); and
2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:
1. 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 is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on 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 forthis use permit to be re-evaluated by this Board. These changed include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.
4. Hours of operation shall be 9 A.M. to 5 P.M., 6 days per week.
5. All State and County laws are to be complied with.
6. This permit is granted for a period of one year with the Zoning Administrator being empowered to extend the permit for three one-year periods.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation todbtain building permits, certificates of occupancy and the like through the established procedures.
Mr. Baker seconded the motion. The motion passed unanimously.

BACEL E. LONG, app. under Sec. 30-6.6 of the Ordinance, to permit stable 40 ft. from property line, 11700 Pine Tree Drive, Centreville District, (RE-1), 46-4 ((2)) 69, V-106-71

Mr. Long owns the land and plans to live there. His lot is 200' wide. Mr. Baker asked him why he could not build in the center of the lot and he said he had considered various locations because he wanted a training track which is oval and has to be level and simulate as near as possible what you would have in a show ring. He would be training a Tennessee walking hourse for his own use. He plans to have no paddock. He plans to fence off about two acres in the front containing the pasture and riding tract.

Mr. Smith said the ordinance requires a minimum variance. He said Mr. Long had double the required acreage. Mr. Long stated that the terrain was the reason he could not move the stable over and still have the training track. He said the stable would be 32' long and 24' wide of a particular pattern the Department of Agriculture recommends for riding stables with 2 box stalls.

Mr. Barnes asked if the other lots 68 and 70 had horses and Mr. Long said no they did not at the present time, but they were hoping to get one.

In application No. V-106-71, application by Bacel E. Long under Section 30-6.6 of the Zoning Ordinance, to permit a stable 40' from property line, on property located at 11700 Pine Tree Drive, Centreville District, also known as tax map 46-4 ((2)) 69, County of Fairfax, Virginia, Mr. Kelley moved the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of June, 1971; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 4.6 acres.

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

BACEL E. LONG (continued)

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
(a) exceptionally narrow lot,
(b) exceptional topographic problems of theland.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated on the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures

Mr. Baker seconded with the time element removed. It was so passed unanimously.

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ARTHUR F. COFFEE, application under Sec. 30-6.6 of the Ordinance, to permit erection of 8 ft. high fence, 2600 Bowling Green Drive, Centreville District (R-12.5), 49-1 ((9)) (N) 1, V-109-71.

Notices to adjacent property owners in order. Two contiguous property owners were Mrs. Louis, 8616 Acorn Circle and Margaret Patterson, 2603 Bolling Green Drive.

Mr. Coffee testified before the Board that the reasons he wants the high fence is because of the bright lights across the street where the apartments are located, where the cars back in and shine the bright lights. Traffic noise and dirt and exhaust from the buses that stop on the corner of his property. People who wait for the bus create a nuisance, littering the yard. Kids come into the yard and break down the existing wire fence and shrubbery and have stollen lawn furniture. His house is on a hill and therefore he needs a high fence to block out some of these problems. He wants it on the Cedar Lane side only. He said he planned to build a swimming pool on Cedar Lane side yard.

Mr. Smith said he would not be able to put a pool on the side, that he barely mets the setback requirements now.

The apartments referred to are in the Town of Vienna and were constructed eight years ago. The parking lot is contiguous to the street and there is no shield. Mr. Smith said it was unfortunate that he had to put up a shield, but the apartments were not in Fairfax County therefore, the Board had no authority.

Mr. Smith said the site distance requirement will have to be met if the Board grants the request. Mr. Smith also said the Board would like to see some changes in the fencing ordinance which would allow some flexibility because of the changing condition of the times people need to have a more secure fence.

In application No. V-109-71, application by Arthur F. Coffee under Section 30-6.6 of the Ordinance, to permit erection of an 8' high fence, on property located at 2600 Bowling Green Drive, Centreville District, also known as tax map 49-1 ((9)) (N), 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 requirements of all applicable by-laws of the Fairfax County Board of Zoning Appeals; and

June 15, 1971

ARTHUR F. COFFEE (continued)

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of June, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 17,709 square feet of land.
4. The commercial parking lot across the street is unscreened from this property.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:
   (a) Unusual condition of the location of existing dwelling from adjoining commercial development in another political jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted for the location and the specific fence indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The fence shall be erected to a maximum of four (4) feet in height forty (40) feet from the intersection of Bowling Green Drive to provide adequate sight distance as approved by the Planning Engineer.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion. Passed unanimously.

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MERLIN F. McLAUGHLIN, AGENT, app. under Sec. 30-6.5 of the Ordinance, to permit garage to remain 2.3 ft. closer to street than permitted by Ordinance, 2619 Lemontree Lane Centreville District, (R-12.5), 48-1 ((9)) 8, V-110-71

Mr. Victor Ghent, a partner of Mr. McLaughlin, testified before the Board.

Mr. Smith said it had been determined that the record should show that the Section of the Ordinance under which the applicant is making the request is Section 30-6.6 of the Ordinance.

Notices were in order. The three contiguous owners were Mrs. G. L. Cope, Mr. and Mrs. James R. Thompson and Mr. Manning.

Mr. Ghent said the garage was planned and everything was on the grading plan as they intended, but apparently the stake was out two feet. They have four models completed and some more started in various stages of completion. The roads are about finished and the curb and gutters are in. This is the only house they have a problem with. Mr. Ghent said there was no way to explain it. If one looks down the line from the house, this house looks farther away from the street than the other houses, but it is on an angle. The house is not sold. He said it would not interfere with the site distance. There are several big trees that will remain in the setback area. He said that in his thirty-five years this is the third time he has had to come before the Board and this is the worse time. He said they stake out from 300 to 500 houses per year.

No opposition.

June 15, 1971

MERLIN F. McLAUGHLIN, Agent (continued)

In application No. V-110-71, application by Merlin F. McLaughlin, Agent, under Section 30-6.6 of the Zoning Ordinance, to permit garage to remain 2.3 feet closer to street than permitted by Ordinance, on property located at 2619 Lemontree Lane, Centreville District, also known as tax map 48-1 ((9)) 8, (R-12.5) V-110-71, Mr. Long moved 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of June, 1971; and

WHEREAS, theBoard of Zoning Appeals has made the following findings of fact:

1. That the owner of the subject property is Fairfax Homes, Inc.
2. That the present zoning is R-12.5.
3. That the area of the lot is 17,709 square feet of land.
4. The required setback from Route 673 is 40 feet.
5. This would be a minimum variance.

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

1. That the Board has found that non-compliance was the result of an error in the location of the building; and

2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted.

Mr. Kelley seconded the motion. Passed unanimously.

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STEPHEN W. POURNARAS, app. under Sec. 30-6.6 of the Ordinance, to permit building to be constructed closer to side and front property lines than allowed, 6870 Elm St., Dranesville District, (COL) 30-2 ((10)) (6) 1, V-67-71 (deferred from 5/11/71).

Mr. Pournaras sent a letter requesting withdrawal without prejudice.

Mr. Kelley so moved that this case be withdrawn without prejudice.

Mr. Long seconded the motion. Passed unanimously.

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CLAUDE JENKINS, to permit lot with less width than required, 10018 Colvin Run Road, Dranesville District, (RE-1), 18-2 ((1)) 21, V-216-70 (Request for reconsideration)

His original request was granted on December 8, 1970, but at the time it was granted Mr. Jenkins requested a variance on Lot 1, but he had intended it for both Lot 2 & Lot 1. The Board granted for one Lot 1 and Mr. Jenkins was under the assumption that he requested it for both lots and it was granted for both. Now he realizes that he was mistaken, therefore, he was requesting the variance for Lot 2.

Mr. Smith told him that the Board had granted him all the variances that they were authorized to grant at the beginning.

Mr. Jenkins said that when he put this subdivision in, it was his intention to have a private road and private entrance to these roads. He said he son had had a house for twelve (12) years there and uses the right-of-way. He said he had set aside a fifty foot easement so that these lots would have a private driveway and the public would not come into them. That he could have put more lots in there, but he wanted his lots to be larger and conform with the rest of the area. The houses are $65,000.

The staff report read that the Site Plan office was unable to recommend favorably on this because the existing fifty foot easement is now being used as a road and it has to be gravel base and asphalt surface with ditches before they will approve it. They also mentioned that from six to eight houses use this road.

Mr. Jenkins said he could not find out how anybody would get six to eight houses to use the road. There were no six to eight houses there.

June 15, 1971

CLAUDE JENKINS (continued)

Mr. Baker said that the only way they could use the road would be for the people on the other side to cut through. But, Mr. Jenkins said they go out theother way.

Mr. Jenkins said that when he gets the two houses finished, he intends to surface treat the road. He said that if he had to spend that much money fixing the road, that he would have to let the lot just sit there and he could not pay taxes on a piece of property the County would not let him use. Mr. Smith said the county has to provide some way under the ordinance for him to use the property and they apparently feel they have, because if you surface the road, you can build the house.

Mr. Long said that he felt that when the Board granted a variance on Lot 1, they automatically created Lot 2 as a buildable lot.

Mr. Smith said they did, but he has to provide the road.

Mr. Long said if he did build the road, the State would not want it.

Mr. Smith said they should have some way of allowing a private road to be maintained by three families if they so desire, under the ordinance. But that the Board did not have the authority to waive the Site Plan.

Mr. Long said he thought what the Board was waiving would be a frontage requirement on Lot 2, and the Board did that when it granted it on Lot 1.

Mr. Smith asked Mr. Jenkins if he had subdivided the lots and Mr. Jenkins said that he had.

Mr. Smith said there had been a house on the third lot for more than 10 years, before 1959 and asked Mr. Jenkins if it was established as an outlet road prior to '59 and Mr. Jenkins said that it was. Mr. Woodson said that should give him some standing.

Mr. Smith that since there had been a house on the third lot for a number of years prior to 1959, and the outlet road had been used since 1959 and it had been Mr. Jenkins impression at that time that he could construct two additional homes on this outlet road. These were the only lots to be serviced by the road and these were the reasons for the granting of the variance as to the width on Lot No. 1.

Mr. Smith told Mr. Jenkins that he could pipestem the lots out to Colvin Run and he would still have thirty-eight feet left to be used by Mr. Jenkin's son, then he would not have to put in the ditches or to surface and if he did have to surface, it would only be for 12 feet. He said even though he knew Mr. Jenkins did not want to do this, it would be a solution. Mr. Smith asked if the Board wanted to reconsider based on the pipestem approach.

Mr. Baker so moved.

Mr. Long moved to recess to discuss this.

Mr. Smith said after the recess,the Board members discussed this problem with other members of the county staff and had come to the conclusion that it had no authority at this time to do other than one or two things.

1. Refer back to Jack Chilton's office for reconsideration based on the new evidence that there will be no further development on this road. That it was Mr. Jenkin's intention when he first constructed the house more than 10 years ago that this would serve these three lots only and he did not want or intend it to be made a public road. There were only three houses on this section of property. The Board recommends to Mr. Chilton's office that they waive the requirement for surfacing and ditching and Mr. Jenkins does intend to treat the surface of the road.

Or --

2. Mr. Jenkins make an application to service this particular orad through a pipestem which would take a fifty foot strip off his easement up to these lots.

Mr. Smith restated that the Board does not have authority to waive any section of the Subdivision Control Ordinance or Site Plan Control. The Board recommends that in this case they serve no useful purpose.

Mr. Jenkins stated that he would like to request that this be referred back to the proper authorities for their reconsideration and he would await their decision.

Mr. Baker moved that the Board accept this request.

Mr. Barnes seconded the motion.

Mr. Smith said that it had been moved and seconded that the request that the Board refer

June 15, 1971

CLAUDE JENKINS (continued)

this case back to the proper authority for reconsideration to Mr. Chilton's office and those who are responsible for this section of the subdivision control ordinance and every consideration be given to the additional and new information that the Board of Zoning Appeals has received at this particular hearing today; that the applicant has owned the land for many years, as stated above, that the road as it exists has been used since before 1959 and would serve only the two proposed lots and the existing residence and that the applicant will surface the road and make it dust free.

Passed unanimously.

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DUNN LORING VOLUNTEER FIRE DEPT. INC., app. under Sec. 30-6.6 of the Ordinance, to extend a portion of the present building to within 10 ft. of the northern property line, 2148 Gallows Road, Providence District, (RE-1), 39-2 ((8)) 7, 7A, 8, V-87-71 (deferred from 5/25/71 for notices)

Walter R. Stenhouse, A.I.A. 2621 Stenhouse Place, Dunn Loring, Virginia 22027 testified for the applicant and represented them before the Board.

Notices were in order. The contiguous property owners who had been notified were Margaret V. Hahn, 11710 Georgia Aven, Silver Spring, Maryland 20902, and the Fairfax County School Board, signed by Mr. Jacobs, Clerk of the Board.

He stated that the reason they want to extend the building is because they need a place to store equipment and for kitchen facilities. This was not taken into account when the place was designed, unfortunately. Now they are storing things everywhere, even outside the building, which is both messy and unattractive. The present building is of brick and concrete, a contemporary design. The extension will match the present building and will not detract from the looks.

The size proposed is 10' in width to 13' in width. It is a 16' building now.

No opposition.

In application No. V-87-71, application by Dunn Loring Volunteer Fire Dept. Inc., under Section 30-6.6 of the Zoning Ordinance, to permit extention of present building to within 10' of northern property line, on property located at 2148 Gallows Road, Providence District, also known as tax map 39-2 ((8)) 7, 7A, 8 County of Fairfax, Virginia, Mr. Long moved 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of June, 1971; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 74,659 square feet of land.
4. The required setback from the side property line is 20'.
5. This request is for a minimum variance.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:
(a) exceptionally irregular shape of the lot,
(b) unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:
1. This approval is granted for the location and the specific structre indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Mr. Baker seconded the motion. Passed unanimously.

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June 15, 1971

FAIRFAX COUNTY FIRE & RESCUE SERVICES, application under Section 30-7.2.6.1.2 of the Zoning Ordinance, to permit construction of fire station, 5316 Carolina Place, Annandale District, (COL) 80-2 ((1)) 47, S-125-71 (out of turn hearing)

Mr. George Alexander, Director of Fairfax County Fire and Rescue Services, represented the applicant and testified before the Board.

Notices to property owners were in order. The two contiguous owners were: Conway, James 5311 Clifton Street, Springfield, Virginia and James O. Turley, 5309, Clifton Street, Springfield, Virginia and the third Mr. M. Carrol Hackett, 5307 Clifton Street, Springfield, Virginia.

The subject piece of property before the Board, Mr. Alexander said, is the result of surveying thirteen different parcels of land for a location of a fire station for the area surrounding the industrial, residential and commercial development of the Edsall Park, Shirley Highway area. The reason for the request for the out-of-turn hearing is that the contract on this piece of property has been held in abeyance for several months (about ten) and expires between now and two more meetings of the Board of Supervisors. The Fire Station will be located on C.O.L. property and the surrounding property on all sides is C.O.L. except to the rear which is zoned R-5.12. There is a covenant related to the construction of the two different zones which they are aware of and will be building in conformance with. They appeared before the Planning Commission on the 24th of May and received a unanimous approval with the stipulation that a traffic control warning signal device be installed at the intersection ofCarolina and Edsall Road.

The dimensions of the building are as the preliminary plans shows are 94' across the front or face and 76' plus 4' equal 80' deep. He said they did not have an architect rendering as yet, as they have not gotten that far, but they have a preliminary rendering of the building. The covenant calls for the building to be built of brick or a material other than cinderblock. It will be built under the same concept and design as the Fire Station at Woodlawn and will be going in at Reston. One story building, housing pumper apparatus, rescue and ambulance and the maximum number of personnel working in any one time is anticipated to be about seven, plus any volunteers who may wish to join the Department, but not more than twelve. There are provisions for twenty-five parking spaces which is more than required under these conditions.

Mr. Barnes asked if the lot was 64,643 square feet and Mr. Alexander said that was correct. He said the original lot was smaller than that and the two adjacent lots was a split lot and the procurement of this includes one and a half lots which is why the plat shows two separate parcels. The current site plan is 722 for an office building which is south of that particular parcel. The road is a county owned road which the Fire Station would be doing improvements on the road, plus pipe drainage on the north side of Lot 48, which is C.O.L. picking up the outlot drainage from the residential section.

Mr. Barnes asked what this Fire Company would be known as. Mr. Alexandria said this would be known as Company 26 - Edsall Road. Mr. Barnes asked if this was an additional company and was not being moved from any place and Mr. Alexander answered that that was correct. It covered industrial area as well as residential within a three mile limit, one mile being industrial protection, three miles residential. He said the Fire Services need about ten companies.

He said the covenant says they cannot remove any trees and they must have a six foot high wall must be constructed and he said he didn't know how they were going to do both and it says they must plant some ten foot high trees. Mr. Barnes said they must comply with the screening ordinance, but that he felt they should meet with the people in Edsall Park and make them happy, we all would be happy. He said he felt they would rather have natural trees instead of a high wall. He said from the pictures it looked as if they had some great natural screening.
No opposition.
In application No. S-125-71, application by Fairfax County Fire & Rescue Services under Section 30-7.2.6.1.2 of the Zoning Ordinance, to permit construction of fire station, on property located at 5316 Carolina Place, Annandale District, also known as tax map 80-2 ((1)) 47, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th day of June, 1971; and

June 15, 1971

FAIRFAX COUNTY FIRE & RESCUE SERVICE (continued)

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the contract purchaser of the subject property is Fairfax County.
2. That the present zoning is COL.
3. That the area of the lot is 64,643 square feet of land.
4. That compliance with Article XI, Site Plan Ordinance is required.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has presented testimony indicating compliance with (Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 in the Zoning Ordinance.

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

2. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

3. The 25' buffer strip in the rear of the property shall be landscaped in conformity with an overall screening plan to protect Edsall Park Subdivision and as approved by the Planning Engineer.

4. The building shall be constructed with a brick exterior.

Mr. Barnes seconded the motion. Passed unanimously.

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JOHN A. & MARIE L. NETTLETON, app. under Sec. 30-6.6 of the Ordinance, to permit redivision of lots with less area and width than required by Ordinance, 904 and 908, Seneca Road, Dranesville District, (RE-2) 6 ((1)) 48, 49, V-98-71 (deferred from June 1, 1971) Deferred for decision only and revised plat.
Mr. Nettleton submitted a corrected plat as requested at the June 1 meeting. It had been determined at the June 1 meeting that no variance was needed because the shed is more than 12' behind the existing house, there will only be a need for a relocation of the property line, Mr. Smith stated. Mr. Smith asked if he was the owner of both parcels of land and Mr. Nettleton said that he was, that he had owned parcel No. 1 since 1947 and No. 2 since 1963.

In application No. V-98-71, application by John A. & Marie L. Nettleton under Section 30-6.6 of the Zoning Ordinance, to permit relocation of Lots 48 & 49 property line, on property located at 904-908 Seneca Road, also known as tax map ((1)) County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 1st day of June and the 15th day of June, 1971 and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 1.9365 acres

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
(a) exceptionally irregular shape of the lot.

June 15, 1971

JOHN A. & MARIE L. NETTLETON (continued)

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:
1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion. Passed 3 to 2.

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ACCOTINK ACADEMY, 8519 Tuttle Road, Springfield, Virginia 22152, Mrs. W. H. McConnell, Director, S-108-71, Granted 5-25-71.

Mrs. McConnell sent a letter to the Board relative to the above-mentioned case stating that upon checking with their structural engineer they learned that the present building would not support the weight of a second story. This came as a surprise to them because she continued, two and one-half years ago she had asked the County Building Inspector's Office to make an inspection which was made and the building approved for construction of the top floor. Thereafter, she went to an architect and had plans drawn. Now the architect tells her the only possible solution is to add additional rooms to the west and south of the present building making it L shaped. The land also drops six to eight feet at that point so that a basement would be practicable and greatly needed as a multi-purpose room under part of the classrooms. Since the school is a special education school and enrollment has already been filled at this time, they asked the Board for re-approval of the new design in building. No additional students will be enrolled and no new septic field lines are necessary, she said. Time is of essence in order to finish construction before September.
The architect represents the applicant before the Board. He said this addition would include four additional classrooms and a multi-purpose room. There is adequate land.

Mr. Smith said they granted the same amount of space before. Mr. Woodson's office had checked with the inspection office and found that an inspection had in fact been made but no one knew what happened.

Mr. Long asked what the construction material would be and the Architect said it was planned to be masonry exterior walls with brick front facing. Mr. Long said he thought he understood Mrs. McConnell to say she was going to use brick on the exposed exterior walls.
No opposition today or on either of the other applications filed previously. No complaints of record.
Mr. Long moved that Application No. S-108-70 be amended, or the original application to grant the Application No. S-108-70 be amended to include the proposed addition. This would be granted with the stipulation that the proposed addition exterior be constructed of brick.

Mr. Baker seconded the motion. Passed unanimously.

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PATRIOT & AMERICANA DRIVE, INC. AND BRISTOW HOMEOWNERS ASSOCIATION (deferred from June 8, 1971 for amended plats and proper setback from the pool and bathhouse)

Mr. Feldman again represented the applicant. He presented to the Board amended plats.

Mr. Smith said the question was on the setback.

Mr. Feldman said that after he left the meeting of June 8, he discovered that people from Freeman had talked with the Zoning Office or Design Review and had discussed this question. The property is zoned RM-2 and they are developing under RTC-10 classification under the ordinance. Under RTC-10 classification it refers with reference to setback to the RT-5 classification and that is what the applicant is complying with. The setback from the middle line of the road is 50', 20' feet as far as the swimming pool itself is concerned and 10' fence for the fence and the side yard is 15'. Those do comply with the RT-5, Mr. Feldman stated which is the classification they are subject to because of the development.

200

PATRIOT & AMERICANA DRIVE (continued)

Mr. Woodson said that after the hearing of June 8, 1971, he talked with Mr. Jack Chilton, Director of Land Planning, and other members of the staff and they realized that it was going to be developed under the RT-5 catagory, therefore, the plats meets all setback requirements under the development plan indicated here and no variance is necessary.

Mr. Smith said then all the Board is concerned with then is the use itself.

Mr. Woodson concurred.

Mr. Smith questioned the parking. Mr. Feldman said that according to the plat of the subdivision there are seventeen parking spaces immediately adjacent to the swimming pool that are over and above the requirements for the townhouses. It is within walking distance from all of the townhouses and they want to encourage people to walk to it.

Mr. Long asked if these seventeen parking would be reserved for the pool and would not be used as credit for further development.

Mr. Feldman answered that they would not be used distinctly for this pool and they are saying that they have seventeen extra in conjunction with the townhouses. He said he did not feel there was a need for that many parking spaces, but all that land will be conveyed to the Homeowners Association under the covenants.

No opposition.

In application No. S-99-71, application by Patriot & Americana Drives, Inc.&Bristow Village Homeowners Associations Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit swimming pool for use by homeowners association, on property located at Phase II, Section 10, Americana Fairfax, also known as tax map 70-4 ((11)) C, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th and 15th day of June, 1971; and

WHEREAS, theBoard of Zoning Appeals has made the following findings of fact:

1. That the owner of the subject property is Patriot & Americana Drives, Inc.
2. That the present zoning is RM-2.
3. That the area of the lot is 20,469 square feet of land.
4. That compliance with Article XI, Site Plan Ordinance, is required.
5. The property is being developed under RT-5 catagory and the proposed development complies with the setback requirements for this zone.

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

1. That the applicant has presented testimony indicating compliance with (Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and
2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.
4. There may be a maximum of 185 family memberships.
5. The hours of operation shall be from 9:00 A.M. to 9:00 P.M., seven days a week.
6. All lighting shall be directed onto the site.
7. Noise from loud speakers shall be confined to the site.
8. The seventeen extra parking spaces adjoining this site in Section 10 shall be reserved for this use and not credited for future development.

Mr. Baker seconded the motion. Passed unanimously.

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June 15, 1971

Mr. Smith read a letter from Mary and John Cornett requesting an out-of-turn hearing for the earliest possible date. They indicated that they had just transferred to this area and have owned the property since 1964 and did not know they needed a variance in order to build a house until they moved back here. They need to build the house as soon as possible as they are living with relatives and have their furniture in storage.

Mr. Long moved the the above captioned application be scheduled for July 13, 1971, which is the first available date, provided they can get all the necessary items in.

Mr. Barnes seconded the motion. The motion passed unanimously.

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Mr. Smith read a letter from Mrs. Dickens thanking the Board for their fine job and the manner in which her case was handled at the last meeting in which she asked for a variance in order to build an extension on their carport.

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Mr. Smith read a letter from C. Douglas Adams, attorney representing Springfield Towers and Ward and Hall. They requested the Board hear a rehearing request at the next meeting, June 22, 1971.

Mr. Long moved that they be allowed to be reheard for consideration of a new hearing.

Mr. Barnes seconded the motion. The motion passed unanimously.

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Mr. Smith read a note from Mr. Oscar Harlow where he had called in quite upset because he said the Virginia Concrete Company were coming in and taking another layer of soil out. Mr. Harlow also said they had only planted 60 scrawny little pines over the weekend. He (Mr. Harlow) said he did not feel they were fulfilling their obligation to restore the area, but in fact they were tearing down the area even more. Mr. Harlow had already called Helen Barry, Dr. Hoofnagle's secretary, so the Board Chairman (Mr. Smith) was not contacted on the date of the phone call which was June 15, 1971.

Mrs Barry had called Mr. Wally Covington in Zoning. Mr. Covington told Mrs. Barry to tell Mr. Harlow to get in touch with the soil scientist, Mr. Coleman who was in charge of the area now. Mr. Harlow said he was expecting the Board to come out to view the property and would like to be called if they were not going to make it. Mr. Smith said he had called and told Mr. Harlow if the Board did come down it would be later in the day, if at all. Mr. Smith said he felt it should be indicated that somewhere alone the line apparently by action of the Board of Supervisors a couple of weeks ago that there was some indication that the time was directed to the Board of Zoning Appeals which was not the proper direction. Actually the action was directed toward the Zoning Administrator's office and he said he assumed that that was cleared up later one. The Board of Zoning Appeals has no jurisdiction in this area at the present time. It would not be proper for us to approve one now, he said, unless it was from an appeal from the ZoningAdministrator's decision. There is no Use Permit involved at the moment.

Mr. Long said he would like to speak on one point, that is it is a matter of fact and not to permit or deny, because here we have a case where someone has dug in a required setback which is a clear violation and is not a nonconforming situation at all. He said that Mr. Woodson and the County have to control that restoration and it is his understanding that that is what they are doing.

Mr. Woodson said they were watching it everyday. He said they were moving some gravel around for restoration and they were not taking it off the property.

Mr. Smith asked Mr. Woodson what type of restoration they were doing, that he had had a call during lunch from a person upset because there had been two plans to restore the area. One plan by Mr. Alexander and the other one approved by Mr. Covington and the one approved by Mr. Alexander was not the one that was being done, and that was the one they (Mr. Harlow) wanted. If the restoration meant restoring the area to its original condition as nearly as possible, then that is assumed to mean putting the dirt back in. Mr. Woodson said the responsibility should not be placed on Mr. Coleman, the responsibility was on Mr. Woodson. The plan shows a 5 to 1 slope.

Mr. Smith said he would like to clarify that the Board of Zoning Appeals does not have anything to do with anything that is going on down there. There seems to be some misunderstanding on it and he asked Mr. Woodson to please clarify this.

Mr. Woodson said he had only seen one plan and he had not seen another one. He said he did not know how theBoard of Zoning Appeals got into the act in the first place. Mr. Smith said it was by virtue of the communication from Mr. Harlow.

Mr. Woodson said he would go out and check it again tomorrow.

Mr. Smith said he didn't feel the Board of Zoning Appeals should get involved with this since we have a pending application.

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June 15, 1971

Mr. Smith told the Board of Zoning Appeals the Board of Supervisors made available to them up to $3,000 on the appeal on the parking case at Bailey's Crossroads. The thing the Board has to do is take a formal action as to the attorney we are going to use. He said he had contacted Mr. Brent Higgenbotham who had represented the citizens in that area on the same thing.

Mr. Baker moved that the Board of Zoning Appeals employ Mr. Higgenbotham as counsel in this case and that the Chairman so contact him with details on how to proceed.

Mr. Kelley seconded the motion. The motion passed unanimously.

Mr. Woodson was asked what has happened on the NASIF building, and if they were still parking on residential areas. Mr. Woodson said that yes they were. Mr. Smith asked if they had been able to resolve the problem and Mr. Woodson said that they had not. He said he had talked with the Commonwealth Attorney and he had advised Fitgerald that he was wrong.

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Mr. Long moved that the meeting adjourned.

Mr. Barnes seconded the motion. The motion passed unanimously and the meeting adjourned at 4:00 P.M.

By Jane Carolyn Kelsey
Clerk of the Board of Zoning Appeals

Daniel Smith
DANIEL SMITH, CHAIRMAN

September 14, 1971
DATE

202

A Regular Meeting of the Board of Zoning Appeals was held on Tuesday, June 22, 1971, at 10:00 A.M. in the Board Room of the Massey Building, Fairfax County Adminis tration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes; Mr. Richard Long, Mr. Joseph P. Baker, and Mr. Loy Kelley.

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

RITA M. SETLOCK, app. under Sec. 30-7.2.6.1.5 of the Ordinance, to permit beauty shop in home as home occupation, 3530 Largo Lane, Annandale District, (R-12.5) 60-3 ((29)) 8A, S-111-71

Mr. Charles King, attorney representing the applicant, testified before the Board.

Notice to property owners were in order. The contiguous owners being John Bailey, 7508 Dolee Drive and Lewis Johnson, 7520 Dolee Drive.

He testified that Mrs. Setlock has been living at this property for eleven years. For the past three years she has been operating this beauty shop without knowing that she should have a Special Use permit. She does not employ anyone, nor does she intend to. She will make a few improvements because of the Health Department's inspection. There will be no major changes, she just wishes to continue to operate as she has been doing for the past three years. These past three years, there have been no objections from the neighbors. She has been in the business for thirteen years, but at the moment she does not have a business license because she has limited her business to her neighbors and friends. The property is owned by Mrs. Setlock's mother, Mrs. Malinsky. There is a copy of the lease in the file which is a twelve month lease, before this came up there was no lease, it was just between Mrs. Setlock and her mother.

Mr. Smith asked if the team inspection report conditions could be met and she said that they could be met. Mr. Smith also asked if she had a sign and she said she did not have a sign, has never had a sign and has no intention of having a sign.

Mr. Smith asked if there was anyone to speak in favor of the application.

Mr. Lillian Armstrong, 3547 Dever Drive, Falls Church, Virginia, spoke in favor. She said she was not a neighbor, but Mrs. Setlock did do her hair. She said she felt this was a good idea in order for Mrs. Setlock to earn money and take care of the children at the same time.

Mrs. Helen Malinsky, mother of Mrs. Setlock, testified in favor of the application. She said she hoped the Board would grant her permission to use the home so she could be home with the children.

Mr. Smith asked if there was anyone to speak in opposition to the application.

Mr. A. J. O'Neal, 7506 Dolee Drive, across the street from Mrs. Setlock. He presented a Petition to the Board signed by twenty-five residents of the Dolee area protesting the home business of Mrs. Setlock.

The title of the Petition was entitled Rezoning. Mr. Smith remarked that he wanted it recorded that this was not a Rezoning.

Mr. O'Neal stated that the neighbors felt that once this type of thing got started, it would change the neighborhood. It might make it easier for other business type home office things to get started.

Mr. Smith stressed that this action does not change the zoning category and is not relative to the application. That the Zoning Ordinance does permit a beauty shop, barber shop, surveyors, lawyers offices, etc. as long as it is in harmony with the neighborhood and is not a detrement to the surrounding area.

Mr. O'Neal said he also felt it would cause heavier traffic, and they didn't want a sign.

He was asked how far it was to the closest beauty shop. Mr. O'Neal answered that he was not sure, but he thought it was two or three miles. Mr. Smith said that if it was within one-half mile it would have some bearing on it. Mr. Smith further stated that as far as the sign, the Board has the authority to allow one or prohibit one and he said Mrs. Setlock had already stated that she had no intention of having a sign.

Mrs Norma Johnson, 3519 Largo Lane, then spoke in opposition to the shop. She said she objected because it would change the character of the neighborhood. She said people outside the neighborhood was using the shop. She also objected to a sign. She stated they had used Rezoning on the Petition as they had called the County and that was what they were told they should use.

June 22, 1971

RITA M. SETLOCK (continued)

Mr. Smith asked her if the shop had been a nuisance in the past. Mrs. Johnson answered that no one had wanted to make trouble for anybody and she felt it was a nuisance because of the extra traffic and cars in the neighborhood.

Mr. Smith asked if there had been cars parking in the culdesac and she said no, but frequently cars are parking on both sides of the street. She assumes the cars are for the business.

Mrs. Johnson stated that she worked in real estate and felt this would cause the real estate value is go down.

Mr. Smith asked her if she knew of any specific impairment of property values because of a use permit.

Mrs. Johnson answered that all she could give would be her opinion that she had been in real estate for thirteen years and this is an intangible thing as to why people don't want to buy in an area where there are home businesses.

Mrs. Johnson said that Mrs. Setlock would be required to widen her driveway and that would be a change. Mr. Smith said that No, she would not be required to widen her driveway nor to make any special provision for parking.

Mr. Nicholson, 3521 Largo Street, then spoke on the above application.

He said he had lived in the area a long time and his only concern was, would this in any way open the door for subsequent requests for this type of business, not just beauty parlors, but any other home operation. Might it not make it easier for other people to have one.

Mr. Smith said that it would have no relation to other home businesses that might want to open up except adversely. If there was already a home business in the neighborhood, the Board would hesitate to let another one in.
In rebuttal, Mr. King said that they only planned to have one person at a time there. The hours of operation would be as the Board say fit, she would prefer from about 8 to 4 and by appointment only. She said she had never operated in the evenings. She would like to operate six days a week.

Mr. Long again asked how far away was the nearest shopping center and Mrs. Setlock stated that it was about a mile and a lot of her friends who use her shop are within walking distance.

Mr. Smith asked her if she ever had any more than two people. She said she never did, there was never more than two cars there. She said about a month ago her husband was off from work and both their cars were there, plus her brother's car.

In application No. S-111-71, application by Rita M. Setlock under Section 30-7.2.6.1.5 of the Zoning Ordinance, to permit beauty shop in home as occupation, on property located at 3530 Largo Lane, Annandale District, also known as tax map 60-3 ((29)) 8 A, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 22nd day of June, 1971; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is William & Helen Melinsky.
2. That the present zoning is R-12.5.
3. That the area of the lot is 11,659 square feet.
4. The dwelling is more than a mile from an existing shopping center.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

June 22, 1971

RITA M. SETLOCK (continued)

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. Hours of operation shall be 9:00 A.M. to 4:00 P.M.

5. All State and County regulations are to be complied with.

6. There shall not be any outside sign in connection with this use.

7. This permit is granted for a period of three years with the Zoning Administrator being empowered to extend the permit for three - one year periods.

Mr. Barnes seconded the motion. The motion passed 3 to 1, with Mr. Smith abstaining and Mr. Kelley voting No.

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MOBIL OIL CORP., WALTER H. LOCKOWANDT & JOHN T. HAZEL, JR., app. under Sec. 30-7.2.10.3 of the Ordinance, to permit service station, S.W. corner Oak Street and Gallows Road, Providence District (C-D) 39-4 ((1)) 4, S-112-71

Mr. John Hazel represented the applicants.

Notices were in order. The contiguous property owners were Mr. and Mrs. George Vandewende and Mr. and Mrs. James R. Harris and Mr. and Mrs. Elton Garner.

This is a portion of a seven acre tract, Mr. Hazel said, on which a shopping center is in the process of design. Oak Street doesn't show on the map the Board has, but it has been relocated through the property so that it forms a corner with the subject site. This relocation was done at the property owners expense in cooperation with the highway department to improve the intersection of Cedar Lane and Gallows Road. The Oil Company proposes to erect on this a 3 bay station of colonial design. The lease arrangement with Mobil specifies a colonial design. He said as far as he knew it meets all criteria for site development.

Mr. Smith asked if he planned to have a 3 bay station with two pump islands and canopy? Mr. Hazel answered that they planned to have a 3 bay station with three pump islands, but no canopy.

Mr. Smith asked what the size of the underground tank is? Mr. Hazel said it would hold a total of 18,000 gallons with a 550 gallon fuel oil tank and 1,000 gallon waste oil tank.

Mr. Hazel said this station has been arranged so that it will connect to travel lanes and entrances into the adjacent shopping center, which is under design. It is planned to be in harmony with the proposed shopping center development. They do not have a rendering of the building, but they plan to have an "A" roof.

No opposition.

In application No. S112-71, application by Mobil Oil Corporation, Walter H. Lockowandt and John T. Hazel, Jr., under Section 30-7.2.10.3 of the Zoning Ordinance, to permit a service station, on property located at S.W. Oak Street and Gallows Road, also known as tax map 39-4 ((1))4, County of Fairfax, Virginia, Mr. Kelley moves that the Board of Zoning Appeals adopt the following resolution:

June 22, 1971

MOBIL OIL CORP. ETC. (Continued)

206

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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 22nd day of June, 1971; and

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

1. That the owner of the subject property is Walter H. Lockowandt and John T. Hazel, Jr.

2. That the present zoning is C.D.

3. That the area of the lot is .687394 acres.

4. Compliance with Article XI (Site Plan Ordinance) is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C or I Districts as contained in Section 30-7.1.2 in the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

4. Building will be built of red brick and of colonial design with "A" roof.

5. There shall not be any display, selling, storing, rental, or leasing of automobiles, trucks, trailers, or recreational equipment on said property.

Mr. Baker seconded the motion. The motion passed unanimously.

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GORDON V. SMITH, DAVID H. MILLER & OTIS D. COSTON, JR., app. under Sec. 30-6.6 of the Ordinance, to permit variance in setback, located S.E. intersection of Fleetwood & Beverly Roads, Dranesville District, (COL) 30-2 ((4)) (D) 29 thru 34, V-121-71

Mr. Til Hazel represented the applicant and testified before the Board. Mark T. Rhinehart and William Moore were contiguous property owners. All notices were in order. Mr. Rhine hart was from the Capital Corporation and Martin Morris for the Fleetwood Corporation. Mr. and Mrs. William E. Moore across the street.

Mr. Hazel said this comes before the Board under the hardship section of the Ordinance variance section seeking a 25' side yard setback along Fleetwood Road.

GORDON V. SMITH, DAVID H. MILLER & OTIS D. COSTON, JR., (continued)

He said it was almost impossible to get a double row of parking on a 50' wide lot. If they get a variance, it does two things, it puts the 25' strip of grass on Fleetwood Road and it permits a building of a dimension which would provide a 60' wide parking lot, two rows in front of the building and a row down the side. He said the same problem existed on the adjacent building which is on the plat the Board has. This was four or five years ago, a variance was granted along Fleetwood similiar to the variance they are requesting today for the same kinds of reasons. If the variance is granted the existing two story building which is also in a COL area and the purposed Miller & Smith office building would both have the same setback from Fleetwood Road and they would both have a 25' strip of grass between the building and the road. This is the proposal they have that supports the variance they are requesting. On these 25' lots, six of them having been assembled in this tract, the imposition of the 50' setback makes a very contorted site which is difficult to use to a maximum or even a reasonable utility.

Mr. Smith asked Mr. Hazel if the applicant was the owner of the property and Mr. Hazel said they were not the owner, but the contract purchaser. Mr. Smith said contract purchaser is not valid applicant in this request for a variance. Mr. Hazel asked when that law went into effect and he was not aware of it. Mr. Smith said that had been the law for quite some time. Mr. Hazel said they could amend and have the owner join in the application. The purchase is based on the outcome of this variance. Mr. Smith said if they had a lease now, it had to be more than thirty years. He said that it was not.

Mr. Long said the staff report indicated that they want a dedication from the right-of-way and asked if Mr. Hazel was aware of that. Mr. Hazel said they had not seen any staff report. The staff report states as follows:

"1. An access to Beverly Road is recommended in order to alleviate any congestion which would occur on Fleetwood Road since Fleetwood Road is to be a main service street parallel to Route 123 as shown on the adopted McLean Central Business District Plan.

2. Eight Foot islands with 4' sidewalks in the center will be required on both streets under site plan control instead of the 4' sidewalk along the back of curb as shown on the plan submitted.

3. Standard Virginia Department of Highways entrances are required. It is noted that if a standard radius of 35' at the face of curb at the intersection of Beverly Road & Fleetwood Road and a minimum 30' standard entrance were provided on Fleetwood, the entrance would be located further to the east than is shown on the plan submitted by the applicant.

4. A minimum 60' right-of-way will be required for the proposed 44' cross section street on Fleetwood Road and Beverly Road and it is suggested that a dedication to 30' from the centerline of right-of-way be made by the applicant.

Mr. Hazel said the situation with the property is such that it can be used as it is under C.O.L. with a good deal of contortion and a much less attractive, completed project. That is why that it seems to them, since there was an existing variance with the adjacent building with 25' from Fleetwood that it would make sense to do the same thing with this structure and leave a grass strip along Fleetwood and as far as the dedication along Fleetwood if the variance is granted it would appear that dedication would be available as long as it was not included in the property area, in other words, as long we they could set back from the existing right-of-way, but along Beverly Road, it would be impossible to dedicate additional area and have any parking left at all.

Mr. Long asked what the width is for the existing right-of-way on the roads. Mr. Costin says it is 40' on both roads.
Mr. Long said:
If you follow the staff report and they are talking about a 44' section, then you would be going back on your sidewalk and tearing out the existing improvements thereon. If it is a 40' street now. Mr. Hazel said that that existing sidewalk is designed for a 44' section now on the existing building and they would match that section.

Mr. Hazel said they would be able to make the owner a part of the application today, if that would be permitted. Mr. Smith told Mr. Hazel if he would like to refer back to that section of the ordinance that this was under it is 30-6.8 on page 528 of the new printing.

Mr. Long says he thinks Mr. Hazel's plan is a better plan which would enhance the neighborhood. Mr. Hazel said that the McLean Citizens Association likes the grass strip toward Fleetwood Drive.

Mr. Smith asked if this was a part of the Central Business Plan and Mr. Hazel said it was. Mr. Smith said therefore it permits that it be within 10' in the amendment.

Mr. Hazel said they were not quite sure. They had filed this application before this was enacted. He said it permits a 100% variance under the Zoning Administrator level, but they had filed it before and felt they are demonstrating a real hardship in the use of the property which brings it in under a variance request rather than the discretionary amendment.

GORDON V. SMITH, DAVID H. MILLER (et al) (continued)

Mr. Smith said he felt they were provided a remedy whereby they did not need a variance. Mr. Hazel said they had not filed a Site Plan as yet. They do not want to submit a Site Plan until they know what they have in the way of a variance. They plan to continue to work with the staff and the citizens if they so desire, but they think this is establishing under the existing variance rule.

Mr. Long said he felt this was an unusual situation and he felt it would be proper to grant the variance.

Mr. Hazel said they didn't know that the other was a remedy. The other is a sixty day emergency ordinance which would allow a variance at the time of site plan submission. It would expire before this Site Plan would be submitted and they still would not know the outcome of the emergency ordinance and they would like to know where they stand before they go further, there is no remedy for them.other than this Board granting a variance.

Mr. Barnes said he realizes the positions Mr. Hazel is in and he moves that the Board hear this under the hardship clause. He said they have this piece of property under contract and that makes a big difference.

Mr. Smith said the Board was hearing the application, but noting certain deficiencies.

Mr. Long said he moved the application under discussion be deferred until the end of the day to allow the applicant to get some committment from the owner to become a co-applicant to the application.

The above application was brought up again later during the day after the regular agenda was concluded.

Mr. John T. Hazel submitted to the Board a letter from the owner of the property , Mr. James Loizou asking that he be made a co-applicant to the above application.

Mr. Baker moved that the Board adopt him as a co-applicant of the application as he is the property owner,to be joined with the above named applicants.

Mr. Long seconded the motion. The motion passed unanimously.

In application No. V-121-71, application by Gordon V. Smith; David H. Miller and Otis D. Costen, Jr; and James Loizou, owner, under Section 30-6.6 of the Zoning Ordinance, to permit variance in setback on property located at S.E. intersection of Fleetwood & Beverly Road, also known as tax map 30-2 ((4)) (D) 29, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 22nd day of June, 1971; and

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

1. That the owner of the subject property is James Loizou, the applicants being the leasees of the property.

2. That the present zoning is C.O.L.

3. That the area of the lot is 00.43044 acres of land.

4. That compliance with Article XI, Site Plan Ordinance, is required.

5. The existing building to the east was granted a 25' setback variance from Fleetwood Road by this Board.

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

1. That the applicant has satisfied the Board that the Following physical conditions exist under which a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

GORDON V. SMITH, DAVID H. MILLER, ET.AL. (continued)

(a) exceptionally narrow lot.
(b) exceptionally shallow lot.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Mr. Barnes seconded the motion. The motion passed 4 to 1 with Mr. Smith voting No.

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DONALD J. SCHOLZ, CO., app. under Sec. 30-6.6 of the Ordinance, to permit construction of certain apartment buildings with maximum height of 43 ft located 7600, 7604, 7510 and 7514 Magarity Rd., Dranesville District, (RM-2G) 29-4 ((1)) 36, 36A, 30-3 ((1)) 63, 64, V-113-71

Mr. Carl H. Hellwig, CLS, from Springfield Associates, Planners, Engineers and Surveyors, 5700 Hanover Avenue, Springfield, Virginia represented the applicants and testified before the Board.

The notices were property owners were in order and the two contiguous property owners were the Westgate Corporation, 7798 Old Springhouse Road, McLean, Virginia and Mr. James Bell, Fairfax County Park Authority, 4030 Humm er Road, Annandale, Virginia.

This is a national organization incorporated in the State of Deleware. Filed in the State of Virginia, March 1971.

Mr. Smith asked if he had a copy of that and he said he did not have it with him.

Mr. Long moved that the Board hear this case and the applicant be given an opportunity to send in the certificate at a later time. Mr. Smith asked if he meant that the Board would not take final action until the certificate was received. Mr. Long said that was correct, therefore, Mr. Hellwid proceeded to present his case before the Board. There was no objection.

Mr. Hellwig said this project would consist of about 600 units of luxury apartments. It consists of twelve building, plus one model building, all being three story. The cost of the project will be approximately 17 million dollars. They have run into two nags one of which is the 35' heights. Part of the property is zoned RM-2 which they can exceed the 35', but the majority is zoned RM-2G, which means they can only go to 35', therefore, they are asking for the additional 8' because of the following reasons: They are advised by soil consultants that they should not place the buildings too deep in the ground because of soil conditions on the site. He read an excerpt from a letter from the soil consultants stating the details of the report. He said if they moved in any additional direction, they would have to move additional trees. Scholz is going to a considerable expense to preserve natural surrounding, trees, etc. Therefore, namely the problem is the underground parking to preserve open area. These are to be used for bike trails, hiking, riding trails. He said if they were going to meet the 35' in height the buildings should be put further into the ground than they are, they cannot do this because of soil problems. They have not done the entire site plan. The parking ramps off the main roadway down into the underground parking which is the basement of the building. The majority of the buildings will be 34' out of the ground only.

Mr. Smith said there was so many buildings involved, he did not see how the Board of Zoning Appeals would have authority to give a variance on all the buildings in a wholesale manner such as this as they would be changing the height which would change the character of the district itself. He asked exactly how many apartment was planned and Mr. Hellwig said it would be 600 apartments. Mr. Smith asked why they could not have the zoning amended to allow RM2 instead of RM2-G. Mr. Hellwig said they possibly could, but that it would take quite awhile to do it, and they were not asked for an additional story here, but only asking for relief under the situation of topography, trees and the fact that they are putting underground parking in in order to preserve the natural surroundings of the trees and stream and they have to go underground so deep without the variance that they would run into adverse soil conditions. He continued by stating that they were not gaining anything from a zoning standpoint by putting in underground parking, there would be no gain from an additional number of units or anything else. They plan to put parking under every one of the buildings.

DONALD J. SCHOLZ., CO. (continued)

Mr. Smith still contended that they needed an overall zoning change to do this and it seemed to him that if the Board of Supervisors were apprised of this situation and the excellent arrangement they had for development, they would certainly correct their problem through an emergency amendment and then they would be in the proper zoning category. They are developing a portion under RM2 zoning which does allow the desired height. Mr. Smith discussed with Mr. Hellwig and Mr. Long and determined that 21.6 acres or 3/4 of their property area was in RM-2G zoning and the remainder which is 7.6 acres is in RM-2 zoning which would be 1/4 of the property area. They purchased the property being aware of the zoning, but when it came in from the architect the buildings did not exceed 35', and they didn't realize this problem existed until they got into the Site Planning of it and the soils analysis. None of the buildings exceed 35' as far a the average is concerned, it was just a problem of getting them on the gnound.

Mr. Smith said that then they would have to go further underground to provide the parking or they would have to put the buildings out of the ground further.

Mr. Hellwig said yes or their third alternative was to put the parking on the surface, which just plain ruins the site. He asked if there was a possibility of amending the application to include the first two buildings which they know they have problems on, one of which is partially in the RM-2 zone. Mr. Smith said that might be possible, but they would not be able to come back before the Board on any of the other buildings.

Mr. Hellwig discussed this with the development and returned to speak before the Board. He said the developer is reluctant, but if they could have the two buildings at this point, then they would go to the Board of Supervisors for a ruling on the balance.

Mr. Smith said since one building is partially in the zone, it would warrant some consideration in order for them to have continuity of development.

Mr. Long said that he would agree that they would have to know what the height would be and the variance needed because they are under one story in height that is needed and he would like to see the Board of Zoning Appeals act on the two buildings now because he felt it was a good plan.

Mr. Hellwig said the Public Works Department had their plans and if he could be given a few minutes he could get the exact measurement for the Board

Mr. Long moved that the Board limit their consideration to those two buildings and take 5 minutes to determine the height of the variance request.

Mr. Barnes seconded the motion. The motion passed 3 to 1, with Mr. Smith voting No and Mr. Baker abstained as he discovered his organization had a loan on this case.
Mr. Smith said he would like to have seen the whole thing deferred and let them go before the Board of Supervisors with their problem to see if they could alleviate the entire problem by amending the original zoning.

The case was recessed until Mr. Hellwig could get the proper information.

After hearing another case the application above was reopened for hearing.

Mr. Hellwig said the building in the RM2 zone is 18" over the height of 35' and the building in the RM2G zone is 36" over the height requirement. This is the minimum that would afford relief. They understand that they are not to ask for another variance on any of the other buildings, but plan to take the Board of Zoning Appeal's advise and go before the Board of Supervisors.

In application No. V-113-71, application by Donald J. Scholz, Co., under Section 30-6.6 of the Zoning Ordinance, to permit construction of certain apartment buildings with maximum height variance of 43', on property located at 7600-7604-7510-7514 Magarity Road, also known as tax map 29-4 ((1)) 36, 36A, 30-3 ((1)) 63, 64, County of Fairfax, Virginia, Mr. Long moved 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 22nd day of June, 1971; and

June 22, 1971

DONALD J. SCHOLZ, CO., (continued)

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 22nd day of June, 1971; and

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

1. That the owner of the subject property is applicant.
2. That the present zoning is RM-2G and RM-2.
3. That the area of the lot is 21.36 acres.
4. That compliance with Article XI (Site Plan Ordinance) is required.
5. The variance application is amended to include only the two buildings filed with the County for Site Plan approval now.
6. The request is for an 18" height variance on the building within the RM-2 zone designated as building No. 1 and a 36" height variance in the RM -2G zone designated as building No. 2.
7. This would be a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

(a) exceptional topographic problems of the land.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The applicant is to file certificate of incorporation papers and a certificate of good standing with the Zoning Administration within ten (10) days and prior to issuance of variance permit.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this County. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Smith said that he would like an additional stipulation added that this does not add any additional living space to the buildings in question, only to allow a better development plan to be implemented.

Mr. Barnes seconded the motion with the stipulation. The motion carried with Mr. Baker abstaining for the reason stated previously. Vote was 4 to 0.

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RESTON POLO CLUB, app. under Sec. 30-7.2.8.1.4 of the Ordinance, to permit recreation facilities and stable, 2441 Fox Mill Road, Centreville District, (RE-1) 16-4 ((1)) 14, S-114-71

Mr. James R. Spurrier, 310 Fox Mill Road, Oakton, Virginia testified befo re the Board. Notices to property owners were in order.

Mr. Spurrier testified that this was not a corporation but a membership club. He did not have the by-laws with him. He gave the Board a copy of the agreement of lease with Reston, whereby he could use the land which he was now using for the operation of the Reston Polo Club. This lease was signed in May, 1969 and is an open lease. He said he did not know the status of the ownership of the land at this time.

Mr. Smith said they should have a copy of the by-laws in the file.

Mr. Long moved to proceed with the hearing and defer for decision only to allow the applicant to furnish by-laws to the Board of Zoning Appeals and Zoning Administrator at a later time.

RESTON POLO (continued)

Mr. Barnes seconded the motion. The motion passed unanimously.

Mr. Spurrier said they had the right to use 257 acres of land. He would like to have the use on the entire acreage. He said there were thirty-three members of the Club now but that it varies from year to year.

Mr. Baker moved to include the entire 257 acres in its entirety in this application.

Mr. Kelley seconded the motion. The motion passed unanimously.

Mr. Spurrier said they had stables to accomodate twenty-four horses for their members and they pastured about forty horses, but had facilities to pasture more. There are more horses on the property when there is a game. The other team usually brings a maximum of 65 horses and there are two barnes on the property to house these horses.

Mr. Smith asked if the Health Department had inspected the property. Mr. Spurrier said they had and there was a letter in the file relative to that. The Health Department based their objection to the Club because of the perking problem. But Mr. Spurrier said they used portable toilets from a leasing company that came by and pumped them every week. The reason the Health Department made the statement about the perking problem, was because he had asked them to inspect the premises with the hope of reopening the house on the property. He said he assumed because he had asked for the inspection on the basis of opening the house the Health Department sent this type of report.

Mr. Smith asked how the manure was disposed of and Mr. Spurrier said that sometimes it was used to fertilize the pastures and fields and sometimes it was removed.

Mr. Long asked if they had permission from the Health Department to do this. Mr. Spurrier said they did not. Mr. Woodson, the Zoning Administrator, said he would have to check with the Health Department on this, that he was not sure they needed a permit. Mr. Smith said he would like the Health Dept. to make the decision on this
Mr. Kelley asked Mr. Spurrier if they were aware of the fact that the staff report indicated that they should have a deceleration lane. Mr. Barnes suggested that this be left up to the Site Plan Engineer.

Mr. Long moved that this case be deferred until such time as Mr. Spurrier could get a letter from the Health Department permitting the use of the portable toilets on a permanent basis and that the corporation they were leasing from was licensed to do business in the County, a copy of the Club's by-laws, all of which could be turned in to the Zoning Administrator prior to the Board making a decision.

Mr. Barnes seconded the motion. The motion passed unanimously.

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MUNIR K. AYOUB, app. under Sec. 30-6.6 of the Ordinance, to permit construction of addition and enlargement of carport closer to side property line than allowed, 7206 Sewell Avenue, Providence District, (R-10), 40-3 ((13)) 9, V-116-71.

Mr. Charles Boswell a neighbor testified on behalf of the applicant because the applicant has difficulty with the English language.

Notices of property owners were in order. The two contiguous owners were Mr. Patton, 7208 Sewell Avenue and Mr. John Shih, 7204 Sewell Avenue.

He said at the present time the house has an addition on it, a carport and a storage shed and it is a very unprofessional job done by one of the past owners. Mr. Ayoub would like to remove the old addition and put in a new addition done by a professional. The present one is 10' wide and they would like to make it 2' wider. The present carport is 5'2" now from the side and needs to go to 3' within the side property line.

Mr. Woodson said that in the R-10 district, 5' from the property line was allowed.

Mr. Long asked him if Mr. Ayoub planned to make the addition harmonous with the rest of the house and Mr. Boswell said that it would be, that they planned to have an architect work with them and it would have an "A" roof.

Mr. Smith said he did not feel they could approve more than a 10' side setback.

Mr. Boswell said that at the present time the carport is difficult to get in and out of.

No opposition.

MUNIR K. AYOUB (continued)

In application No. V-116-71, application by Munir K. Ayoub, under Section 30-6.6 of the Zoning Ordinance, to permit construction of addition and enlargement of carport, on property located at 7206 Sewell Avenue, also known as tax map 40-3 ((13)) 9, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 22nd day of June, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 10,000 square feet.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
(a) exceptionally narrow lot.

NOW, THEREFORE, BE IT RESOLVED, thatthe subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The carport shall have an "A" roof which shall be architecturally compatible with existing building.

4. This permit is for 10' with a maximum of 3' overhang.

Mr. Baker seconded the motion. The motion passed unanimously.

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ARCHER S. TAYLOR & LAVERNE TAYLOR, app. under Sec. 30-6.7 and 30-3.2.2.2 of the Ordinance, to permit garage for family use, attached to single-family dwelling, 1522 Forest Villa Lane, Dranesville District, (RE-015), 31-3 ((16)) 5, S-117-71.

Dick Hobson, Attorney, represented the applicant and testified before the Board.

Notices to property owners and contiguous property owners were in order, Mr. Geib and Mr. Ernest Chase were the two contiguous.

A letter from W. Lee Phillips, Certified Civil Engineer & Land Surveyor, was submitted to the Board certifing that the slope across the yard from the front property line to the corner of the proposed garage is greater than one foot of rise in distance of seven feet.

Mr. Hobson said this addition would be for the use of the owner. There is no site distance problem. This will permit the Taylor's to build a garage and not disturb a formal garden. The adjacent property owner has filed a written consent which is in the file.

Mr. Smith said he felt this should have been brought before the Board under the variance section and not a special use permit section.

Mr. Kelley asked was it not possible to make a use permit permanent. Mr. Smith said yes, it was possible, but this was not the intent. Mr. Hobson said asking for a use permit was to get around the hardship problem.

Mr. Smith said this particular application meets the requirement of hardship and for long range protection, this application should be for a variance.

TAYLOR (continued)

Mr. Hobson said they had no objection.

Mr. Baker so moved that the above named application be changed in order to be heard under the variance section of the ordinance Sect. 30-6.6.

Mr. Hobson said for the record that the topography of the land is pie shaped. There are no hazards from the standpoint of pedestrians or traffic or site distance.

Mr. Smith said the required setback would be 50'.

Mr. Hobson said there were two curbs cutting into the yard from the street, both of which were authorized. The house was built in 1964. The Taylors are the second owner and they plan to continue to live there.

Mr. Barnes seconded the motion Mr. Baker made. Passed unanimously. Therefore the above application is under Section 30-6.6 of the Zoning Ordinance.(Variance section) In application No. S-117-71, application by Archer S & Laverne Taylor, under Section 30-6.6 of the Zoning Ordinance, to permit garage for family use, on property located at 1522 Forest Villa Lane, also known as tax map 31-3 ((16)) 5, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 22nd day of June, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE 0.5.
3. That the area of the lot is 28,162 square feet of land.
4. That the required setback from the front property line is 50'.
5. This request is for a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) exceptional topographic problems of the land.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Mr. Barnes seconded the motion. The motion passed unanimously.

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FAIRFAX EDUCATIONAL ASSOCIATION, INC., app. under Sec. 30-6.6 of the Ordinance, to permit existing structure with proposed addition and accessory parking spaces to be located less than 100 ft. from side property line, specifically to permit existing structure with proposed addition 47.8 ft. from side property line and accessory parking spaces for structure to be located 35 ft. 9215 Little River Turnpike, (RE-1) 58-4 ((1)) 47, V-58-71 (deferred from 4/27/71 at applicant's request)

FAIRFAX EDUCATIONAL ASSOCIATION, INC., app. under Sec. 30-7.2.5.1.4 of the Ordinance, to permit existing residential structure along with proposed addition to be used as offices for mutual benefit association recognized by the Commonwealth as a labor union, 9215 Little River Turnpike, Annandale District (RE-1), 58-4 ((1)) 47, S-57-71 deferred from 4/27/71 at applicant's request)

FAIRFAX EDUCATION ASSOCIATION (continued)

Mr. Tom Lawson, attorney, 4101 Chain Bridge Road, represented the applicant and testified before the Board.

Notices to property owners were in order. The contiguous property owners were Marion E. Forrester, 4000 Taylor Place and William Humbert 4012 Taylor Place, and Mr. Rolley, 4020 Taylor Drive.

Mr. Lawson said they had someone living in the garage apartment adjacent to the structure in question, for the purposes of taking care of the property and they plan to keep him there.

Mr. Smith asked if any offices will be in there and he said No, they would not be. Offices would only be in the main house. In the main house they plan to keep four or five staff members there during the day. There will be Board meetings of twelve people and possibly eight other people will be there. No more than that at any one time. They intend to use this house for only five to six years then they hope to build another new office building on the same site. They have 8.25 acres of land and adequate room for parking. The County Staff has approved parking spaces on the plan. They plan to extend on the present building from the second story at the location of the present screened-in portion. They will make changes on the inside of the building in order to make it into offices. They are now on a well and septic tank. The team inspection was made. They plan to connnect to county water and sewer when the new offices are built. No opposition.

In application No. V-58-71 and S-57-71 application by Fairfax Education Association, Inc., under Section 30-6.6 of the Zoning Ordinance, to permit existing structure with proposed addition and accessory parking to be less than 100' from side property line, on property located at 9215 Little River Turnpike, also known as tax map 58-4 ((1)) 47, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 22nd day of June, 1971; and

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The maximum number of people on the premises at any one time will be twenty.

4. A deceleration lane shall be constructed from the entrance to the west, as approved by the Planning Engineer.

5. Compliance with Fairfax County Health Department regulations is required.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Smith said this takes care of both application which were being heard, V-58-71 and S-57-71.

Mr. Baker seconded the motion. The motion passed 4 to 0, with Mr. Long abstaining.

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STARLIT FAIRWAYS, INC., app. under Sec. 30-7.2.7 of the Ordinance, to permit athletic center including three enclosed tennis courts, expansion of existing facilities by enclosing outdoor pool and including various auxiliary facilities and expansion of golf course to include practice driving, 9401 Little River Turnpike, Springfield District (RE-1 and RM-2) 58-3, 58-4 ((1)) 2, 38B, S-80-71 (deferred from May 25 at applicant's request)

Mr. Tom Lawson represented the applicant and testified before the Board.

The notices to the property owners were in order. The contiguous owners being Mr. Alexander Dingwall, 4022 Goss Road, Fairfax and Mr. William Lawrence, 4126 Pickett Road, Fairfax.

Mr. Lawson said the Special Use that is now on the Starlit site has been in effect in excess of nine years. Approximately one year ago he said he appeared before the Board of Zoning Appeals to amend the special use at that time to allow them to build what is now probably one of the finest out door pools in the whole area. It has been built and is in operation and is shown on the site plan which has been filed. What they intend to do now is the end result of a long project that the stockholders of Starlit Fairways have been working on for quite some time. The Board of Supervisors about a year ago rezoned the middle portion of this property to RM-2, multi-family zoning category, to allow them to build a twelve story apartment building which will contain 136 units and they show that on the site plan that they have filed also. They entered into at the same time the first open space easement that was ever agreed to by Fairfax County. They agreed to impose a servitude upon this land which would only allow them to build this particular building, the apartment building in the middle, and expand the athletic complex which is on the front of the property. The rest of the property would have to be kept in open space. By open space he said he meant the golf course that is on the property at the present time, it is an 18 hole golf course and they plan to expand this into a full size 9 hole golf course, a par 4. They have reached now the final stage in the plan which began in excess of a year ago. This plan preserves open space, provides an athletic area and it is individually owned. These people pay taxes, other recreational areas in the county do not pay taxes, such as the Bull Run Park. The entire tract of land is forty-one acres. The scenic easement applies to all this land.

Mr. Smith asked if this included the pro shop and practice area or driving range. Mr. Lawson said that was correct. This is for use for members and their families.

Mr. Smith asked if this included a 40'x50' maintanance building. Mr. Lawson said that was correct, whatever was shown on the plat.

Mr. Smith said the only thing that concerned him is the parking. Mr. Barnes stated that they have 268 parking spaces. Mr. Smith said he was trying to alleviate this parking completely from the use permit to keep the apartment separate from the other. He said they had an overlapping area there with residential use as opposed to the athletic center.

Mr. Lawson said the portion of the property immediately to the west is owned by the School Board. They have entered into a lease with them that gives them 2.8 acres more. This has been approved by Court order and they have agreed that the only use it will be put to is the golf course only and will be kept in open space. All the other property is under the corporation.

No opposition.

In application No. S-80-71, application by Starlit Fairways, Inc., under Section 30-7.2.7 of the Zoning Ordinance, to permit athletic center, on property located at 9401 Little River Turnpike, also known as tax map 58-3, 58-4 ((1)) 2, 38B, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 22nd day of June, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1 and RM-2.
3. That the area of the lot is 41.894 acres.
4. That compliance with Article XI (Site Plan Ordinance) is required.

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

STARLIT FAIRWAYS, INC. (continued)

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.
2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, THAT the subject application be and the same is hereby granted with the following limitations:
1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion. Passed 4 to 0. Mr. Long out of the room.

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LANGLEY SCHOOL, app. under Sec. 30-6.6 of the Ord. to permit building to remain closer to street property line than allowed, 1417 Balls Hill Rd., Dranesville District, (R-12.5), 30-1 ((1)) 43, V-84-71 (deferred from 5/25/71 for further information)

LANGLEY SCHOOL, app. under Sec. 30-7.2.6.1.3 of the Ord., to allow house and lot adjacent to existing school to be used for school purposes including administration, 1417 Balls Hill Rd., Dranesville District, (R-12.5) 30-1 ((1)) 43, S-83-71 (deferred from 5/25/71 for further information)

Mr. Blaine Friedlander represented the applicant and testified before the Board. The stated that this school has been in operation for twenty-five years. It has grown from a nursery school to an elementary school which goes to the seventh grade. The applications before the Board today does not reflect an increase in the number of students, but a furtherance of our total development plan, he stated.

The notices to property owners were in order. The two contiguous property owners being the American Legion and the McLean Boys Club playing area. They have now obtained the property that was owned by the McLean Citizens Association where the tennis courts are. Before they were leasing from them to use the tennis courts, now it has reversed. The school owns the tennis courts and the McLean Boys Clubs has permission to use them.

Mr. Smith said that this should be included as part of this application. They need a special use permit to use them. Mr. Friedlander said he did not have a deed from the McLean Boys Club as yet. Mr. Smith said what the Board would need would be a new broad plan along with the as-built, as well as the plats showing the tennis courts.

The Friedlander pointed out on the map the surrounding area, the police station, across the street is one residence, down the street is Control Data, therefore the school is located in a fairly public type of land area. Across the street is the Evans Farm Inn. The acreage for the school is five acres and the acreage of the Hall property which is the subject before the Board today is one acre and the tennis court area is 1.3 acres. The original permit was issued in 1954 and he said he believed the school had grown in a very orderly way. He said they would like to use this building with the modifications for supplemental uses to include an area where the teachers have a lounge, an office, and a private conference area for the students, and perhaps a place for special tutoring of one or two students at a time, but will not be used as a classroom. They will not use the front entrance except as an emergency exit. The back entrance will be used for all day to day activities. He said the only variance that was needed was the front. The front of the hedge is heavy and the looks of the building will not change. There will be no motor traffic going into that building, because there is a large parking lot in front of the school and they will not be adding any more people in the school.

June 22, 1971

In application No. V-84-71, application by Langley School, under Section 30-6.6 of the Zoning Ordinance, to permit building to remain closer to street than allowed by ordinance on property located at 1417 Balls Hill Road, also known as tax map 30-1 ((1)) 43, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 22nd day of June, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 35,257.64 square feet of land.
4. This is an existing building.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) unusual condition of the location of existing buildings.

NOW, THEREFORE BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitation:

1. There may be an emergency exit only from the front of the building with regular exists from the rear or side of the dwelling.

Mr. Baker seconded the motion. The motion passed unanimously.

In application No. S-83-71, application by Langley School under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit house and lot adjacent to existing school to be used for school purposes including administration, on property located at 1417 Balls Hill Road, also known as tax map 30-1 ((1)) 43, County of Fairfax, Virginia, Mr. Long moved 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, the Board of Zoning Appeals made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 35,257 square feet of land.
4. Compliance with Article XI, (Site Plan Ordinance) is required.
5. A permit was granted on this property in 1947 for a school and updated on May 10, 1966.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1 .1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, the the subject application be and the same is hereby granted with the following limitations:
1. 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 is not transferable to other land.

LANGLEY SCHOOL (continued)

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. A strip of land 25' wide by the full width along Balls Hill Road shall be dedicated to public use for road purposes.

5. The existing dwelling shall be used for administrative purposes only, with limited classroom instruction of students.

6. There may be an emergency exit only from the front of the dwelling.

7. The conditions stated in the existing use permits shall apply with a maximum of 205 students at any one time, kindergarden through 8th grade.

8. All buses shall conform to the Fairfax County School Board requirements for color and lighting.

Mr. Barnes seconded the motion. The motion passed unanimously.

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BERNARD M. FAGELSON & ROBERT L. TRAVERS, application V-95-71 and S-96-71

(deferred from June 15, 1971)

Mr. Bernard Fagelson represents the applicants and testified before the Board.

He submitted the revised plats on which a building had been drawn for Parcel A and B to show where a building could be placed should they ever decide to subdivide.

Mr. Smith asked what type of material was going to be used in the construction of the building. Mr. Fagelson said the tennis courts would be steel, prefab and masonry. The Club House would be masonry with a brick face.

Mr. Long said that he understood from the previous hearing that all the development would be without the need for a variance for either of these proposed buildings.

Mr. Fagelson said it was their intention not to come back before the Board and they certainly do not intent to ask for a variance if it can possibly be avoided.

Mr. Smith commented that this function would be providing recreational uses that in many cases would be provided by taxpayers.

No opposition.

In application No. V-95-71, application by Bernard M. Fagelson & Robert L. Travers, under Section 30-6.6 of the Zoning Ordinance, to permit erection of indoor tennis court within 25' from property line instead of 40', on property located at Ladson Lane, 1200' W. of Route 1, also known as tax map 101-2 ((1)) 14, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 15th and 22nd of June, 1971; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is C-G.
3. That the area of the lot is 1.8 acres of land.
4. The required side line setbackis 40'.
5. Compliance with Article XI, Site Plan Ordinance, is required.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical

difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

(a) exceptionally irregular shape of the lot.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure and renderings indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The property is to be landscaped with substantial planting as shown on plats filed with this application and as approved by the Planning Engineer.

4. There shall be a minimum 22' easement for ingress and egress through the southerly portion of the parcel for this use.

5. This Board is not approving the development proposed for the remainder of this property and any future development shall be without benefit of variances.

Mr. Barnes seconded the motion. The motion passed unanimously.

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GEORGE TRUMAN WARD & CHARLES E. HALL, JR. FOR SPRINGFIELD TOWERS JOINT VENTURE AND VERNON M. LYNCH AND EDWIN LYNCH, TRUSTEE. (Hearing for a Rehearing on case heard June 8, 1971, where motion to grant failed)
Mr. Douglas Adams represented the applicant and testified before the Board.

Mr. Adams said at the other meeting where the motion to grant failed, there was a question raised as to whether or not the Board of Supervisors was aware of the need for a variance before they granted a special permit to waive the height limitation.

Mr. Smith then read letters from Supervisors Alexander, Major and Wright indicating that they were aware of the need for a variance, all indicating that they felt the building would be an asset to Springfield and urging that the Board of Zoning Appeals grant the variance. He also read a letter from the Division of Land Use Administration indicating that the staff had made the Board aware of the need for a variance for the parking structure, and in addition were informed by memorandum. He also indicated that the Board of Supervisors were acting under a provision of the C-D District, and were reacting to a plan for a larger area of this same parcel upon which is proposed a PDC type complex of high-rise buildings.

A letter was then read by Mr. Adams from Law Engineering Testing Company further detailing the underground water problems that they would incurr if they attempted to put a garage underground.

Mr. Smith said that the Board of Supervisors granted a height variance for a use permit to construct this building and why should this Board have to take any action at all beyond that. They granted a height variance and he assumed that in the same application they were aware, it is indicated they granted it in conformity with the plan presented including the parking deck.

Mr. Knowlton said that under the particular section of the code under which they were working is a section that allows them to grant a special use permit for a height in excess of the 40' height limit in those districts and the waiver perogative is not in the code as far as the Board of Supervisors is concerned regarding setbacks. It is in the zoning ordinance that that is to be dealt with by the Board of Zoning Appeals.

Mr. Smith said this is true, but the Board of Supervisors granted a use permit to construct this building as proposed with the parking and all and it seemed to him that in considering the waiver under the amendment to the ordinance they also should have considered the parking and did very possibly and when this type of action takes place, it should only have to be before the Board of Supervisors and this Board should not have to hear it and the applicant should not be required to make two separate applications. Again we are getting into a burdensome situation. If the Board of Supervisors felt that this was proper under this PHC, Central Business Plan, they should have approved it all.

June 22, 1971

SPRINGFIELD TOWERS (continued)

Mr. Knowlton said there was no Central Business Plan in Springfield. There will be a plan considered this fall, but it has not been yet.

Mr. Adams said both the Planning Commission and the Staff both knew that the hearing on the CBD was coming up this fall and the Staff and the Board felt that this application met the intent of the Board and the County Staff as to Springfield.

Mr. Smith still contended that the problem the Board of Zoning Appeals has is the justification for granting under the ordinance this variance.

Mr. Long said the thing that concerned him is that when the applicant appeared before the Board of Zoning Appeals for a variance prior to going before the Board of Supervisors and the BZA deferred action pending action by the Board of Supervisors. He said he felt that would have been the time to have made them aware that the BZA felt they should or the Board of Supervisors should act on it entirely.

Mr. Smith said he agreed that it might have been an error on the part of the BZA. They didn't even consider it at that time, not knowing what the merits of the case was or the Plan was.

Mr. Long said he thought the motion was to defer to the Board of Supervisors, if he remembered correctly.

Mr. Adams said the point might be correct that procedurally, that way would have been more efficient, but he thought as Mr. Knowlton had stated in answer to your question that you do have a proceeding before the Board of Supervisors and a separate proceeding before the Board of Zoning Appeals.

Mr. Adams said that this was a 75' setback from I-95. The previous week they were talking about a 37' variance to that 75' setback. After the vote, he pointed out he said, to the BZA that the day before in the discussion Ward & Hall had with Chilton's office it was pointed out that there was a need for 4 less parking spaces. Mr. Adams said he reminded the Board then and now that with the four less parking spaces, the setback variance request can be reduced to 30'. He said that if this were a PDC application covering the entire 19 acres, there is no setback requirement whatsoever and the staff and the Board had in mind as this being the initial set in the overall redevelopment of this entire property.

He then submitted a revised location plan.

Mr. Smith then said to Mr. Woodson, the Zoning Administrator, that he would like to get a clarification from him, because in some areas when such an action such as this takes place before the legislative body which is the governing body of the County that we could alleviate the need for the Board of Zoning Appeals to be involved. In other words, it would save everyone's time.

Mr. Woodson answered that No, he believed that the BZA has to take action as to setbacks. The Board of Supervisors has authority as to height and this Board has to act on the setbacks.

Mr. Smith again asked what the required setback from Interstate 95 is and Mr. Woodson said 75'. Mr. Smith asked if this was all cases that this 75' setback applied to. Mr. Woodson said in industrial and commercial, not residential. In residential, they can park in the setback area. Or in industrial and commercial they can also park in the setback area, but they have to have proper screening.

Mr. Smith asked just how close could you park to I-95. Mr. Woodson answered that the parking would be within the inside of the screening,in a 12' strip.

Mr. Knowlton said he thought the case Mr. Smith had reference to is the car dealer on an access road, but Mr. Smith said that was the case they granted. The one the Board denied was off 95.

Mr. Knowlton said the reason he asked the question was that the 75' setback was discussed there. In that particular case it was the decision of the Board that the customer parking would be within that setback, but the storage of cars could not be.

Mr. Smith said he was trying to arrive at a point where they would be consistent in all these things. The only reason Springfield Towers need a variance is that they are constructing a parking garage. The first level would not require a variance.

Mr. Woodson said that was correct.

SPRINGFIELD TOWERS (continued)

A discussion was then held on whether or not the Board could act on the question today as the motion to grant was denied and there was no motion on the floor to deny. Therefore, Mr. Adams felt that it would be in order for the Board to make another motion.

The Board recessed for a few minutes to further discuss this. The Board members returned and restated the case at hand.

Mr. Baker made a motion that Springfield Towers, et als., be granted a rehearing on July 13 and also that it not be necessary to readvertise.

Mr. Long seconded the motion. The motion passed unanimously.

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DWIGHT DODD -- VALLEYBROOK SCHOOL

This came before the Board for re-evaluation and change of name to the corporation name of Valleybrook School.

Mr. Barnes moved that this be put on the regular agenda since Mr. Dodd did not have his Certificate of Good Standing from the State Corporation Commission.

Mr. Baker seconded the motion. The motion passed unanimously.

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WESTMINISTER SCHOOL

No one was present to represent the applicant. Due to this and the fact that the Board wanted to get staff comments, if they should have any, it was moved by Mr. Long and seconded by Mr. Barnes to defer this case until such time as the applicant's representative could be present. Passed unanimously.

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BRENTWOOD ACADEMY

Mr. Crouch wrote a letter to the Board requesting an extension until July 23, 1971 as he was having difficulties getting started, but felt that he would be able to begin by July 23, 1971.

Mr. Long moved that the extension be granted until July 23 on the provision that the Zoning Administrator determine if it had been extended previously and asked the Clerk to so notify the applicant.

Mr. Baker seconded the motion. The motion passed unanimously.

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MANOR HOUSE (SLEEPY HOLLOW NURSING HOME)

They had written a letter asking for approval of the break-hold in the fence. The fence the Board had required.

Mr. Long said he moved that the Planning Engineer either accept or reject the design of the break-hold and if the applicant is not satisfied with his decision that he follow normal county procedures to appeal to the Design Review Committee.

Mr. Baker seconded the motion.

Mr. Smith said the Board should resolve this. Mr. Chilton's office has said this does not meet the intent of the Board of Zoning Appeals's resolution, therefore, the applicant is asking the Board to change the resolution and approve the break-hole.

Mr. Long said that Mr. Rose says this does not constitute a standard screen.

Mr. Smith said that Mr. Rose wants the Board to say if it does or does not meet our approval.

Mr. Kelley said he thought it was a much nicer looking fence than a solid fence.

Mr. Baker asked if what the plan are now for the break-hole fence meets the intent of the former resolution.

Mr. Baker called for the question.

June 22, 1971

The motion was repeated by the Clerk.

The vote was 3 to 2 in favor of the motion.

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Mr. Barnes made a motion that in the future there be no more than ten (10) regular items and two (2) after agenda items, plus whatever might be deferred from previous meetings.

Mr. Long seconded the motion.

The motion passed unanimously.

Mr. Baker asked if the Zoning Administrator could bring an emergency item up if he felt it to be a genuine emergency.

This was agreed.

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FORD MOTOR COMPANY

Mr. Smith reads a letter from Myron C. Smith, attorney for Ford Motor Company, requesting an extension.

Mr. Barnes said the previous action was taken by the Board on August 4, 1970.

Mr. Long moved that the application be extended for a six month period and the applicant be notified that this was the only extension the Board could grant.

Mr. Barnes seconded the motion. The motion passed unanimously.

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Mr. Barnes moved that any letters coming in asking for an extension that might have to wait always be stamped as to when they arrived in the office and the envelope kept, on order that the applicant could be granted an extension at the time the Board could hear it, if the letter arrived before the end of the one-year period.

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MOUNT VERNON PARK ASSOCIATION

A letter was received from Mr. Bennett complaining that the Mount Vernon Park Association was building their tennis courts to close to the property line. Mr. Barnes suggested that the Zoning Administrator make certain that they were constructing this in conformity with the permit and with regard to the drainage, refer this to the Public Works Department.

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CENTREVILLE PRESCHOOL

A letter was received from James P. Lee requesting the fence requirement be lowered to 3'. This was deferred until such time as the applicant could come in and explain his reasons for wanting to have a lower fence.

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WOODBRIDGE CAMPER SALES

A letter was read from William J. Barry, Sr. Zoning Inspector regarding this. He suggested that there be a horseshoe drive put in.

Mr. Long made a motion to defer this case until July 13, 1971, for decision only.

Mr. Barnes seconded the motion. The motion passed unanimously.

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Mr. Long moved that the meeting adjourn. Mr. Barnes seconded the motion.

Passed unanimously. The meeting adjourned at 6:25 P.M.

BY JANE C. KELSEY
CLERK

Daniel Smith
DANIEL SMITH, CHAIRMAN

September 14, 1971
DATE

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A Regular Meeting of the Board of Zoning Appeals was held on Tuesday, July 13, 1971, at 10:00 A.M. in the Board Room of the Massey Building, Fairfax County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes; Mr. Richard Long, Mr. Joseph P. Baker, and Mr. Loy Kelley.

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

CLENNIE I. LAVEZZO, app. under Sec. 30-7.2.6.1.5 of Ordinance to permit single station beauty salon to be located in basement with side entrance, (R-12.5) 80-3 ((3)) (72) 6, Springfield District, S-137-71; 7215 Monticello Blvd, Springfield, Virginia.

Notices to property owners were in order. The two contiguous owners being Chester Bryant, 7217 Monticello Blvd. and Mary H. Fitzsimmons, 7213 Monticello Boulevard, Springfield, Virginia.

Mrs. Lavezzo said she would like to have the beauty shop in her home for hardship reasons.

Mr. Smith asked her if she was licensed and if they could have a copy for their file. She submitted the license to the Board in order that the file might have a copy of it.

She stated she had been in this business for four or five years and that she had not worked for the past several years for health reasons. They have owned the subject property since 1958 and have lived in the property since that time. She further stated that she was not operating a one-chair shop at the present time, that that is what she is requesting.

Mr. Smith looked over the list of signed Petitions stating consent. They numbered 31. The list of signed Petitions stating objection was 48.

Mr. Long commented that the subject property is located 200 to 300' from the shopping center.

Mr. Eason, the son of Mrs. Lavezzo, spoke stating that they did have a report which they submitted to the file from a certified appraiser, Mr. James A. Frix, who sent in the letter, which was read by Mr. Smith. The appraiser stated that he had made a study of the immediate neighborhood and had determined that this use of her home would have no harmful effect on the surrounding neighborhood.

Mr. Lavezzo stated that she had done friends hair in the past and it was just a favor, she did not charge.

Mr. Smith read a letter from one of the objectors. He further determined that this application had come up before, but had been withdrawn prior to the meeting.

Mr. Smith then read a letter from Allen S. Gardner,M.D, stating that both Mr. and Mrs. Lavezzo have been under his care recently. Mr. Lavezzo has been seriously ill and that is the reason they are asking for this use.

Mr. Smith asked for a raise of hands of those in the audience who were in favor of the application. There were five hands raised.

Mrs. Patricia Foss, 7219 Monticello Blvd. testified before the Board as being in favor of the shop. She stated she lived two houses away and represented the seven of the property owners who had signed one of the petitions. She said they all agreed that they did not feel it caused problemswith property values and they all were aware of the health problem and it is a very serious and visable problem that the neighbors can see and she said they felt it would help and assist them if their request for the shop is approved.

Mr. Smith asked if there was any opposition. There were seven hands raised. Mr. Chester Bryant, one of the adjoining property owners spoke in opposition.

He stated that they opposed the variance. Mr. Smith stated it was not a variance, but a use permit. Mr. Bryant further stated that he believed in time this would become an annoyance to all in the neighborhood. He stated that there were eight shops in the neighborhood. Vincent & Vincent was only two blocks away and the other shops are within a two mile radius. He reputed the hardship case based on health reasons. He further stated that for whatever type payment, she had been doing this type work in her home previous to this hearing. He said it was in violation of the off-the-street parking.

Mr. Smith said parking was permitted in the driveway for this type of use. He said he had spoken with various people and had never heard that a shop of this nature had any ill effects on the neighborhood.

Mr. Bryant said he had spoken with several apprisers and four real estate agents and they do say it does downgrade the property.

Mr. Smith asked for the names of the people stating this. Mr. Bryant stated that one person was Mr. Mariston and a Col. S mmy. He said Mr. Mariston is with S. Land Corp.

Mr. Summy had a taxi office right next door, Mr. Baker said, as he recalled.

Mr. Bryant said that there was a public hearing on the previous application and the Board had heard the opposition. He said he and his wife felt this would be a nuisance.

Mr. Russell Barcroft, a hairdresser and manager of Vincent & Vincent spoke before the Board in opposition. The shop is located at 7114 Keene Mill Road. "I would like to state that if she has an operator's license, she would have no difficulty in obtaining a position in one of the other shops already in that area. There is a shortage of beauticians," he said.
Mr. Smith said we were not here to suggest how she can run her life.

Mr. Barcroft further stated that we were talking about the trade of a beautician and they are trying to upgrade their trade and it is the opinion of the Association that the carrying on of home business of running a beauty shops is a downgrading.

Mr. Smith said that he was arguing the case for elimination of beauty operation in the home now. He said he was before the wrong board, the place he should argue this is before the Board of Supervisors, who is the legislative body.

Mr. Barcroft said this represents unfair trading to him.

Mr. Smith said this is a permitted use under our persent ordinance under certain criteria. He said Mr. Barcroft's argument is not a proper argument before this Board.

Mr. Barcroft said another of his objections is it is only 800' from their beauty shop. He said it would lower the standard of the neighborhood in which he practices his business and since he pays considerable taxes and rent for the right to be in that neighborhood, he said he felt he had the right to object.

Mr. Smith said he had a point as far as the nearness of the commercial area.

Mr. M. G. Hodges, an appraiser and a retired real estate broker who is now inactive, offices in McLean, said he was retained by Mary Fitzimmons the neighbor on the opposite side and contiguous to the applicant's house.

Mr. Smith asked if he was here as a paid consultant and not as an opponant of this then and Mr. Hodges said that was correct.

He said he had a strong opinion on whether or not this would affect the neighborhood and he would like to state his case.

Mr. Smith asked if his were then professional remarks then and not aggrieved by this.

He took some photographs which he submitted to the Board. He said there were eight beauty shops in the area. One is within 800' of the applicant's house.

Mr. Smith asked him if he held a broker's license and he said it was held inactive in Richmond. He said he was in feasibility, and market analysis mostly commercial and income producing property, institutional properties, investment counseling, buyers and sellers of all kinds of income producing property and occasionally residential land use studies and residential appraisals. He said he is familiar with a number of brokers and salesmen who work out of brokerage offices in Springfield, because many of them have been students in apprisal classes he has taught over the past six or seven years for the distributive education system for the Northern Virginia Board of Realtors for the School Board of Fairfax and the School Board for Arlington County.

Mr. Smith asked him to give specific cases where the property values had been degraded by home businesses of this nature. Mr. Hodges said he only had the weekend to think about it and could not off hand think of any business affecting any particular neighborhood in Fairfax County. He said he felt in his opinion it was a trend that increases commercial activity. (He sited Arlington County as an example)

Mr. Smith said he did not think that would be found in Fairfax County.

The applicant's son spoke in rebuttal that due to Mr. Lavezzo's health there is definitely oncoming financial difficulties which due to his health it would require Mrs. Lavezzo to be on site to aid him or they would have to resort to professional aid.

Mr. Long said that generally speaking the Board has not granted permits for this type of use this close to a commercial shopping center as a matter of policy.

Mr. Eason asked him to repeat that, which Mr. Long did. Mr. Long said that was his understanding of the policy.

Page 227

July 13, 1971

LAVEZZO (continued)

Mr. Barnes said his interpretation would be that where there is a community that is quite some distance from any other beauty salon and he said he did not think the ordinance intended that a use such as this be this close to a shopping center.

Mr. Smith said that generally a mile is about the criteria that is used, but there has been some granted closer than a mile and you have to decide each application based on each case individually.

In application No. S-137-71, application by Clennie I. Lavezzo under Section 30-7.2.6.1.5 of the Zoning Ordinance to permit a beauty salon on property located at 7215 Monticello Blvd., also known as tax map 80-3 ((3)) (72) 6, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of July, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 12,476 square feet of land.
4. The property is within several hundred feet of a developed shopping center.
5. The property is approximately 800' from a beauty parlor within a shopping center.

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

1. That the applicant has not presented testimony indicating compliance with for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1; and
2. That the use will be detrimental to the character and development of the adjacent land and will not be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is here by denied.

Mr. Barnes seconded the motion. The motion passed. Vote was unanimous.

Previous to the motion, Mrs. Luther Harben, 7518 Essex Avenue, Springifield, also spoke in opposition to the application. She said she knew for a fact that this type of business was an annoyance to the neighbors because she had lived for six years next door to a woman who gives music lessons from 2:00 in the afternoon until 9:00 at night, with children coming every one-half hour, six and sometimes seven days per week, even on Sunday. It is impossible to take a nap in the afternoon. She said she was 1/4 mile from the applicant and it would not directly affect her, but it was a continuance of the other neighborhood business, which would be more of this type of thing. There are people coming and going, blowing the horn, dumping their ash trays while they wait.

Mr. Smith asked her if she had reported this to the Zoning Administrator and she said that she had not. Therefore, Mr. Smith requested that Mr. Woodson check on this case. She gave the name as Helen Reitz, 7516 Essex Avenue.

She said there were two others who had printing businesses in the area, operating out of their homes. One is Mr. Scudder on Mendota Place and the other is Mr. Charles Mallerick. Mr. Mallerick is also operating a printing business.

Mr. Smith reminded Mr. Woodson that after checking on these two items, if there were permits and the problem could not be cleared up, then it should come back before the Board for possible revocation of the permit.

July 13, 1971

CARR C. WHITENER, app. under Sec. 30-6.6 of the Zoning Ordinance, to permit erection of double garage on E. Side of house, closer to side property line than allowed, 7607 Mendota Place, Mason District, (R-12.5), 80-3 ((2)) (73) 5, V-119-71

Notices to property owners were in order. The property owners were Mr. William C. McGinty, 7608 Mendota Place and Mr. Lawrence R. Dehn, 7605 Mendota Place., Leonard Wedge, Roger L. Willbrandt and Louis M. Brandes. Messrs. Willbrandt & Dehn being contiguous. Mr. Whitener testified that the garage was planned to be 27'x40'. He wants enough space to have a storage area in the back. He said he would like to go back and put a work shop in the back too.

Mr. Smith said that he could go back within 4' of the property line if he went back 12' from the house.

Mr. Whitener said he had considered that, but he could like it attached to his house for the purposes of convenience and attractiveness. He said there were some rather large trees in the back that he did not want to loose. He said he had owned the property since 1969 and planned to continue to live there. He said he talked with several friends and neighbors and he had been told by everyone of them that if they had to do it over again, they would have put in a 24' garage, because cars are getting larger. Within five years, cars may be even larger. He would like to plan for the future and also have the convenience of a larger garage.

Mr. Smith said they had to talk about a minimum variance. He also asked the age of the subdivision. Mr. Whitener said the subdivision was started in 1959. He said there were only three homes with garages in that area.
He said in answer to Mr. Kelley's question that he planned to build this garage in conformance with the existing house. He planned to have an "A" roof and the same type roofing.

Mr. Long asked how far would his house be from the adjacent house. Mr. Whitener said that the house next door has a driveway on this side and the distance between his line and the neighbor's house is about 20'. Mr. Smith said the garage may have some merit, but granting an additional 13' back there was questionable.
Mr. Long asked if the neighbor had a garage? Mr. Whitener said No, he did not.

No opposition.

IN application No. V-119-71, application by CARR C. WHITENER, under Section 30-6.6 of the Zoning Ordinance, to permit erection of double car garage, on property located at 7607 Mendota Place, also known as tax map 80-3 ((2)) (73)5, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of July, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 11,863 square feet.
4. That compliance with Article XI (Site Plan Ordinance) is required.
5. The required side line setback is 12'.
6. A variance of 2' would be a minimum.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:
   (a) exceptionally narrow lot
   (b) unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The material used in this structure shall be of the same type as used in the present building and the roof shall be an "A" type.

4. Compliance with all applicable county codes is required.

5. Garage shall not be constructed closer than 10' to property line.

6. The maximum length of the garage shall be 27 feet.

FURTHERMORE, the applicant shall be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. This applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Long seconds the motion. The motion passed unanimously.

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DAVID H. BOYD, app. under Sec. 30-6.6 of the Zoning Ordinance to locate garage seven feet from side lot line, 6030 Berwynd Rd., Springfield District, (RE-1) 67 ((1)) 60, V-131-71

Notices to property owners were in order. The three contiguous owners were: Mr. Richard W. Carty, Mrs. C. R. Larkin, Mr. William Hillbrink.

Mr. Boyd testified before the Board as follows: He said he was requesting a variance to locate a new garage for three cars 9'2' from side property line as shown on the drawings submitted. The side lot line forms a common boundary with Lot 25. It is 9.12' from that property line now. His total acreage is 4.5219, but at least 50% of it is in steep slope and flood plain. This is the only fairly level spot on his property. The only other spot available would be to extend the house in a straight line 38' to the South, but the terrain there is fairly steep and is heavily wooded. He said the nearest house is a minimum of 170' away from his own property line. There is ample open space. Mr. Smith asked Mr. Boyd how long he had owned the property and Mr. Boyd answered that he had owned the property since 1967.

Mr. Long asked what type of material he would use and Mr. Boyd answered that it would be the same as on the existing dwelling with an "A" roof.

Mr. Smith asked if he could move the garage over and make it a straight 10' from the property line without any problem. Mr. Boyd said that he probably could, that it was designed to utilize the existing asphalt apron evenly, therefore, he could lessen the size of the existing asphalt.

Mr. Smith said he did have an unusual situation here where you have a tremendous amount of land but because of the topograph problems, you have no place to put anything.

Mr. Long said he felt this was an unusual situation since it is a pipe stem lot and it is only a technicality that the Board is even hearing this because it is more than 12' from an existing dwelling.

No opposition.

In application No. V-131-71, application by David H. Boyd, under Section 30-6.6 of the Zoning Ordinance, to permit a garage 7' from side property line, on property located at 6030 Berwynd Road, also known as tax map 67 ((1)) 60, 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 the Fairfax County Board of Zoning Appeals; and

July 13, 1971

WHEREAS, that following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of July, 1971; and

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

1. That the owner of the subject property is the applicant.
2. Thatthe present zoning is RE-1.
3. That the area of the lot is 4.666 acres of land.
4. The garage would not be located within the front setback area of any adjoining property.
5. This is a pipe stem lot.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:
(a) exceptionally irregular shape of the lot,
(b) exceptional topographic problems of the land,
(c) unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The garage shall be constructed of similar materials as the existing dwelling.

4. The garage shall be located a minimum distance of 10' from the side property line.

Mr. Barnes seconded the motion. The motion unanimously.

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DONALD S. LINDBERG, app. under Sec. 30-6.6 of the Zoning Ordinance to construct storage 1/2 feet from property line at N.W. corner of the lot; 2636 Bowdoin Circle, Centreville District, (R-12.5), 49-1((9)) (E) 33, V-122-71

Notices to property owners were in order. Mr. Donald C. Russell, 8336 Carnegie Dr. Vienna, Virginia; Mr. F. J. Bittnik, 2634 Bowdoin Circle, Vienna, Virginia -- Contiguous property owners.

Mr. Lindberg testified before the Board. He stated his house is a rambler and very compact house and a very minimum amount of storage area in the house and none outside. For years he said he had needed a place to put garden tools and equipment. The small size of the lot, the existing trees, and efficient use of available space indicates no reasonable location for this structure other than the northwest corner. The laundry area in the back is unacceptable for lawn mowers and garden equipment, etc. He said when he had the swimming installed, he had questions about the possibility of constructing storage shed there in the North East corner and he was advised that he could place a storage shed on that corner with no problem. This advise came from the concrete company, the swimming pool company and he thought also the county inspector that was out there. It is poured 6" from the property line, 7' by 8', 6" thick on the edges and 8" thick in the center. The swimming pool did not need any variances.

Mr. Smith asked what type of material he planned to build the shed out of. He said it would be built out of vertically groved out-door all weather plywood over insulating board. It would be standard construction with a mansard type roof. He said there did not need to be an overhand. He said he certainly could build it so that it isn't.

Mr. Smith said it was unfortunate that he poured his slab in this particular spot, because he could have utilized the same side it pool was on. One half foot away is awfully close and if he had any overhand at all the water would drop on the neighbor's property.

LINDBERG (continued)

Mr. Lindberg said the problem with having the storage shed two feet to the east of the concrete slab is a huge maple tree, which he would not want to loose.

Mr. Smith asked if he planned to have the pumping equipment for the pool in there. Mr. Lindberg said No, it had already been installed at the southwest corner of the house. He did not plan to store clorine in that shed, he keeps it in the house so it will stay dry. It is in a sealed container.

No opposition.

In application No. V-122-71, application by Donald S. Lindberg, under Section 30-6.6, of the Zoning Ordinance, to permit construction of storage 1/2 foot from property line, on property located at 2636 Bowdoin Circle, also known as tax map 49-1((9))(E)33, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of July, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5 .
3. That the area of the lot is 10,560 square feet.
4. That compliance with Article XI (Site Plan Ordinance) is required.
5. This is a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

(a) exceptional topographic problems and location of trees.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The structure shall not be closer than 2' from property line.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion. The motion passed unanimously.

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PETER P. KUNEC, app. under Sec. 30-6.6 of the Zoning Ordinance, to permit variance for carport, 6829 Rosemont Drive, Dranesville District, (R-12.5) 30-4 ((29)) 37, V-124-71

Notices to property owners are in order. The contiguous owners are Mr. and Mrs. D. L. Schlotterback, 6827 Rosemont Drive, McLean, Virginia 22101 and Nancy S. Oostmeyer, 1625 Westmoreland Street, McLean, Virginia 22101

Mr. Nelson Carbonell, AIA, represented the applicant and testified before the Board. He stated that they felt this variance is justified for two main reasons: (1) A second means of egress from Dental Office at Basement must be maintained. Grade condition prevent carport from being pushed back any further. (2) Carport is needed to provide safe footing and shelter for patients in extreme weather conditions.

Mr. Baker asked him what were the additions that are going in that are indicated on the plat as A and B. Mr. Carbonell answered that "A" is the operating room on the ground floor and a recreation room on the second floor. Addition "B" is an addition to the dining room and kitchen.

Mr. Smith asked if they had a building permit. He answered that they did.

Mr. Smith asked what the proposed size of the carport is and he answered that the carport is 10' wide because of the side yard requirement and 20' deep with the 5' encroachment on the front setback.

Mr. Smith told Mr. Carbonell that he was familiar with the ordinance he was sure and this is not considered a hardship under the Zoning Ordinance, in other words, he is using the house he lives in for an office and the ordinance specifically indicates that the house retain its residential character and this sounds like this carport is for the purpose of the Doctor's patients.

Mr. Baker said why could he not put the carport on the other side of the house. He said the driveway is not on that side.

Mr. Baker then asked if his office is on the same side as the carport that is planned and Mr. Carbonell answered that it was. There is a retaining wall in back of where the carport is planned and the second means of egress to the office would be on the ground level and if they moved the carport back, it would block that second entrance.

He asked how long the Doctor had owned the property. Mr. Carbonell said for ten years.

Mr. Smith asked if he had been operating out of this house during all of that time. Mr. Carbonell said Yes.

Mr. Smith said the only reason why they could not go back more is financial and that is one reason the Board cannot consider. Your justification has to be one other than economic.

No opposition.

Mr. Long stated that he felt any improvement to the property should be alone the residential character of the neighborhood rather than the home occupational use and any variance granted should be along that line. This variance is brought about by the home occupation.

In application No. V-129-71, application by Peter P. Kunec under Section 30-6.6 of the Zoning Ordinance, to permit a variance for carport, on property located at 6829 Rosemont Drive, also known as tax map 30-4 ((29))37, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of July, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 10,560 square feet of land.
4. The required front yard setback is 40'.
5. The dwelling is presently being used for a dentist office as a home occupation.

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

1. That the applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby denied.

Mr. Barnes seconded the motion. The motion passed unanimously.

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SUN OIL CO., app. under Sec. 30-6.6 of the Ordinance, to permit construction of new bay and storage area 1.4 ft. from rear property line, corner of Lee Hwy. and Summerfield Road, Providence District (C-G) 50-2 ((5)) 315, V-126-71

Property owners were properly notified. The contiguous owners being Mr. George T. Koumarianos, 210 East Fairfax Street, Falls Church, Virginia 22046, Mr. Lewis Hamburger, 1401 Blair Mill Road, Silver Spring, Maryland 20910.

Mr. Lingle said the request comes about by a question on the distance of the property lines. Their property is 115'x113'. If they could reverse the lines and put the 115' where the 113' is, they could build a bay where they are requesting to build it. Prior to this hearing, they have had approval to build a bay in the rear and he said their company felt this would be undesirable. They have leased the property for fifteen years and in March 1970, they purchased it. It is under the name of Sun Oil Company and recorded in Deed Book 3276, at page 333 of the land records of Fairfax County. He said they had seen the staff report and to his knowledge, everything is included in the final plan.

Mr. Long asked if there is presently curb and gutter on Springfield Road and Mr. Lingle said yes there was curb and gutter except about 8' that is not connected with the edge of the property line. The property to the rear is commercial, C-G.

Mr. Lingle said if there could reverse the property lines they would have no difficulty at all or if they would give the 3' away, they would have no problem. If they had a variance of 1.4' they could go ahead and build in the rear of the building

Mr. Smith asked if they were going to remodel this station in accordance with the colored photographs. Mr. Lingle said yes they plan to completely remodel, using the existing building.

No opposition:

In application V-126-71, application by Sun Oil Company, under Section 30-6.6 of the Zoning Ordinance, to permit construction of new bay and storage area, on property located at the corner of Lee Highway and Summerfield Road, also known as tax map 50-2((5))315, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of July, 1971; and

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

1. That the owner of the subject property is Sun Oil Company.
2. That the present zoning is C-G.
3. That the area of the lot is 13,015 square feet of land.
4. That the building is oriented to make the rear property line by ordinance a side property line.
5. That compliance with Article XI, Site Plan Ordinance, is required.
6. The request is for a minimum variance considering the lot dimensions and building location.

SUN OIL CO. (continued)

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved.

(a) unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure indicated in the plats dated, revised for permits 6-9-71, included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. There shall not be any sale, rental storage and leasing of trucks, automobiles, trailers or recreational equipment on this property.

Mr. Barnes seconded the motion. The motion passed unanimously.

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THE FIRESTONE TIRE & RUBBER CO., & LENA HOWELL app. under Sec. 30-6.6 of the Ord., to permit erection of building 40' from Woodlawn Trail, located corner of Woodlawn Trail & Route 1, Mt. Vernon District (C-G) 92-4, 93-3((4))22,23, V-128-71

Mr. John H. Aylor, attorney for the applicant, testified before the Board.

Notices to the property owners were in order. The two contiguous property owners were John D. Long, 3156 Woodlawn Lane, and Ada S. Rodway,

Mr. Smith asked if Woodlawn Trail was a developed street and Mr. Aylor said that it was not. At the moment it is closed at the end and barricaded. The property at the end of this road is subject to an application to RT-10, zoning application C266 and there is no one living there at the present time. It has not been vacated as far as he knew, Mr. Aylor said. It may be at the time the townhouses are developed. It is dedicated. It is not important as a through thoroughfare.

The size of this property has 150' frontage on Route 1, goes back to a depth of 225' along Woodlawn Trail. The zoning is C-G, the property immediately to the rear and east is C-G and the property to the south is C-G. Firestone proposes to build a building with 5 bays as shown on the photos -- 5 on each side. Mr. Chilton made a study of every similiar store in Northern Virginia and decided that 35 spaces are adequate for this particular development and those are noted on the plat before theBoard. Because of the size of the lot and the fact that the building has been cut to the minimum in expansion it was necessary to add a second story on a part of the building. They would have prefered to have it all on one story, but the narrowness of the building prevented that, because it would take up the parking spaces that they have to have. The main problem is that the very narrowest part of this building goes out within 40' of Woodlawn Trail rather than the 50' that the county requires. To take that off would loose two bays. In the rear of this property is R-17, which requires a 40' setback and if the RT zoning closes through, the setback will be anywhere from 10 to 35' so they really would not be projecting a great deal into Woodlawn Trail. The building will be back 100' from the present Route 1 and they do not see a Site distance problem traffic wise as you approach from Route 1 to go down Woodlawn Trail.

The other advantage to us putting this building on this particular spot is the county is requiring us to take care of the storm drainage problem that exists here and there has to be a 54' pipe and the natural swale goes right behind the building and that is where the pipe would have to go. Firestone, in order not to ask for any more variance which they would have if they put at the rear of the building, would have to shift the building a little closer to Woodlawn Trail, but Firestone is willing to route this pipe around closer to Woodlawn Trail, so that it would not go under any part of the building and put the building all the way along the line of the swale along the southern line and that according to Mr. Kinsey, the engineer who is working on this, says it will cost a minimum of $7,000.00 extra dollars in order to reroute it rather than go straight down the side line. They feel that in view of the use of the property now which the Board has pictures of now, which is an old deserted fruit stand, an attractive Firestone store

will upgrade the community. There are no other Firestone stores in this area.

Mr. Fosdick, a Firestone representative, spoke before the Board as to the use of the store. He stated it would be the sale and the maintenance of the products and in addition to and in conjunction with that they attempt to provide a complete car service to the extent of front end alignment and replacement of front end parts that may be necessary in order to keep the tires wearing properly, install shock absorbers, replace brake linings and wheel cylinders, balance the wheels mostly when the tires are mounted on the wheel. They also engage in the retail sale of various other products. He said he did not know exactly which products would be displayed and carried in that particular store. Some of the items are lawn mowers, bicyles, and in some locations televisions and radios. This is a marketing decision that is made once the property has been acquired and the building is under construction.

Mr. Smith asked Mr. Fosdick if the only service that they did for the car itself is the front shocks and wheel alignment and related maintenance for tires. Mr. Fosdick said that was correct and he would go further to exclude certain types of service such as major car repair, no painting and no body repair work at all and no major engine repairs.

He stated that the length of each bay is 11'x6' and the sales room is 50' usually and has been cut down to 37' to provide them the minimum required space. They have revised the plan about seven times to try to reduce the amount of variance that would be needed.

Mr. Long asked if they planned to store gas tanks in this location and Mr. Fosdick said No, that was no longer a policy to sell gasoline.

Mr. Barnes asked if the second story would be used for storage only. Mr. Fosdick answered, Yes.

Mr. John Bell, 4504 Tarpon Lane, then spoke before the Board. He said he had a lot that is adjacent to and across the street from the property in question. He said his only concern is the drainage. He said that this had been a plague in that area for many years. He said he did not quite understand where they would put the drainage pipe.

Mr. Kinsey, 901 West Broad Street, Falls Church answered the question since he was the engineer working on the project. They will bring the drainage around the building out onto Woodlawn Trail back out to Route 1 and at the present time they are negotiating with Public Works and the Highway Department to get the pipe under Route 1 and connect to the other one on the other side. There is a 24" pipe under there now and they plan to put a 66" pipe. They hope to solve the problem.

Mr. Bell said that any improvement to that particular area there would be appreciated. He said he did consider it an upgrading.

No opposition.

In application No. V-128-71, application by The Firestone Tire & Rubber Company and Lena E. Howell, under Section 30-6.6 of the Zoning Ordinance, to permit erection of building 40' from Woodlawn Trail, on property located at the corner of Woodlawn Trail and Route 1, also known as tax map 92-4, 93-3 ((4)), 22, 23, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of July, 1971; and

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

1. That the owner of the subject property is Lena E. Howell.
2. That the present zoning is CG.
3. That the area of the lot is 33,750 square feet.
4. That compliance with Article XI (Site Plan Ordinance) is required.
5. This request is for a minimum variance.

FIRESTONE (continued)

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

1. That the applicant has satisfied the Board that the following physical conditions exist under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:
(a) exceptionally narrow lot.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. There shall not be any dispensing of gasoline.

4. There shall not be any outside display, selling, storing, rental, or leasing of automobiles, trucks, trailers, or recreation equipment on said property.

Mr. Baker seconded the motion. The motion passed unanimously.

Mr. Smith stated before the vote that he was in favor if Mr. Kelley would add No. 3 & No. 4 above, which was added, Mr. Baker accepting it as a condition.

RICHARD WEBB, app. under Sec. 30-6.6 of the Ordinance, to permit extension of carport to within 3.7 ft. of lot line at nearest corner, 7110 Xavier Court, Dranesville District, (R-12.5), 30-3((17))26, V-129-71

Mr. Webb testified before the Board. Notices to property owners were in order. The two contiguous owners are Joseph W. Browne, 7111 Xavier Court, McLean, Virginia and John G. Boobas, 1736 Susquehannock Street, McLean, Virginia 22101. Mr. Arthur E. Skiles is also a contiguous property owner. Mr. Brown was present at the hearing in support. Mr. Webb stated that they lived in a small cul-de-sac which has five houses, all of which have cars and there is a total of fourteen automobiles associated with those five houses. With a single carport, it is difficult to find a place for those automobiles. In addition, he would like to have two cars under roof, plus the fact that they have a common drainage problem where this addition would go and putting the carport out would alleviate the drainage problem, down the property line. He said he now lived at the house and has owned it eight years and planned to continue to live there. The proposed addition at the closest point is 3.5' at the front corner and at the back corner it would be 12'. Mr. Smith said he was already meeting the ordinance in the rear and up to a certain point and most of the carport would be at least seven feet from the property line, only just one area, he needed a variance. Mr. Webb stated that this was an open carport.
Mr. Barnes asked if the neighbor had a carport. Mr. Webb said his neighbor had a two car garage. All the other people in the circle has a single carport.

Mr. Smith said he certainly had a lot of unusual shape.

Mr. Joseph Brown, 7111 Savor Court spoke in favor of the application. He recommended that that the Board approve this application, because it would help alleviate the parking situation and the drainage situation also.

No opposition.

Mr. Long made the following resolution. In application V-129-71, application by Richard L. Webb, under Section 30-6.6 of the Zoning Ordinance, to permit extension of carport to within 3.7' of property line, on property located at 7110 Xavier Court, also known as tax map 30-3 ((17)) 26, County of Fairfax, Virginia, Mr. Long moved 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

RICHARD L. WEBB (continued)

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 13th day of July, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5
3. That the area of the lot is 13,939 square feet of land.
4. That the required side line setback for a carport is 7'.
5. The request is for a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) exceptionally irregular shape of the lot.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Mr. Barnes seconded the motion. The motion passed unanimously.

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MR. & MRS. JOHN CORNETT, app. under Sec. 30-6.6 of the Ordinance to permit a variance in setback on Pinebrook Road & Locust Lane (R-17) 82-4 ((2))20A, Lee District, V-142-71 (out of turn hearing).

Mr. John Cornett testified before the Board. He said he lived at 3911 Locust Lane, Alexandria.

Notices to property owners were in order. The two contiguous owners being Marie L. Amory, 3911 Locust Lane, Alexandria and Mr. Arthur M. Reese, 4006 Pinebrook Road, Alexandria.

He said he is residing at his brother-in-law's house. Mr. Cornett said he was military and was transferred to this area. He said he purchased this property in 1964 and planned to build their permanent residence there and at that time they understood the setback was 30'. It is a triangular, corner lot and very narrow. The 30' setback would give ample room for the kind of house they want. When they came back in June, they found that the setback was 45', this would reduce the amount of available space in the house. Therefore, they are requesting a variance on both Pinebrook and Locust. On Pinebrook it is the garage itself that over the required setback. They plan to build the house of brick and the building plans have been approved. He did not apply previously for a variance, because they did not realize they needed a variance until June of this year.

The size of the house, he said, is roughly 32'x82' and includes the garage. The garage is planned to be 24'x24'.

Mr. Barnes said this was certainly an odd shaped lot. Mr. Smith said he had quite a bit of land area, 23,252 square feet.

No opposition.

In application No. V-142-71, application by Mr. & Mrs. John Cornett, under Section 30-6.6 of the Zoning Ordinance, to permit a variance in setback on Pinebrook Road and Locust Lane, on property located at 3911 Locust Lane, Alexandria, Virginia, also known as tax map 82-4((2))20A, County of Fairfax, Virginia Mr. Kelley moved that the Board of Zoning Appeals adopt the following resolution:

MR. & MRS. JOHN CORNETT (continued)

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, letters to contiguous and nearby property owners, and a public hearing by theBoard of Zoning Appeals held on the 13th day of July, 1971;and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 23,252 square feet.
4. That the compliance with Article XI (Site Plan Ordinance) is required.
5. This request is for a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

(a) exceptional topographic problems of the land.
(b) exceptionally narrow lot
(c) exceptionally irregular shape of the lot.

NOW, THEREFORE, BE IT RESOLVED, thatthe subject application be and the same is hereby granted with the following limitations:

1. This approval is granted forthe location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to otherland or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this County. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion. Passed unanimously.

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DEFERRED CASES

GEORGE TRUMAN WARD & CHARLES E. HALL, JR. FOR SPRINGFIELD TOWERS AND VERNON LYNCH AND EDWIN LYNCH, TRUSTEE, (Rehearing) Original hearing June 1, 1971, deferred to June 8, 1971. Application under Sec. 30-6.6 of the Ord. to permit construction of east edge of elevated automobile parking deck 38' from Interstate 95 westerly right-of-way line at Springfield interchange located on Augusta Drive, Springfield Shopping Center, Springfield District (C-D), 80-4((1))6, V-42-71.

Mr. Douglas Adams, attorney for the applicants, represented the applicants and testified before theBoard.

Mr. Smith asked if there was now a lease in existence and Mr. Adams said No, there was no formal lease as of this time because it has not been signed. There is a letter of intent.

He said when he asked for the rehearing it was based on information obtained to an error the staff made with regard to parking spaces, additional information on the high water table and information to indicate that the Board of Supervisors were aware of the need for the variance when they grantedthe original permit to go to twelve stories on the C-D land. This is a 75' setback requirement from Interstate 95, Shirley Highway, the surveyor has double checked this since that time and it is 30.58' at the greatest point of penetration of that 75' setback. The staff had made an error in their parking requirement.

Second, the reason for the hardship and practical difficulty is the high water table.

SPRINGFIELD TOWERS (continued)

He had submitted a letter regarding tests that have now been completed by Law Engineering Company which clearly showed that there was an unusually high water table which letter was read at the last meeting.

Mr. Smith said this was a financial situation. Mr. Adams said when you read the code, it says "topographic problem". Obviously, any topographic problem will lead to additional cost. Mr. Smith said topographic is usually associated with terrain and this is underground. Mr. Adams said the code reads "exceptionally narrow, shallow or steep or other unusual condition, unusual physical condition", and this would certainly cover an unusual high water table. This would be an unusual physical condition.

Mr. Long said that on a complete topographic map, it is not unusual to make reference to the high water table. He said he was sure this is what the case is here, unstable soil and an exceptionally high water table.

Mr. Smith said this is a point they should clear up. This is a below ground physical condition and one the applicant was aware of prior to making application for the additional height. Mr. Smith said he disagreed with the wording used, topographic meaning that conditions which might exist below ground.

Mr. Adams said the third point he wished to make is whether or not the Board of Supervisors were aware that a variance request had been made to the Board of Zoning Appeals. He said that more time was spend on this item at the June 8 meeting and was one of the major points brought up. At the last meeting, there were letters from Supervisors Major, Alexander, and Wright.

Mr. Smith then read another letter from Supervisor Bradley stating that she was aware of the need for the variance and said she hoped the Board would approve the variance.

Mr. Smith said that this brings up another question and that is if the Board of Supervisors were aware of the need for the variance why they didn't approve the entire thing. He said the Board of Supervisors could have done this through an emergency ordinance and they could have gone ahead rather than coming back before the Board of Zoning Appeals and it is an application that does not meet the criteria.

Mr. Adams said he felt this was not the time to second guess the Board of Supervisors. They have acted and they have told the Board of Zoning Appeals by way of these four letters that in so acting they were fully aware of the variance request.

Mr. Adams said the Board spent a lot of time talking about creating a PDC zone for commerical in the Springfield area and the Board felt this building was a start in the right direction. In PDC, there is no setback.

Mr. Smith said he was not aware of this. He asked if this particular area is going to be zoned for PDC.

Mr. Mike Knowlton from Land Use Administration was called to answer this particular question.

Mr. Smith told Mr. Knowlton that Mr. Adams had made a statement that there was planned PDC zoning for this area and in that case there would be no required setback from an interstate highway in this district and asked if this was proposed.

Mr. Knowlton said that this piece of property has been sitting vacant for many years. This has been discussed with the staff. There is no application pending for PDC zoning at the present time, the result of this grouping of building which is a proposed to be ultimately a PDC type development. The PDC ordinance does not have specific setbacks from an Interstate highway. It does not apply to PDC or residential or certain high-rise apartments. This land will either be zoned into PDC category or developed into that scheme. This, of course, is up to the applicant.

Mr. Smith asked why not zone it so that it can be developed properly without continual request for variances. He said he thought it to be an unfair situation when we do these things by variances, plus the fact that he said he does not see in our ordinance where the Board of Supervisors have given the Board of Zoning Appeals the authority to grant variances based on this type of situation where the applicant has taken part of this property for another use in the last four or five years since the adoption of the ordinance.

Mr. Adams said that subsequent to the leasing of this property, the ordinance was changed permitting a special permit for the height variance. At the time he leased that portion he was not aware of the fact that a twelve story building might be permitted. It wasn't even possible.

SPRINGFIELD TOWERS (continued)

Mr. Smith said this could have been alleviated if the Board had adopted an emergency amendment.

Mr. Knowlton said that he was not trying to plead the applicant's case and he said he did not know what happened before he came into the room. It is probably true that they could not apply for PDC right now, because their immediate plans is to erect one building. Their ultimate plan is to erect some more. The PDC ordinance would require submission of the development plan complete with time schedule for completion of each portion of that and Lynch doesn't have the time schedule for these buildings and that is the reason they cannot go to that zone. The ultimate result of all of the development of this property, as has been discussed with the applicant, is one that would resemble the development under the PDC concept.

Mr. Smith said why did the Board not adopt an emergency amendment then. It would have been done in a very legislative manner, rather than requesting the Board of Zoning Appeals to grant variances in cases where he did not feel we had authority to do it. The Board of Zoning Appeals does not have a comprehensive plan to go by.

Mr. Knowlton said he felt that there was a mistake, a legislative mistake, on the part of the staff. Back when they enacted the ordinance which allowed the Board of Supervisors to grant this extra height in the CDM district that possibly the Board of Supervisors in that same legislation probably should have been empowered to make this variance at the same time, but that is water over the dam. When this case came up, we had pending before the Board of Zoning Appeals already, a variance setback and the Board deferred it pending the Board of Supervisors action.

Mr. Long said that speaking to the Board of Supervisors hearing, actually this would have been two applications, because actually when they gave a height variance they would have intended for the developer to go underground with the parking. Then secondly, he said he felt the variance is necessary and should be granted under the hardship clause because of the high water table problemand also that the variance is essential to implement the plan and the County is trying to attract good development.

No opposition.

In application No. V-42-71, application by George Truman Ward & Charles Hall, Jr. for Springfield Towers and Vernon Lynch and Edwin Lynch, Trustee, under Section 30-6.6 of the Zoning Ordinance, to permit construction of east edge of elevated automobile parking deck 38.58' from Interstate 95, on property located at Augusta Drive, Springfield Shopping Center, also known as tax map 80-4((1))6, 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 the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of theproperty, letters to contiguous andnearby property owners, and a public hearing by the Board of Zoning Appeals held on the13th day of July, 1971; and

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

1. That the owner of the subject property is the applicants.
2. That the present zoning is CD.
3. That the area of the lot is 15,942 square feet of land.
4. That compliance with Article XI, Site Plan Ordinance, is required.
5. The Zoning Laws were changed allowing a greater building height.in the CD zone after construction of the Esso station adjoining this site.
6. August Drive is a private street 38' wide. The setback from a dedicated 26' service road is only 10'.
7. There is a high ground water table preventing underground garages.
8. The high rise office building would meet the required building setback.
9. This Board is satisfied the Board of Supervisors were aware of the need for a side line setback variance at the time they granted the height variance.
10. The request is for a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

SPRINGFIELD TOWERS (continued)

(a) exceptionally irregular shape of the lot,
(b) exceptionally shallow lot,
(c) exceptional topographic problems and underground water table of the land.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted for the location and the specific structure and landscaping indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The parking garage shall be a minimum of 44' from I-95 right-of-way line.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion. The motion passed 3 to 2. Mr. Smith and Mr. Kelley voting No.

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GORDON DONALD, app. under Sec. 30-6.6 of the Ordinance, to permit construction of detached carport in required front yard, 911 Swinks Mill Road, Dranesville District (RE-1), 21-3 ((1))25, V-88-71 (deferred from June 8, 1971)

Mr. Bradford deWolf, 1605 N. Quincy Street, Arlington, Virginia, testified before the Board on behalf of the applicant, as his agent and architect.

He said he believed he had answered all the questions at the last meeting and he presented to the Board a revised survey plat., A letter from the State Highway Department had been received stating that the Highway Department had no plans to widen Swinks Mill Road either now or at any time in the present.

The plat showed the pavement width to be 18'. The present right-of-way width is 30'. The request is to construct a carport 16' from the property line of Swinks Mill Road. They are trying to get the carport out of the flood plain.

No opposition.

In application No. V-88-71, by Gordon Donald, under Section 30-6.6 of the Zoning Ordinance, to permit construction of detached carport in required front yard setback, on property located at 911 Swinks Mill Road, also known as tax map 21-3 ((1))25, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th and 13th day of June and July, respectively, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 0.871 acres of land.
4. The proposed carport would be 16' from the edge of Swinks Mill Road.
5. This would be a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable

DONALD (continued)

use of the land and buildings involved:

(a) exceptionally irregular shape of the lot,
(b) exceptional topographic problems of the land,
(c) unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Mr. Barnes seconded the motion. The motion passed unanimously.
Mr. Smith abstained.

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RESTON POLO CLUB, app. under Sec. 30-7.2.8.1.4 of the Ordinance, to permit recreation facilities and stable, 2441 Fox Mill Road. Centreville District (RE-1) 16-4((1))14, S-114-71 (deferred from June 22, 1971)

This was deferred to allow the applicant to get a permit to allow them to use the portable toilet facilities for the Club. The Health Department should also approve the method of sewerage disposal.

Mr. Kelley said the Staff comment on that required a deceleration lane on Fox Mill Road.

Mr. Barnes moved that the Board of Zoning Appeals defer this case until the applicant could be notified of the items he should have, since he probably did not understand it. He should have a plan showing the deceleration land and a permit from the Health Department regarding or a letter from the Health Department approving the method of sewage disposal.

Mr. Kelley seconded the motion.

Mr. Smith: It has been moved and seconded that this case be deferred until the applicant could be notified of the next agenda date that he can be heard, and that he have a new plat showing the deceleration land and a letter from the Health Department approving the method of sewage disposal.

No discussion on the resolution. The motion passed unanimously.

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WOODBRIDGE CAMPER SALES, app. under Sec. 30-7.2.10.5.4 of the Ordinance to permit sale and service of travel trailers, 10214 Richmond Highway, Lee District, (C-G), 113 ((1)) 58, S-69-71.
Deferred for decision only.

Mr. Smith said there was a letter from Mr. Berry recommending that there be installed a "U" shape driveway. The Board members agreed that this was a good idea in order that this would not create a traffic hazard.

In application No. S-69-71, application by Woodbridge Camperland, Inc., under Section 30-7.2.10.5.4 of the Ordinance, to permit the sale and service of travel trailers, on property located at 10214 Richmond Highway, also known as tax map 113((1))58, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 11th day of May, 1971 and the 13th day of July, 1971; and

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

1. That the owner of the subject property is Colchester Corporation and the applicant,lessee.
2. That the present zoning is C-G.
3. That the area of the lot is 1.8156 acres of land.
4. That compliance with Article XI, Site Plan Ordinance, is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 in the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changed include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

4. This permit is for a three year period only.

5. Entrances and parking arrangements shall be as approved by the Planning Engineer.

6. Public facilities shall be provided for both male and female patrons as approved by the Health Department.

Mr. Barnes seconded the motion. Passed unanimously.

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WESTMINISTER SCHOOL.Stephen L.Best, attorney for the applicant, represented the applicant. He is also Chairman of the Board of Trustees for the school.

They would like for the small, modest house to remain on the property to remain in order that the caretakers might live there. This cuts down on the parking spaces from the original 31 to 20. But they understand that they only need 18 parking spaces.

The Site Plan Engineer had no comments on this request.

Mr. Smith asked if the original request was for 300 children in January of 1968.

Mr. Best said that was correct they plan to have around 300 children now.

In application No. S-212-70 by Westminister School, Inc. under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit private school (new facility and existing facility) on property located at 3811 and 3819 Gallows Road, also known as tax map 60-3((24))4 & 5 County of Fairfax, Mr. Long moved the Board of Zoning Appeals amend the resolution which was originally granted on December 8, 1970 to include approval of the two changes to the original site plan and that being to let remain the one-story shingle dwelling, P.O. Box address 3819 Gallows Road, subject to compliance with all building codes and approval of the Health Department, and the parking spaces to be reduced to 20 spaces which is adequate as to County requirements.

Mr. Barnes seconded the motion. Passed unanimously.

July 13, 1971

DWIGHT DODD - VALLEYBROOK SCHOOL INCORPORATED
Request of transfer of ownership of use of school known as Valleybrook School.
A Certificate of Good Standing from the Virginia State Corporation Commission was received.

Mr. Baker moved that the request of Dwight H. Dodd of transfer of ownership of special use of a school known as Valleybrook School, Inc. a corporation existing under the laws of the State of Virginia be granted.

Mr. Kelley seconded the motion. The motion passed unimously.

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Mr. Baker moved the meeting adjourn. The meeting adjourned at 4:40 P.M.

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By Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, Chairman

September 21, 1971
Date

A Regular Meeting of the Board of Zoning Appeals was held on Tuesday, July 20, 1971, at 10:00 A.M. in the Board Room of the Massey Building, Fairfax County Administration Building, All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes; Mr. Richard Long, Mr. Joseph P. Baker; and Mr. Loy Kelley.

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

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YUN S. LaLIMA, app. under Sec. 30-7.2.6.1.5 of the Ordinance to permit operation of beauty shop in home, 7300 Fairchild Drive, Lee District (R-10) 92-4 ((3)) (6) 1, S-127-71

Mr. Jack Pickett, 301 North Pitt Street, Alexandria, Virginia.

Notices to property owners were in order. Mr. Archonvitch and Mr. Christianor were the two contiguous property owners.

This case was heard a year ago in May, 1970. Mr. Pickett said the only reason he could find in the previous file for denial was because of the apartment across the street. He said he had checked them out and they could not possibly be converted into a beauty shop. None of the apartments had separate entrances.

Mr. Smith asked how far this is from a commercial establishment and Mr. Pickett replied that it was about 3/10 of a mile from a small shopping center, but this shopping center did not contain a beauty shop. There is a beauty shop in a home down Richmond Highway, but it has only one chair and is not in the same vacinity of Mrs. LaLima.

Mr. Smith asked if she was a registered beautician in the State of Virginia and she said that she was and had been for many years. She is now employed in the Rose Hill Beauty Shop, but she has two children and wants to stay home with them and still earn some money to help supplement the family income. They have owned the house for two years. Her husband is a retired military enlisted man and is now working as a guard for PEPCO.

Mr. Long said as he recalled last year the reason for denial was because it was 1/2 mile from another beauty shop. Mr. Long said the Board has always taken the position that anything within a mile does not meet the intent of the ordinance.

Mr. Pickett said Mrs. LaLima already had the equipment because last year when she applied for the Use Permit she received a certificate from the Health Department with Approved marked on it and she misunderstood and went ahead and bought the equipment which she still has.

Mr. Baker said she should send a copy of her license to the Board for the file and she said she would be glad to.

No opposition.

In application No. S-127-71, application by Yun S. LaLima, under Section 30-7.2.6.1.5 of the Zoning Ordinance, to permit operation of a beauty shop in home, on property located at 7300 Fairchild Drive, Lee District, also known as tax map 92-4((3))((6))1, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of July, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 12,684 square feet.
4. An application for a Special Use Permit for this location was denied on May 19, 1970.

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

1. That the applicant has not presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. That the use will be detrimental to the character and development of the adjacent land and will not be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

3. Subject property is located within one-half mile of two commercial beauty salons on Fordson Road and U.S. Route 1.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby denied.

Mr. Long seconded the motion.

Motion passed 3 to 2, Mr. Smith and Mr. Baker voting No.

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WILLIAM H. MOORE, app. under Sec. 30-7.2.10.5.4 of the Ordinance, to permit outside storage and sale of new and used autos and trucks in conjunction with the operation of Mt. Vernon Datsun, U.S. Route 1, 8862 Richmond Hwy. Lee District (C-G), 101-3 ((1))76, S-118-71.

Mr. Mark Fried, attorney for Mr. Moore, Suite 502, Executive Building, Springfield, Virginia, testified before the Board on behalf of the applicant.

Notices to property owners were in order. Contiguous property owners were Mr. R.L.Kane and Mr. Hilkerson. Mr. Moore owns the lot immediately next door.

He said in order to present this application in the proper prospective he said he wanted to point out that Mount Vernon Datsun has its principal offices immediately south of this property on a lot designated as 175 and it has a body shop immediately north of this property, so the subject property actually separates the body shop operation from the main facility of Mount Vernon Datsun.

Mr. Smith asked if Mr. Moore now owns the Mount Vernon Datsun dealership and Mr. Fried replied that he owned the property and the real estate. It is on a long term lease to Mount Vernon Datsun which is a lease with options up to twenty years. The contract on this particular piece of property is contingent on this Special Use Permit and Site Plan approval. Mr. Moore does not have any interest in Mount Vernon Datsun.

Mr. Smith said Mount Vernon Datsun would have to be a party to the use permit. Mr. Fried said they would agree to that he was sure.to having the application amended to include them.

Mr. Smith asked if Mount Vernon Datsun is now under Use Permit and Mr. Fried said that they were. Mr. Smith then told him that this should be in the form of an amendment to the original application and if Mr. Moore wants to be a party to this that would be fine.

Mr. Smith asked if the original use permit was in the name of Mount Vernon Datsun and Mr. Fried said it was Mount Vernon Sundat, Inc. trading as Mount Vernon Datsun.

Mr. Long said all they would be doing would be utilizing this property for parking and there would be no building, etc. Mr. Smith said this property had been on the market for sometime and was quite a mess. Mr. Barnes said after looking at the photographs, that this would certainly be an improvement.

Mr. Fried stated that they planned to complete the catch basin that had never been completed and also dedicate the service road. They plan to submit a site plan on the entire part. They plan to clean up the entire parcel.
No opposition.
Mr. Long moved that the application be deferred to August 3, 1971 for decision and in order for the applicant to furnish the Board:

1. An amended application to include Sundat, Inc. with a Certificate of Good Standing from the State Corporation Commission.

2. Preliminary Site Plan showing present uses and proposed auto storage.

Mr. Barnes seconded the motion. The motion passed unanimously.

Mr. Smith explained that the new application will include the applicant as Mount Vernon Sundat, Inc. and that it is an expansion of the existing use.

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STANLEY KRONSTEDT, app. under Sec. 30-6.6 of the Ord. to permit erection of addition 44.2 feet from Elba Road and 14.3 feet from side property line 7504 Elba Road, Mount Vernon District (R-17) 93-3 ((16))7, V-130-71

Mr. Kronstedt testified before the Board.

Notices were in order. The contiguous owers were Mr. Charles Herbert, 7500 Elba Road, Mr. Allen Needle, 2400 Elba Road, and Allen Furmon, 7418 Range Road.

He stated that his house is constructed at a 90 degree angle and it is difficult to use this land and still maintain the architectual design of the house. The proposed addition is planned to be 10x15' and it is to be contemporary in design and in conformity with the rest of the house. It has been approved by the Hollin Halls Citizens Association. He has owned the property for three years and plans to continue to reside there. This expansion will be for the use of his own family. They are expecting a fourth child and this is the reason they need the extra room. He plans to use the same type material. Mr. Davenport started building these homes in 1947. He is requesting a variance on the front and side setback.

No opposition.

In application No. V-130-71, application by Stanley Kronstedt, under Section 30-6.6 of the Zoning Ordinance, to permit erection of an addition 44.2' from Elba Road and 14.3' from side line, on property located at 7504 Elba Road, also known as tax map 93-3((16)) 7, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of July, 1971; and

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

1. The owner of the subject property is the applicant.
2. The present zoning is R-17.
3. The area of the lot is 15,003 square feet.
4. That compliance with Article XI (Site Plan Ordinance) is required.
5. This request is for a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

(a) unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. That materials used in the addition are to be of the same type as used in existing building.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain buildings permits, certificates of occupancy and the like through the established procedures.

Mr. Long seconded the motion. The motion passed unanimously to grant.

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JAMES S. LAMPE, app. under Sec. 30-6.6 of the Ordinance to enclose present carport which is under present roofline, 1111 Raymond Avenue, McLean, Virginia, Old Dominion Gardens Subdivision (RE-17) 21-3 ((31))71, Dranesville District, V-132-71

Notices to property owners were in order. The contiguous owners were Robert S. Dye, 7105 Churchill and Timothy Tarr, who is presently on duty in Greece and his house is being rented. All the others are across the street. The rental people have been out of town. There were seven notices sent in total.

Mr. Barnes said he felt the notices were adequate and it was decided to go ahead with the hearing.

Mr. Lampe stated that this carport is under the existing roofline and at the back of the carport there is a work shed; he wants to obtain a better use of that room,to build it up to the floor level of the house and make a family room out of it, which increases the utility of that level of the house. The house sets on an angle on the lot that is why he needs the variance he said. There is now a 4' planter along the side of the present carport. This addition is not visible from the road. The house is 18 years old. He plans to construct a garage to the back and north of the house and needs no variance. No opposition.

In application No. V-132-71, application by James S. Lampe, under Section 30-6.6 of the Zoning Ordinance, to permit enclosure of existing carport, on property located at 1111 Raymond Avenue, also known as tax map 21-3 ((31))71, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application by James S. Lampe, 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of July, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 10,388 square feet of land.
4. That the subdivision was developed prior to present dwelling and gives the appearance of being enclosed.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) exceptionally shallow lot.
(b) unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. A new drive is to be constructed to the north of the carport.

Mr. Barnes seconded the motion. The motion passed unanimously.

C & P TELEPHONE CO. OF VIRGINIA, app. under Sec. 30-7.2.2.1.4 of the Ordinance for construction, operation and maintenance of addition to existing dial center located at 2806 Popkins Lane, Vernon District (R-12.5) 93-1((1))7 S-133-71

Mr. Randolph W. Church asked that this case be deferred until a later date as the telephone company was now on strike and the engineers couldnot be present.

Mr. Kelley moved that this be deferred until September 14, 1971, which is the next available date. Mr. Baker seconded the motion. The motion passed unanimously.

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WILLIAM M. TURNER, T/A HILLSIDE STABLES, app. under Sec. 30-7.2.8.1.2 of the Ordinance to permit riding stable and buying and selling horses, 9600 Leesburg Pike, Vienna, Virginia, Dranesville District, (RE-1) 19-1;19-2((1)) Lots 16-21; S-134-71

Notices to property owners were in order. The contiguous property owners were Anthony Newcomb, 9627 Leesburg Pike, Vienna, Virginia and Mr. Francis M. Feighery, 10200 Colvin Run Road, Great Falls, Virginia.

Mr. Barry Murphy, 301 Maple Avenue, Vienna, Virginia, represented the applicant and testified before the Board. He is the applicant's attorney.

Mr. Murphy said he was presently operating on a farm that was formerly known as Ponderosa Farm on Route 7, as a livestock dealer by virtue of a Virginia State License which was issued to him at the time he was trading as the Ponderosa Farm. He has since through Mr. Murphy's office filed under the name of Hillside Stable and that is the name under which he is conducting any operation now which is in the livestock business, buying and selling horses. He said he had submitted to the file, copies of the United Horseman's of America insurance policy which was issued to the Ponderosa Farm to Mr. Turner doing business as Ponderosa Farms and this policy expires on September 12, 1971, which is a very short time away. The limits of liability on this policy is $100,000 each person and $300,000 each occurrance, he plans to up this in 1971, September to $300,000 each person and $500,000 each occurrance. He has not yet had time to have the policy endorsed to show it as Hillside Stables.

He signed the lease on April 21, 1971 and is the original lease between he and Mr. Webb. The association through which he has insurance is a non-profit corporation.

Mr. Barnes looking over the policy said that there was no agent listed in the State of Virginia, that this was written out of California and signed by someone out in California, and has a $100 deductible clause which if he didn't pay, the insurance company wouldn't pay. Mr. Turned stated to the Board that he had originally obtained this insurance from an agent in Springfield who has since moved to Los Angeles, California, and it was called Topp Insurance Agency. The agent's name was Dodson.

Mr. Baker said if he was connected with the previous owner, Wally Holly and Mr. Turner said that he was not connected with Wally Holly, that Wally Holly, as far as he knew was in Chicago. He also said that he was not a member of the United Horseman's Association, nor the Professional Horseman's Association of America. He stated in answer to Mr. Barnes's question that he paid $1,240 per year for this insurance. This insurance was recommended to him by the Woodlawn Polo Club. He. further stated in answer to Mr. Barnes' question that he had been in business only a short time for himself, but had been a horseman since he was ten years old. He previously worked for the Dynacolor Corporation in Alexandria.

Mr. Smith asked if anyone lived at the premises in question and Mr. Turned said, No, that they did not at the present, but as soon as he could get the house fixed up, he planned to have someone there. He said planned to devote full time to this business and supervise all the time that it is open.

Mr. Long asked if he had any connection at all with the previous owner and he said that he did not. Mr. Long asked if he was one of the people who testified at the hearing for revocation of Mr. Holly's permit and he said that he was not. He said he had six rental horses and about fifteen to twenty boarding horses. He said he was notified that he was in violation of the ordinance and that was when he applied for the Special Use Permit.

250

TURNER T/A HILLSIDE STABLES (continued)

Mr. Smith said the thing that concerns him is there is no local insurance agent and if anyone was hurt it would create a problem. Mr. Smith said there had been a problem with the previous owner. The Board found it necessary to revoke the previous owner's permit.

Mr. Baker asked if he had had any problem with broken fences and Mr. Turner said he had had only one problem and that was on the side that did not face the highway.

Mr. Murphy said he realized that publicity about the operation of this stable as a stable and a riding stable was extremely bad, but Mr. Turner has said he does know this particular individual, but he is in no way connected with him in business or by blood or anything else and he would not want to see the Board deny this man a permit for the operation of this stable based upon the bad thoughts of the other individual. Mr. Turner is here in an honest way, trying to make a good living, not trying to make a buck.

Mr. Smith said he, Mr. Turner, had been operating since last September without a permit. It doesn't seem to be a very stable situation. This lease is on a sixty day cancellation basis and there is a question about the insurance policy and how effective it is.

Mr. Barnes asked if he bought Mr. Holly's horses and Mr. Turner answer that he had bought some of them.

No opposition.

Mr. Long moved that Application S-134-71 be deferred to the County Attorney for the opinion of him of the compliance of the insurance policy with Virginia laws and its adequacies for the proper coverage to the public. To check to see if they are allowed to do business in the State of Virginia and who the registered agent in Virginia is and if there was a counter-signed agent. In addition, to find out who handles the claims in case there is a claim involved.

Mr. Baker seconds the motion.

The motion passed unanimously. Mr. Smith said that as soon as the Board gets the information from the County Attorney, they will be notified of the meeting and if the Board desires further clarification on any point they will be contacted. This will be deferred for this additional information only and then for the decision.

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MR. AND MRS. GERALD F. WINFIELD, app. under Sec. 30-7.2.8.1.2 of the Ordinance to permit operation of Woodhill Study Center, a non-profit day school for individual instruction of exceptional children with high learning capacilities, age 6 to 12, (RE-1) 89-4((3))2A, Springfield District, S-140-71

Notices to property owners were in order. The two contiguous owners are Mr. and Mrs. Otteson, 8325 Garfield Court, Springfield, Virginia, Lot 4A and Mr. and Mrs. Humbard, 5509 Joplin Street, Springfield, Virginia, Lot 4B.

Mr. Winfield testified before the Board. He stated that they proposed to operate in the building residence of his daughter and her husband who lives at this location. Thisd school is for exceptional children who may be having some problem in obtaining the full impact of their ability in large school situations. They would never have more than nine students in this center, therefore, they would have a high ratio of teachers to children. They have three acres of land surrounding the house and two large rooms on the lower floor. These will accomodate a library and equipment. This is to be a non-profit operation in order that people who might have difficulty being able to afford expensive training might be able to take advantage of this facility. The plan involved makes full use and maintaining the natural environment of this particular location. This is a beautiful rolling hill area with a stream running across the lower edge of the property. One of their major concerns is to use this environment as a geological location, as a biological location for the students to be able to do study in relation to this, and this particular area is extremely good for this purpose. They do not anticipate having playing fields or team sports. Originally this area was set up with the idea that this would be a community that is interested in horses, but no one has everyused this easement for riding purposes. He said they have no intention of trying to change this easement.

Mr. Winfield was asked by Mr. Smith who J. Thomas Warfield and Harriet Warfield were, as he noticed they were a part of the limited partnership. Mr. Winfield said Harriet Warfield was his daughter and Dr. Warfield is his son-in-law. He said they were all in the field of education in various ways. Mr. Winfield said he was in the government and had been in the field of education for more than forty years and Dr. Warfield is presently on the research staff of the Naval Research Laboratories and he has been a teacher of math, and his daughter has been involved in education as a teacher.

Mr. Smith asked if they could also be made a party to this use permit since they (Mr. and Mrs. Warfield) will be a party to the deed and expect to live there. Mr. Winfield said they had no objection.

In answer to Mr. Smith's question Mr. Winfield said they had owned the property since last January and the Warfield's moved in at that time.

Mr. Winfield said they plan a 5 day per week with the same hours as public school program. There would be no busing, as the parents would be bringing the children to the school. Some of the students, he said, would come from a fairly long distance because of their particular type of program.

Mr. Long asked if since they were non-profit they were going to charge a fee and Mr. Winfield said they would be charging a fee to pay salaries and to operate.

Mr. Winfield said they propose to establish this Woodhill Center and would become accredited in the State of Virginia. He said their primary concern would be for the continued development of the individual child. They plan to have a wide variety of reading, science, art, music and the whole range of subjects in what amounts to an individualized program for each individual child.

Mr. Stuart Otteson, 8325 Garfield Court, Springfield, Virginia, Lot 4A1, spoke in opposition to the proposed Woodhill Study Center. He said his objection to this school is that it will devalue the land and that there are covenants setting the land up for large estates around two acres in size with a secluded atmosphere and with a school for emotionally disturbed children this is in violation to their covenants.

Mr. Smith said the request for the Special Use did not indicate it was emotionally disturbed children they were planning on having in the school.

Mr. Otteson said even though the land is zoned for one acre parcels, he has seven acres and according to the covenant he cannot break it all up and he felt Mr. Otteson should have to abide by the covenants also.
Mr. Smith told Mr. Otteson he did not want to get involved with covenants.

Mr. Otteson continued by saying that the land over which the road runs getting back to Mr. Winfield's property is not a county road and quite a bit of his (Mr. Winfield's) access will go over his land.

Mr. Smith said that Mr. Winfield would have to maintain the road in a dust free manner if it was just a dirt road now. The road would have to be approved by the County's staff on site plans.

Mrs. Humbard, 5509 Joplin Street, Springfield spoke in opposition to the application. She and her family live on lot 4B, also contiguous to the property in question. They also own the property over which the road runs. They property line runs to the middle of the road over which they will use. She said that she believed this road easement runs directly through Mr. Otteson's land as well. She said this application was contrary to the spirit of the covenant. Mr. Smith said the covenant is something that would have to be handled through a civil suit. She said she was aware of that but that the Board should be aware that Mr. Winfield was aware of these covenants when he purchased the property. All of Pohick Hills are subject to these easements and there would have to be a court case to set them aside. Mrs. Humbard said she had a copy of their deed of trust setting forth the covenants and she read the part that is relative to this case and said that unless it is obnoxious it would not be prohibited by the covenants and that is not her contention, she said they felt along with Mr. Otteson that this property was intended to appeal to people who wanted to get away from noise and with all these children there would be noise. She said these children would be over-active or hypertensive children who cannot adjust to an ordinary school situation. They do not like the increased traffic that will be created with this school. They also have a pond on their property which could cause a problem. She said, getting back to the road, that she and Mr. Otteson own the land on which the access road is located. They own and maintain it 50/50.

Mr. Smith told Mrs. Humbard that if it is a common road and the Winfield's are using it for this type of use, there would be a greater share of the upkeep on the Winfields.

Mr. Eggert spoke in relation to this application. He owns the property that borders the property in question. He owns a pond, the one mentioned, on Lot 1A and the property is entirely fenced, but it is just a three board plank fence and he wanted to know if that was adequate towards his liability.

Mr. Smith said if it was three feet high it meets the intent of the ordinance.

Mr. Eggert asked if it had to be in close and completely enclosed like a wire mesh, because it would be easy to climb over.

Mr. Smith said No, it just has to be fenced and it does not have to be a wire mesh.

Mr. Eggert said his only other concern is the wear and tear on the road, which has already been answered, otherwise, in principal he said he was entirely in favor of the school.

Mr. Winfield in rebuttal said he had purchased the land from Mr. Otteson's father and at that time had talked at great length about the proposed school. They had looked all over the County to find a place to establish this school and they see no way that what they are going to do will interfere with the property values in the neighborhood. They have a large land area, adequate for nine children. He said he thought the County was going to take over the road.

Mr. Smith told him that the County does not take over the road, the State does, but before they do, the road would have to be brought up to State standards at your, Mr. Winfield's, expense.

Mr. Kelley asked Mr. Winfield if he was familiar with the Staff Comments regarding the road and Mr. Winfield answered that he was not. Mr. Kelley read them: "Road conditions into property very poor, one lane access of blue stone and gravel ..."
Mr. Winfield said it was full of pot holes and it was that way when they brought the property. Mr. Kelley said another thing the comments said, "this site will be under Site Plan Control and they have no other comment except to say that the entrance road should be surfaced with an adequate surface so that it will preclude dusty conditions in dry weather and muddy conditions in wet weather."

In application No. S-140-71, application by Mr. & Mrs. Gerald F. Winfield and Mr. and Mrs. J. Thomas Warfield under Section 30-7.2.6.3.3 of the Zoning Ordinance, to permit operation of Woodhill Study Center, on property located at 8204 Ridge Road, Springfield, Virginia, also known as tax map 89-4((3))2A, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of July, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 6.37 acres
4. That compliance with Article XI (Site Plan Ordinance) is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. 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 the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the subject application is granted with the following limitations: (1) 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 is not transferable to other land. (2) This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

4. Maximum number of students shall be nine (9), ranging in age from 6 to 12 years.

5. Operation shall be five (5) days per week, with hours of operation being from 9a.m. to 3:30 p.m., 9 months per year.

6. Compliance with all State, County, Fairfax County Health Department, State Department of Welfare and institutions and the obtaining of a cert ficate of occupancy is required.

7. Recreational area shall be enclosed with a chain link fence in conformance with State andCounty Codes.

8. The entrance road shall be surfaced with an adequate material or surface so as to preclude dusty conditions in dry weather and prevent muddy conditions in wet weather.

9. This permit is granted for a period of one (1) year, with the Zoning Administrator being empowered to extend the permit for Three (3), One (1) year periods.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirementsof this County. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion. The motion passed unanimously.

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JAMES W. BAER, application under Sec. 30-6.6 of the Ordinance to permit variance of the front yard requirement at the street line from 100' to 15' in order to create two panhandle lots, RE-0.5, 41-1((16))A, Dranesville District, V-138-71

Mr. Charles Runyan, of the firm of Runyon & Huntley, engineering and surveying, represented the applicant and testified before the Board.
Notices to property owners were in order. The two contiguous owners were Mr. Earl T. Mason, 2129 Powhatan Street, McLean, Virginia and Mr. Joseph F. Belair, 2106 Virginia Avenue, McLean, Virginia 22101.

Mr. Runyan stated that the reason for the application is they need a variance for the front yard requirement. In this particular case the zoning category is one-half acre and it is an odd shape piece of property and if they were to operate under the standard requirements they would get two lots out of two acres, which they feel is an undue hardship and the use of the panhandle which they had discussed before the Board on a different case, is a better yield and it gives them four one-half acre lots which they would be entitled to and it would give a better shape. Mr. Baer intends to build on one of the lots and a builder friend of his is going to build on one of the other lots, therefore, the marketability of them is no problem. He said there has been some indication that sometimes these type of lots do not market too well, but in his experience it has been just the opposite. People seem to prefer the privacy of these panhandle lots. Mr. Baer has owned these lots for two years.

Mr. Long asked if they had adequate site distance, because the staff made a comment on this. Mr. Runyan said in this case there was no problem, that is why the driveways are located where they have indicated.

Mr. Smith asked if this area is all developed in one-half acre lots and Mr. Runyan said that they were.

Mr. Barnes commented that he thought they were attractive lots. Mr. Runyan said they were trying to preserve the trees and that is another reason they wanted the panhandle lots instead of a culdesac.

Mr. Selburg, 6400 North Nottingham, owner of property directly across Nottingham from the lots in question, stated he had no objection as long as they were not going to reduce the lots from 1/2 to 1/4. Mr. Smith said this is not a rezoning application,

No other speakers.

In application No. V-138-71, application by James W. Baer, under Section 30-6.6 of the Zoning Ordinance, to permit variance of front yard requirement at street line, 100' to 15', on property located at Crimmins Subdivision, Parcel "A", also known as tax map 41-1 ((16))A, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the20th day of July, 1971; and

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

1. Thattheowner of the subject property is the applicant.
2. That the present zoning is RE-05.
3. That the area of the lot is 52,750 square feet of land.
4. That compliance with Subdivision Control Ordinance is required.
5. That compliance with all applicable County Codes is required.

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

1. That the applicant has satisfied the Board thatthe following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

(a) exceptionally irregular shape of the land.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted.

Mr. Long seconded the motion. The motion passed unanimously.

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AFTER AGENDA ITEMS

CENTREVILLE PRESCHOOL (Deferred from June 22, 1971)

Mr. Amos Latham, 14835 Oxton Square, represented the applicant and testified before the Board.

Mr. Latham stated that they had applied for and received a Special Use Permit for the school on May 26, 1971, to be located at Ox Hill Baptist Church in Chantilly. The question arises as to how high the fence must be. In the Use Permit was the restricting wording which stated that the recreational area shall be enclosed with a 4' chain link fence in conformity with State and County regulations. The purpose of his request today is they would like to have less restrictive wording for that limitation clause. They would like to erect a fence constructed of 4' of non-climbable wire mesh, which is a mesh that is 2" by 4" and 12 and 1/2 gauge. He stated that they operated a preschool last year in Herndon at the St. Timothy's Episcopal Church and that recreational area was enclosed with the non-climbable wire mesh fence.

Mr. Smith asked if this type of fence met the State and County Codes. Mr. Latham said Yes, it did. The State and County codes require a 3' feet fence and does not state the fencing material. Mr. Smith said the intent of the resolution was to meet theState and County Codes.

Mr. Long made a motion to amend the application.

In Centreville Preschool Application, S-50-71, Mr. Long moved that the Board of Zoning Appeals amend the original resolution as follows: The recreational area shall be enclosed with a fence in conformity with State and County regulations.

Mr. Barnes seconded the motion. The motion passed unanimously.

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Mr. Smith read a letter from Robert W. Johnson, Fairfax Farms Community Association, asking the Board for intervention in the building of a parsionage in their community by the Chinese Christian Association. They had previously written to Judge Keith protesting the issuance of a building permit that allowed this. Mr. Johnson stated this building cost would be in excess of $100,000 which is well above the $50,000 stated in the permit. Mr. Woodson had stated he could not revoke the permit and Judge Keith said he was unable to intervene. Mr. Smith read the letter in full. The letter further stated that this building would have 13 baths and 3 kitchens and a septic tank to serve 18. Mr. Smith said he had discussed this with Mr. Woodson a few months ago and it had been referred back to Mr. Woodson for further action. There was some discussion as to whether they needed a use permit at that time.

Mr. Woodson said in answer to Mr. Smith's question that there was no limit to how many bathrooms one could put in a residence, and there was no limit on the number of kitchens either.

Mr. Long said he remembered the discussion on this. The building permit was obtained by the Chinese Christian Corporation and there was none in existance. Mr. Smith said that was correct as he understood it. It was obtained in a fraudelent manner. Mrs. McIntire signed it as Executive Secretary and authorized agent of the non-existing corporation. Apparently, she has committed perjury. Mr. Smith asked Mr. Woodson what her reason was for signing this application in this manner. Mr. Woodson stated that he was not going to state in public what he had gone through on this,that it was up to the County Executive now.

Mr. Smith asked Mr. Woodson if Dr. Kelley had had a report on this. He further stated that when the Zoning Administrator finds out that this is a fraudulent application then he should take some action on it.

Mr. Barnes said he felt the Board should look into it, it seemed more like a hotel than a single family residence.

Mr. Smith said the Board could not take any action on this without a formal application by this Civic Association. Mr. Woodson was asked if he planned any further action. Mr. Woodson answered Yes, he did plan to further investigate this problem.

Mr. Barnes so moved that the Fairfax Farms Civic Association submit a formal application for an interpretation of the Zoning Ordinance and take it up at the earliest possible date.

The motion was seconded and passed unanimously. The Clerk was directed to write a letter informing Mr. Johnson of this on this date, if possible.
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A letter was read by Mr. Smith addressed to Mr. Woodson, dated July 20, 1971, reference Lot 32, McLean West Subdivision, request for a side yard setback, by James A. Smith, who said that there were two reasons why they would like to be heard by the Board as soon as possible. The builder could not continue to construct until the matter of the setback variance was settled, but the house has been sold and occupancy is expected the last of August so the people can move in before school starts.

Mr. Long moved that the Board hear this as soon as possible.as an out-of-turn hearing. Mr. Smith said he would have to meet all the procedural requirements. Mr. Barnes seconded the motion. The motion passed unanimously

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Mr. Baker moved to adjourn. Mr. Long seconded. The meeting adjourned at 3:15 P.M.

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By Jane C. Kelsey
Clerk

Daniel Smith
Daniel Smith, Chairman

Date: September 21, 1971

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A Regular Meeting of the Board of Zoning Appeals was Held On Tuesday, July 27, 1971, at 10:00 A.M., in the Board Room of the Massey Building, Fairfax County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes; Mr. Richard Long, Mr. Joseph Baker; and Mr. Loy Kelley.

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

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DEWENE WEBB & LUCIUS M. WEBB, application under Section 30-2.2.2 of the Zoning Ordinance to operate beauty shop in apartment, 5824 Syphax Drive, Mason District, (RM-2G) 61-4 ((1))92, S-139-71

Mr. Lucius Webb spoke on behalf of he and his wife before the Board. He stated that they would like to open a beauty shop in the Open Manor Apartments.

Notices to property owners were in order. The two contiguous owners were Mr. & Mrs. Herbert Fuller, 3711 Lacy Blvd., and Mr. Wm. T. Syphax, 1329 Queens Street, who owns the Oakland Manor Apartment complex.

Mr. Koneczny, Zoning Inspector, indicated on the Zoning Administrator's Comments, that the owner of these apartments was an insurance company. Mr. Smith asked if the insurance company actually has taken title or are they the holding company. Mr. Koneczny said the assessment office listed the owner as Fidelity Mutual Life Insurance Company. Mr. Smith said the question this raises is whether or not Mr. Syphax is still a contiguous property owner.

Mr. Webb said they had a lease for a period of 6 months with Wm. Syphax as owner of these apartments. The beauty shop is one room and built to be used as a beauty shop within the apartment complex. The apartments have been built for five years and have never had a beauty shop in them. Mrs. Webb is a beautician and registered in the State of Virginia. Mr. Smith asked her to send a copy of the license to the Clerk for the file.

The Board decided to go ahead and hear the case since the Webbs believed Syphax to be the owners of the contiguous property.

The Webbs stated that they did not plan to move into these apartments. They have lived in Alexandria, Virginia for three years.

Mr. Smith asked how many apartments are in the complex and Mr. Webb answered 384. They have just finished building new apartments in the back of these old ones also.

In application No. S-139-71, application by Mrs. Dewane Webb and Lucious Webb under Section 30-2.2.2 of the Zoning Ordinance, to permit beauty shop in apartment, on property located at 5824 Syphax Drive, also known as tax map 61-4((1))92, County of Fairfax, Virginia Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of July, 1971; and

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

1. That the owner of the subject property is Fidelity Mutual Life Insurance Company.
2. That the present zoning is RM-2G.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

4. Operation shall not begin until occupancy permit has been obtained.

5. Days of operation shall be five (5) days per week, Tuesday through Saturday, with operating hours of 8A.M. to 9P.M., with three chairs.

6. All State and County Codes must be complied with.

7. This permit is granted for a period of one year with the Zoning Administrator being empowered to extend for three one year periods.

8. This permit is to run concurrent with the present lease.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion. The motion passed unanimously.

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H & F DEVELOPMENT CORP., app. under Sec. 30-7.2.10.3.4 of Ord. to permit construction and operation of enclosed theatre, 6355 Rolling Road, Springfield, (C-D) 79-3 & 89-1 ((1)) part Lot 2, Springfield District, S-143-71

Mr. John Aylor represented the applicant and testified before the Board. Notices to property owners were in order. The two contiguous owners being Springfield Golf and Country Club and City Service Oil Company.

Mr. Aylor stated that this parcel is located at the southeast quardron of the intersection of Keene Mill Road and Rolling Road, immediately in the rear of Citco Station. The property is under contract purchase to H & F Development Corp. for the purpose of construction and operation of an enclosed theatre. The area will contain 600 seats which would require 150 parking spaces, the restaurant requires 24 parking spaces, the net commercial 78 parking spaces for a total of 252 parking spaces and the site plan provides for 260 cars which is 8 over the amount required.

This will be a trend theatre which means in one part will be perhaps a movie for the children and the other one a movie for adults. Also people who visit the country club will have a convenient place to leave their children to watch the movie if they do not want to participate in the country club's activities. He said H & F had agreed to put up a fence running from the Texaco Station along the north side along the country club and then in the westerly direction to where it meets the Citco Station where there is natural screening. The nearest theatre is in Springfield proper which is two miles from this area. The site plan has been approved, but the building permit is waiting for the granting of this use permit.

Page 259
July 27, 1971
H & F DEVELOPMENT CORP (continued)

Mr. Aylor said the Roth Twin Theatres would be operating this theatre.

Mr. Smith said that then raises the question as to whether or not Roth Corporation should be made a party to this application. He asked Mr. Aylor if they would like to amend the application to include Roth Enterprises. Mr. Aylor said they would and Mr. Long moved the application be amended to include Roth Enterprises, Inc. Mr. Barnes seconded the motion. The motion passed unanimously.

Mr. Smith asked Mr. Aylor when this lease is signed to send a copy to Mr. Woodson, with a certification that Roth Enterprises, Inc. are qualified to do business in the State of Virginia.

Mr. Long asked Mr. Runyan, Engineer for H & F Development Corp., if they had checked to see if the entrances were adequate. Mr. Runyan said originally they had two entrances but at the request of the Citizens Association and some thinking on the part of the architect they revised this to one entrance onto their property and another entrance to the south of that onto the Citco Station with a travel lane from the station into the site for southbound cars on Rolling Road.

Mr. Long asked him about the screening. Mr. Runyan said the Country Club and Mr. Hall had been working together to come up with the arrangement of the fence and trees. It is not standard, the Country Club have asked for it to be modified slightly as approved by the Planning Engineer.

Mr. Aylor continued by stating that an agreement with Burger Chef and the owners of this property that there would be no barriers so that people could enter through Burger Chef to this particular site from Old Keene Mill Road. There is also a similar agreement with Citco.

Mr. Abraham Swartz spoke in favor of the application. He lives on the southeast corner of Keene Mill Road and has owned that property for 55 years. He said he had been happy to see the development. He said a big oil company wanted to erect another station, but he had refused to sell to them because he felt it was an undesirable use for that intersection. He, therefore, was pleased to find out they would have this Roth Twin Theatre and feels it will help the neighborhood a great deal.

Mr. John Harrity , 6703 Rolling Valley, spoke in opposition to the application stating his reason to be that of a traffic hazard and tieup because of the increased cars at that particular intersection. Particularly because people are now making "U" turns in the middle of the highway. There is no left turn lane. He, therefore, requested the Board to require a "stacking lane", or "left turn lane"

He stated he was the Past President of the Rolling Valley Civic Association and they have a resolution on this particular item. Mr. Smith asked for a copy of that resolution and Mr. Harrity said he would mail it.

He said the people in the community did not want to wait for ten years until the VDH gets around to the Rolling Valley project. They want to stop this traffic problem before it gets too out-of-hand. He said he knew it was not a funded project and unless it was, he felt it was only speculation.

Mr. Runyan answered to this objection that they had talked with the highway department and the highway department felt that they did not see the need for a left turn lane at this time, but there was a good possibility that it may be required and they would require the developer to participate in the cost of the left turn deceleration lane. They attitude was wait and see.

Mr. Harrity said he knew what the traffic situation was today without this particular shopping center. It is a very badly jammed traffic situation on Saturdays and during rush hours. To complicate matters, the road narrows from a 4 lane road to a 2 lane road.at that point.

Mr. Jesse Laukier, 6400 Rivington Road testified before the Board in opposition. He had not gotten his notice on time, because he had only owned the property for one month and the notice had gone to the previous owner. Then they renotified him when the other one came back and he just received it at 10:30 on this date.

Mr. Smith told him that the proper number had been notified not counting his.

His main complaint was about the noise this shopping center and this theatre would create. Mr. Smith reminded him it was a permitted use and that a variety of other things just a noisy could be put in there, a hamburger joint, etc. In addition he complained about theCountry Club noise which Mr. Smith said he would have to take up with the Zoning Administrator. In addition, he/Mr. Lenkier said the Board had the right and it was their duty to require a deceleration lane.

Mr. Long told him the Board could only require a deceleration lane as required and approved by the Planning Engineer and the Planning Engineer might not want the left turn .

Mr. Runyan then spoke saying that they had indeed been in contact with a lady from the Citizens Association from that area and in fact he was contacted by Mr. Jack Chilton, Land Planning Branch of Design Review, and asked to meet with Mr. Chilton and this lady. She asked them for a walkway for pedestrians to cross from the Rolling Road area up to the first street and they put a walkway in so people could walk from Rolling Valley. The last time he talked with her was three weeks ago.

A discussion entailed as to how they could alleviate the traffic problem.

In application No. S-143-71, application by H & F Development Corporation and Roth Enterprises, Inc., under Section 30-7.2.10.3.4 of the Zoning Ordinance, to permit construction and operation of enclosed theatre, on property located at 6355 Rolling Road, also known as tax map 79-3 & 89-1 ((1)) Pt. 2 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of July, 1971; and

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

1. That the owner of the subject property is H. D. Hall, Inc.
2. That the present zoning is C-D.
3. That the area of the lot is 113,367 square feet of land.
4. That compliance with Article XI, Site Plan Ordinance, is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 in the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. The theatre shall have a maximum seating capacity of 600 seats.

5. There shall be a minimum of 150 parking spaces for this use.

6. The screening along the Country Club property line shall be of a type and planting arrangement as approved by the Planning Engineer.

7. The hours of operation shall be in conformity with County & State Laws.

8. A left hand turning and deceleration lane shall be constructed on Rolling Road as required and approved by the Planning Engineer.

Mr. Barnes seconded the motion. The motion passed unanimously.

Mr. Runyan, the applicant's engineer, questioned No. 8 and Mr. Long explained it was the Board's intention to leave it up to the Site Plan Engineer.

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MR. & MRS. ROBERT E. GALLAMORE, app. under Sec. 30-6.6 to build addition to residence 33' from Glasgow Road (2208), Hollin Hills Subdivision, (R-17) 93-3 ((4))501, Mt. Vernon District, V-145-71

Mr. Gallamore testified before the Board. Notice to property owners were in order. The two contiguous property owners are James W. Sayre, 2212 Glasgow Road and William G. Miller, 7220 Beechwood.

Mr. Gallamore stated that he moved in two years ago and found that now they have out grown their house and needs to expand. They propose to add one bedroom. The proposed location is one that best relates to the house plan and where it least infringes on the property lines and view of the neighbors. They do plan to continue to live there. It is to be of the same type material and the roof will be matched and the outside stained a dark color and matched to the present house. The glass work will be quite similar to the present structure. These houses were built in 1950 or 1951.

In application No. V-145-71, application by Mr. & Mrs. Robert E. Gallamore, under Section 30-6.6 of the Zoning Ordinance, to permit addition to 2208 Glasgow Road, also known as tax map 93-3 ((4))501, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of July, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 16,670 square feet of land.
4. This request is for a minimum variance.
5. This application was advertised as S-145-71

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) unusual condition of the location of existing building.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted forthe location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. All materials used in addition to be compatible with materials used in existing building.

262

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion. The motion passed unanimously.

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SPRINGFIELD CONCRETE CONSTRUCTION COMPANY, INC., app. under Sec. 30-6.6 to permit variance on 150' high radio tower, 10711 Giles Run Road, Lorton, Virginia (I-G) 113 ((3)) E-2, Springfield, District, V-146-71

Notices to property owners were not in order. He was instructed to renotify the same ones of the new date and time this case was deferred to.

Mr. Koneczny stated that he had inspected this property. The entire property is fenced. There is a house trailer on it now and numerous abandoned cars within the fence area, these cars did not have tags on them. In addition there was an abandoned school bus and what looked to be an abandoned tractor trailer. The tower is already on the property.

Mr. Smith asked Mr. Koneczny if they have a permit to construct the tower and he answered that they did not have a permit to his knowledge.

Mr. Harry Thompson, Springfield Concrete Construction Company, Inc., spoke before the Board.

He did not have a certificate of good standing from the State Corporation Commission and it was requested that he get one.

He said the tower had been there for three years in October and was installed by Communications Systems in Arlington, but he did not have a copy of the contract with him and he was requested to get that to the Board also.

The Site Plan had originally been waived, but he was now trying to get another Site Plan approved and get the occupancy permit and Site Plan people said he had to get a variance first from this Board and that is the reason he is here today. He received a license from FCC before he could get the tower put up. His call letters are KLR 986.

The Board after discussing this matter felt they needed several more items of information before they could properly make a decision. Therefore, this case was deferred until August 3, 1971 for the following information:

In application V-146-71, Mr. Long moved that this case be rescheduled for August 3, 1971, to allow the applicant the opportunity to furnish the Board the following information:

1. Letters to the same property owners notified previously for this hearing, notifying them of the new hearing date and time.
2. Excluding the radio tower, the site is to be brought into conformance with County regulations.
3. New photographs of the site and tower.
4. County inspections and report on the tower and construction.
5. Certificate of Good Standing from the State Corporation Commission certifying that the corporation is in good standing in the State of Virginia.
6. Copy of Site Plan submitted to the Site Plan Engineer for waiver.
7. Copy of Federal Communications License.

Mr. Barnes seconded the motion. The motion passed unanimously.

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JOHN & JANE LONG, app. under Sec. 30-6.6 of Ord. to permit erection of addition to dwelling closer to rear property line than allowed, 6029 Chesterbrook Road (R-17) 31-4 ((23))7, Dranesville District, V-148-71

Mr. Long testified before the Board. Notices to property owners were in order. The two contiguous owners being William F. Pffier and James J. Conners.

Mr. Long stated that his family desired to enlarge the house in order to have a bedroom for his mother who is coming to live with them. The break will be identical with each other. The other addition on the other side, they propose to have a Florida room.

They have a very irregular shape lot with a steep slope from the rear to the front of the lot. The existing building is so situated on the lot that the design characteristics of the structure necessitate erection of the additions on the rear of the existing building. These additions would be 11.35' and 14'20" from the rear property line. The distance from the nearest house would then be about 47'. He plans to use the same material as is in the present house, all brick and thesame kind of brick, the present roof line will be maintained. He showed photos of his house and sketches of the proposed additions with the patio between. He plans to construct this add. according to architectural plans.
Opposition by letter from John J. Germanis, who lives in the rear.
In application No. V-148-71, application by John & Jane Long, under Section 30-6.6 of the Zoning Ordinance, to permit erection of addition closer to rear property line than allowed, on property located at 6029 Chesterbrook Road, also known as tax map 31-4 ((23)) 7, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of July, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 11,114 square feet.
4. This is a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) exceptionally irregular shape of the lot,
(b) exceptional topographic problems of the land.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. Architecture and materials to be compatible with the existing building.

4. Compliance with all County Codes is required.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion. The motion passed unanimously.

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DALLAS O. DAWSON, app. under Sec. 30-6.6 of Ord., to permit erection of addition closer to side property line than allowed, 8703 Sudbury Place, Sedgewick Forest, (RE-0.5) 110-2 ((8)) (1) 18, Mt. Vernon District, V-149-71

Notices to property owners were in order. Two contiguous: Mr. Dunford, 4021 Laurel Road, and Mr. Robinson, 8705 Sudbury Place. Mr. Dawson testified before the Board. He said that he found that as his family got older, it increased in size. He anticipates having his mother-in-law come to live with them, and his other children return now with their families, therefore, they need more room.. Distance from the nearest house is 28'. The addition will be 13.5' from the side property line at the closest point. He said they plan to continue to live there. He plans to use the same type of material, brick and frame, the roof line will be lower. He has a two story house in the front and a three story house in the back.

No opposition.

In application No. V-149-71, application by Dallas O. Dawson, under Section 30-6.6 of the Zoning Ordinance, to permit addition closer to side property line than allowed by ordinance, on property located at 8703 Sudbury Place, also known as tax map 110-2((8)) (1) 18, County of Fairfax, Virginia, Mr. Long moved 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of July, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE 0.5.
3. That the area of the lot is 26,030 square feet of land.
4. The request is for a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) exceptional topographic problems of the land.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The addition shall be constructed of similar material and architectural design as the existing dwelling.

Mr. Barnes seconded the motion. The motionpassed unanimously.

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JOSEPH H. SENS, app. under Sec. 30-6.6 of Ord. to permit division of lot with less frontage at building setback line than allowed in Ord., 6114 & 6116 Franklin Park Road, Dranesville District, 31-3((1)) 99, 99A & 100A (R-17), V-150-71

Notices to property owners were in order. The contiguous owners were Dorothy M. Brown 1819 Briar Ridge, Elizabeth Malone, 1821 Briar Ridge Road, and Westhampton Construction Company.

Mr. Sens testified before the Board.

Mr. Sens stated that the request was to move the 20' access frontage on Franklin Park Road to Lot 2, over 20'. The purpose of this is to allow them to have a larger backyard for Lot 1, and to protect the row of trees on the lot line. He owns both the lots in question. Lots 1 and 2 are lots of record. He originally contracted to purchase Lot 1 in December 1969 and in October of 1970, he was given title to both lots and the 20' access strip. The present line is 15' from the house. There is a dwelling on Lot 1A and that is about 50' from the proposed 20' right-of-way. He said they had three small children and since the patio is so close to the outlet road, there was a great danger to them. They are to be no variances required for either houses.

Mr. Smith asked if this 20' access road developed now is the same one that was granted originally. Mr. Sens said it was not.

No.opposition.

Mr. Long moved the Board of Zoning Appeals adopt the following resolution which was read and was seconded by Mr. Barnes, but further discussion ensued which caused the resolution to be changed somewhat.

Mr. Smith read the staff report which said portions of Lot 99, 99A are located in flood plain and has had fill placed in there in violation of 30-3.3.6.1. Mr. Smith asked Mr. Sens if he placed this fill on these lots. Mr. Sens said 99 and 99A is the assessment number given to these two lots, 1 and 2, and he said he placed no fill in the lots since he contracted on it. The fill would have been placed in there prior to his owning it. He said there were building permits on both the houses, but he did not have them with them.

Mr. Smith told Mr. Woodson they should have a copy of the building permits placed in the file, since the question has arisen concerning the fill on flood plain.

Mr. Long said if he had placed fill in there he was in violation to County Ordinance and has to remove it. Mr. Smith said if he received a building permit since it was placed there, he questions whether or not it would have to be removed, and on his decision on it.

Mr. Smith asked Mr. Koneczny if he had inspected the premises and if so could he ascertain when the fill was placed in there. Mr. Koneczny said it had been placed there approximately three years ago prior to 1970. He said it involved public utilities, Chuck Lanham's office, and was brought to his attention three years ago. The owners at that time did attempt to grade it off and put top soil over the fill. He had checked with Chuck Lanham the other day and he still said it was in violation.

Mr. Sens said the building permits were taken out by the Westhampton Construction Company of which he has no interest. He only contracted to purchase these two lots when the mortgage lender threatened to foreclose and he took them over to protect his deposit which the builder had taken from escrow and the houses were partially constructed. There has been no final inspection yet, just a preliminary inspection.

Mr. Smith said he remember the builder had come to the Board back in 1968 for an application for four or five lots back in there and the Board granted two, if he remembered correctly. It was determined that H. F. Young made application.

The other folder was obtained. Mr. Smith said they originally granted this variance to allow this house to be constructed 15' from the road in order to get it out of the flood plain and now he wants to move the road. It now becomes a common access road and not a pipe stem lot.

Mr. Sens said neither house is in the flood plain area.

Mr. Long said he had initial approval on both house locations.

In application No. V-150-71, application by Joseph M. Sens, under Section 30-6.6 of the Zoning Ordinance, to permit division of lots with less frontage at building setback line on property located at 6114 & 6116 Franklin Park Road, also known as tax map 99, 99A & 100A, 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-.aws 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of July, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 42,855 square feet of land.
4. That a substantial number of trees would be destroyed if the present right-of-way is utilized.

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

1. That the applicant has satisfied the Board that the following physcial conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) unusual condition of the location of existing buildings and trees.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. The division is approved for two lots only.

2. Lots 1A and 2A must be brought into conformity with County regulations for filling in flood plains.

3. The new subdivision plat must be recorded within one year.

Seconded by Mr. Barnes. The motion passed 3 to 1. Mr. Kelley abstaining and Mr. Smith voting No.

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MR. & MRS. MICHAEL DeCANDIO, JR., app. under Sec. 30-6.6 of Ord., to permit construction of a 13'x22' garage 5'2" from side, 2505 Childs Lane, Alexandria, Virginia, Mt. Vernon District, Stratford on the Potomac, 102-3((9))30 (R-12.5), V-151-71

Notices were not sent to property owners within the time limit of 10 days before the hearing, therefore, Mr. Kelley moved that this case be deferred until he could get the notices send in order.

Mr. Baker seconded the motion. The motion passed unanimously, therefore, the case was deferred until August 3, 1971.

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CANTERBURY WOODS SWIM CLUB, INC., app. under Sec. 30-7.2.6.1.1 of Ord., to permit construction of Tennis Courts on north area of present parking area,5001 Southhampton Drive, Annandale, Virginia (R-12.5) 70-3((8))5, V-135-71

CANTERBURY WOODS SWIM CLUB, INC., app. under Sec. 30-6.6 of Ord., to permit fence around tennis courts 20' from English Drive, 5001 Southhampton Drive, Annandale, (R-12.5)70-3((8))5, V-157-71 Annandale District

Mr. Frank Perry, attorney for the applicant, testified for them before the Board.

Notices to contiguous property owners were in order. The contiguous owners being Mr. Raymond Boatman and Mr. John Tally, 5011 Cockney Court, Annandale and 5017 Cockney Court, Annandale, respectively.

Canterbury Woods had executed a Hold Harmless Agreement freeing the County from any liability caused by water damage due to parking in the flood plain.

The letter was from William H. Bowman, President of the Canterbury Woods Swim Club. This property is partially in the flood plain. The County wants to alleviate any possible liability in this. There has been an agreement executive between the County of Fairfax and William H. Bowman, President, of Canterbury Woods Swim Club, Inc.

"The undersigned action on behalf of Canterbury Woods Swim Club, Inc., in accordance with a duly enacted resolution of the Corporation, hereby confirms, represents and agrees that the Canterbury Woods Swim Club, Inc. will forever hold harmless the County of Fairfax from any liability actually incurred by said County for damage to

automobiles and/or other property which may occur on the parking lot of the Club caused by water damage occurring from flood plain conditions that exist in and around the area of Long Branch which passes near the subject property. It is further understood and agreed that the Club will provide adequate warning to each and every member and to any persons who might be expected to utilize the parking areas in question of the danger of flooding and that responsibility for automobiles and property of the members and guests lie with those individuals. The Club promises to post the parking lot and swimming pool premises with adequate warning signs and will instruct the pool personnel to warn all persons at the pool or tennis courts should rainfall occur of such a substantial nature which might present the danger of flooding. /s/ William H. Bowman, President, Canterbury Woods Swim Club, Inc.

Mr. Perry stated the pool had been in operation since 1968, and now they would like to construct two tennis courts for the Club's use on a portion, the rear portion, of the parking lot adjacent to the pool area. The location is dictated by the fact that any other location would not only interfere with the flood plain areas, but would result in the removed of a good many trees to the north of the pool and the east of the existing parking area. The plan for the existance of the tennis courts will necessitate the loss of some parking spaces, approximately 43 will be lost and it is for this reason that alternate spaces for parking will have to be provided and this is the area that would be provided in the flood plain area near the rear lot line, 3' from the rear lot line and will give them 53 more spaces, which would be a surplus of 10 over and above those spaces lost.

Mr. Smith said they would not be allowed to park within 3' of a rear property line. They must remain 25' from the rear property line. He said he knew of no occasion when the Board had granted a variance in parking.

Mr. Perry said the area to the rear of the proposed parking area is park land, it is in flood plain and there are no dwellings constructed within 100 to 125 yards of that area. It is all brush and trees in there. This property in the rear is owned by the Park Authority.

Mr. Smith asked if they had notified the Park Authority. Mr. Perry said No, they did not. Mr. Smith said he did not feel the Board could give a variance to the parking unless the owner of the property involved had been properly notified. Mr. Smith said further that this application did not request a parking variance. Mr. Smith asked if it had been advertised. The Clerk stated it had not been advertised because the Zoning Administrator had advised her not to advertise it. Mr. Perry said it was stated on the applications. Mr. Woodson stated he had advised against advertising since he felt the Board could not properly hear and grant a parking variance. Mr. Smith said he agreed because this parking setback is a mandatory requirement. Nevertheless, it was not advertised. The ordinance reads, the "sideline setback of the zone or 25' which ever is greater", Mr. Woodson said. Mr. Smith told Mr. Perry that in view of the unusual situation here if they would get an agreement with the Park Authority, it is very likely that they could get a parking easement of whatever is needed on the other side which would allow them to park on or close to the property line. This would be better than the Board granting a variance, which Mr. Smith said he did not feel the Board had authority to do.

Mr. Long said he didn't want the Board to make a mistake here as to policy. The Board should make a distinction if this has been a policy in the past, or a ruling of the Zoning Administrator, because if the applicant applied for a variance under the hardship clause and it is properly filed, the Board should consider it. Mr. Smith reminded him that it was not properly advertised. Mr. Long said it was not the applicant's fault that it was not advertised. Mr. Woodson said it was properly advertised that the Board does not have the authority to waive the parking.

Mr. Perry said as far as the notices to adjacent property owners were concerned, it was included in the notice to them. He said he realized that it was not properly advertised and he would not address himself to that at this time.

Mr. Smith said they propose to construct a fence 10' in height around the proposed tennis courts and at the closest point, the fence will be 20' from the property line on English Drive. Therefore, they are asking for a variance in height as well as setback.

Mr. Perry said they did not plan to increase the membership.

Col. Bowman was asked if he was familiar with the complaint that was sent to the Board concerning the noise. Col. Bowman said he had discussed it on two occasions with the zoning inspectors. They had moved one of the speakers which was on one of the high points on the building which was giving a resonance which was probably causing the noise to carry across the street. They feel they have cleared the complaint.

Mr. Kelley said the volumn could be controlled could it not. Col. Bowman said they try to keep it at the lowest level. Mr. Smith said he would have to keep the noise inside the property itself or take them down completely. Mr. Koneczny said when he was there it was audible out to the road.
Mr. Long moved that application S-135-71 be deferred for decision only to allow the applicant to work out with the Park Authority some agreement with regard to the Parking facilities. This motion was seconded.

Passed unanimously. Deferred until August 3, 1971, at 3:20 P.M.

// AFTER AGENDA ITEMS

LANGLEY SCHOOL

Request for 260 children. Present Use Permit is for 250 children.

Mr. Long moved that application S-83-71 be amended to change Condition 7 to read as follows, "the condition for the existing use permit shall apply with a maximum of 260 students, Kindergarden through 8th grade."

Mr. Baker seconded the motion. The motion passed unanimously.

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WHITNER, 7607 Mendota Place. Mr. Whitner sent a letter to the Board requesting a rehearing. The Board had granted him a variance to build a 20' garage earlier, but he said he felt this was unfair because he had forgotten to bring out at that meeting that he had a chimney which took up 2 feet. In addition , he had researched the garage matter and submitted reports which showed two cars trying to open their doors in a garage.

There had been no opposition at the previous hearing. He said he owned the property behind his house, therefore, he didn't feel the length of the garage would have been a problem to anyone else except himself.

Mr. Kelley who made the original motion said he had no objection to rehearing this case. Therefore, he made a motion to rehear. Mr. Long seconded the motion. Passed unanimously.

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LAVEZZO. The Board heard Mr. Smith read a letter from Mrs. Lavezzo, who had been denied a permit for a beauty shop in her home. The letter set forth reasons why she felt she should have a new hearing. Her husband is now in the hospital and his doctor said he could not ever return to work. He would need care at home should he ever come home from the hospital. She is unable to work a full eight hours. The people who complainted had personal reasons.

Mr. Long moved that the request for a rehearing be granted and the case be heard on the 21st of September, 1971. Mr. Barnes seconded the motion.

The motion passed unanimously.

Mr. Smith said Mrs. Lavezzo should be notified of the rehearing and told that she was to notify the same people as she notified originally and the property should be reposted.

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ARTHUR COFFEE - V-109-71. A letter was received from the Planning Engineer approving the 8' fence Mr. Coffee wanted. Mr. Long, therefore, moved that Condition No. 3 of the original resolution be amended to conform with the Planning Engineer's recommendations that that the 8' fence begin at the end of the existing entrance wall.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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Mr. Smith read a letter from F. X. Foley, dated June 9, 1971, requesting an extension of a use permit which expired March 17, 1970. The Clerk had written him a letter explaining that when he received a copy of the resolution from the Board on March 17, 1970, it contained a clause which said he must come back before the Board to request an extension before the original use permit expires. Since this use permit had expired it would be necessary to fill out a new application and come back before the Board. The Board confirmed this and the Clerk was requested to write to Mr. Foley advising him of this.

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The Board was in receipt of a Proposed Amendment to Chapter 30 of the Zoning Ordinance.

Mr. Long made a motion that the Chairman prepare a letter to Dr. Hoofnagle and the Planning Commission supporting this proposed amendment, changing to "One" acre.

Mr. Barnes seconded the motion.

Passed unanimously.

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Mr. Barnes moved that the meeting of July 27, 1971 adjourn. The Long seconded the motion.

The meeting adjourned at 5:25 P.M.

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By Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

September 21, 1971
DATE

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A Regular Meeting of the Board of Zoning Appeals was Held on Tuesday, August 3, 1971, at 10:00 A.M., in the Board Room of the Massey Building, Fairfax County Administration Building. All members were present: Mr. Daniel Smith, Chairman; Mr. George Barnes; Mr. Richard Long, Mr. Joseph Baker; and Mr. Loy Kelley.

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

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THOMAS R. EPPERSON, app. under Sec. 30-6.6 of the Ord. to permit addition 13.3 ft. from side property line, 9215 Volunteer Drive, Mount Vernon District, (RE-0.5) 110-4 ((3)) 60, V-120-71

Notices to property owners were in order. Contiguous property owners were W. A. Devor 9213 Volunteer Drive, Alexandria, and Mr. and Mrs. J. A. Thalhimer, 9217 Volunteer Drive, Alexandria, Virginia.

Mr. Epperson said that they wanted to add a two car garage and because of the topographic problems, it is almost impossible to put the garage any place else on the property. In view of these topographic problems, the only logical place they can put the garage is at the end of the present structure. The garage will be 6.7 at the closest point. The lot is narrow and irregular. They have owned the property since 1963 and plans to continue to live there. They plan to build the garage 20', which is the minimum size for a two car garage. They plan to use the same materials to build the garage as is in the present house. The roof line will be continued with the same roofing material.

Mr. Barnes asked him if he was granted a previous variance and Mr. Epperson said that he was over a year ago, but he was not able to carry out his plans at that time. He would be able to now.

In application No. V-120-71, application by Thomas R. Epperson under Section 30-6.6 of the Zoning Ordinance, to permit addition 13.3' from side property line, on property located at 9215 Volunteer Drive, Mount Vernon District, also known as tax map 110-4((3))60, County of Fairfax, Virginia, Mr. Long moved 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 3rd day of August, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE 0.5.
3. That the area of the lot is 23,676 square feet of land.
4. That compliance with all County codes is required.
5. The required side property line setback for a garage is 20'.
6. The request is for a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

(a) exceptional topographic problems of the land,
(b) unusual condition of the location of existing dwelling.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The architectural construction of the proposed addition shall be similar to the existing dwelling.

Mr. Barnes seconded the motion. The motion passed unanimously.

ZBR, INC., T/A CEASAR'S FORUM, app. under Sec. 30-6.6 and Sec. 30-16.8.3 of Ord. to permit location of building sign within a shopping center. Dranesville District, 7403 Colshire Drive, Commons Shopping Center, (C-D) 30-3((1))7C, V-155-71

Mr. David Ralston, attorney and agent for the above applicant, testified before the Board.

Notices to property owners were in order. Mr. Barnes moved that they be accepted. Mr. Baker seconded that motion and the motion passed.

A letter was read by Mr. Smith from Westgate Corporation requesting that they be made a party to the application, since they were the owner of the property. The certificate of Good Standing was in order.

Mr. Baker moved that Westgate Corporation be made a party to the application and be included as co-applicant.

Mr. Barnes seconded the motion. The motion passed unanimously.

Mr. Ralston stated that Ceasar's Forum is a restaurant located in the Commons Shopping Center which is U shaped and they are within the inter part of the U. They do not have a sign as it could not be seen from the front of the shopping center anyway. They have had a sign made, but they have not put it up because the Zoning Administrator denied them the right to put up the sign and accordingly they made this appeal on the basis of a hardship as they have no way and no place to put their sign where it can be seen by the public. Their patrons have had difficulty finding the restaurant many times since they opened two months ago. The size of the sign they have had built is 156.6 square feet.

Mr. Smith asked Mr. Woodson why this sign was not allowed and Mr. Woodson said because it was off site. It would be allowed on the building, he said, but they want it on one of the other buildings.

Mr. Ralston said it was not actually a separate building. The place they want to put the sign is an arcade area which serves as a entrance way. He said the lease provides that Ceasar's Forum has the use of the arcade area. They occupy one building which is 100'x100'. Westgate owns the total shopping center. Drug Fair occupies the building on whose side the sign will be on, but Drug Fair's lease only covers the inside of the building. They do have a sign on the front of the building.

Mr. Baker said as he understood this, the arcade is a part of their building and is covered by their lease.

Mr. Smith asked how can one justify moving the sign to this place if another tenant occupies the building. Mr. Ralston reminded him that this area was under their lease. Mr. Smith then asked Mr. Woodson if it was under their lease why could they not put their sign there by right. He asked to be shown the section where it would have to be approved by the Board of Zoning Appeals, because he said, he feels they could do it without a variance if they have this part of the building under their lease. In other words, if they control this part of the building why can't they put up their sign without a variance.

Mr. Baker asked the applicant if there was another entrance that goes into the arcade other than this entrance. Mr. Ralston said yes, there was.

Mr. Seely, from Westgate, Executive Vice President of Westgate Corporation spoke in favor of the sign and tried to explain their position and the position of Ceasar's Forum. He said that the arcade is the property of the Westgate Corporation. All leases in that area says that all signs have to be approved by Westgate Corporation. Westgate Corporation endorses this sign because of the fact that the restaurant is in back of the arcade and that makes it undesirable and almost useless to attach the sign in the direct proximity of the restaurant. This particular part of the arcade is not leased to anyone directly, but it is a series of open arches against which this sign is to be affixed.

Mr. Smith asked if this is a continued wall from the location of the restaurant up to where they propose to put the sign which is the wall for the Drug Fair. Mr. Seely answered that his first statement was correct, but the second was not. This wall is not under a lease arrangement with the drug store. The Drug Fair lease is based on square footage and the wall is 25' removed from the leased premises of the drug store.

Mr. Smith again repeated that all this lead him to believe that they did not need a variance.

Mr. Long asked if any other building within that area in the inter-U depended upon the arcade, and Mr. Seely answered that there were two other tenants, one is a dry-cleaner and on the opposite corner is a beauty shop and they do not go through that particular entrance way, and they already have a sign on their particular business.

Mr. Smith said this was an unusual situation. If there were fifteen stores in here competing for sign area they would not be able to grant a sign of this sign, but as long as there was no one else that would not be the problem, but again he stressed he felt this was an occasion where the Zoning Administrator could let them put up their sign by right.

Mr. Barnes moved that this be deferred until later in the afternoon, so the Board could go view this area and the particular sign in question.

Mr. Long seconded the motion. The motion passed unanimously.

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T. E. McGOVERN, app. under Sec. 30-6.6 of Ord. to permit erection of building 10' from side property line, Lot 10A, Pohick Industrial Park, Lee District, (I-P) 108 ((1))10, V-153-71

Notices to property owners were in order. The contiguous owners were notified by mail and registered letter, respectively ---- Pohick Joint Venture, Inc. and Carl Ranconi, 615 5th Avenue, Larchmond, New York.

Mr. John W. Dahlgren, Gregory Construction Company, Inc. testified before the Board and represented the applicant.

He stated that this is an industrial park and the requirement states that the side yard setback will be determined by the height of the building and the building they would like to put on this property to get proper use from it at one point is a little too wide and they need the additional 10' closer to the side yard to allow this building to be erected there. The reason for the height of the building is the plan to put the building on a 4' slab, concrete floor and this adds to the height of the building. There is adequate parking and movement of traffic, nor does it affect the fire regulations in any way. The industrial park is designed for this type of building. It will be a proposed warehouse, with four tenants. The height in back is 22' at the highest point, but the way they have been told to interpret this is the height of the average ground level to the eve, plus the average between the eve and the rear and this comes to approximately 20'. He said they had the 20' on the one side. The building is set back in four steps and that is what gives access to the four separate locations. One part of the building will be occupied by the owner who is the Aircraft Propeller Corporation in Alexandria and the other three will be available for lease and it will be designed for general use.

Mr. Smith said his justification would have to be based on something other than the fact that you want to make higher density out of the property. There is nothing indicated here to keep the owner from making full use of the property under the ordinance and your only discussion has been that you want to make full use of the property. Mr. Smith told him that he had indicated no hardship.

Mr. Long said it would appear to him that anyone in the subdivision would have the same problem.

He said he had discussed this with the adjacent property owners.

Mr. Smith said it looked as though the cul-de-sac does cut into the property very slightly. Mr. Dahlgren said that was correct that that requires the setback to be greater and begins to reduce the size of the building.

Mr. Long said in an industrial park all of the lots would be similar in size and shape therefore would have the same conditions as he describes. Mr. Dahlgren said most of the lots are larger.

Mr. Smith told him that the applicant purchased this property knowing the size of the lot and should have checked on the setback requirements.

Mr. Smith said basically if this application were granted every one in that industrial park could come and ask for a variance and then the BZA would be changing the zone. Mr. Dahlgren said from ground level the building was up entirely four feet on a concrete slab. Mr. Long said every warehouse has this problem. They all have elevated platforms or loading docks or pits.

Mr. Smith said that is an unusual condition, but Mr. Long said they all were constructed in that manner. Mr. Smith asked the applicant why could they not dig a 4' trench and Mr. Dahlgren answered that then they would have a drainage problem.

Mr. Long moved that this case be deferred until the first available date for additional information and further consideration.

Mr. Barnes seconded the motion. The motion passed 3 to 2, with Mr. Smith and Mr. Baker voting No. This was then deferred until September 14, 1971.

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NATIONAL MEMORIAL PARK, INC., app. under Sec. 30-7.2.3 of Ord. to permit cemetery for human interment, near intersection of Lee Highway & West Street, Fall Church, Virginia (R-12.5) 50-1((1))30, S-159-71

Notices to property owners were in order. The contiguous owners were Giant Music and L & M Kaufman, Leroy Gaskins, and Leroy Murray. These are actually adjacent as there are no contiguous owners. They are all across the road.

Mr. Hansbarger, attorney, represented the applicant and testified before the Board.

Mr. Smith asked Mr. Hansbarger if there was not already a use permit for this cemetery and Mr. Hansbarger that there was a use permit now, but this is simply an addition to the use.

The Staff Comments indicated that the owners of this property is the Peoples National Bank of Charlottesville T/A National Memorial Park. Mr. Hansbarger said they were while there was a debt on the Park. There was no certification of good standing in the file regarding National Memorial Park. They were to send one in, therefore, the Board voted to hear this.

Mr. Long said he would have to abstain from this hearing as his company drew the plats.

Mr. Hansbarger said this was for an additional use to the original use. This additional use is for a high rise building on the northeast corner to be used for the interment of human bodies, and this building is to be erected to a height of 90'.

Mr. Smith asked where the Board had authority to grant a building 90' high in this residentially zoned area. Mr. Hansbarger said the Board didn't have authority to do anything other than vary setback where a hardship is concerned insofar as height. They are requesting a building and stating that the height is going to be 90'. The height can go to 90' in an R-12.5 zoning classification under the terms of the Zoning Ordinance if you will set back from all street and property lines in addition to the requirements of the particular zone in R-12.5 the front yard setback is 40' or 65' from the adjacent street, the side setback is 12' and the rear setback is 25', now in addition to those you must go 1' in setback for each additional foot in height over 45'. In this case that would be 45x2 in each instance, so that you would have a front yard setback then of 40+90=130' a side yard of 102', that is 90+12, and a rear yard of 90+25=115'. Since this possibly could be construed as a corner lot, then you would apply the front yard setback from both of these streets which would require a setback of 130' from West Street and 130' from Lee Highway. He suggested the Board look at the boundary plat submitted with the application which will show in both instances from West Street is 134' and from Lee Highway is 203', so consequently, it is not a question of granting a variance on that type building or granting a building of that height for the particular use because that use is permitted in any residential zone. A building can go that height in any residential zone, provided it complies with these additional setbacks. In this case they are more than ample, he continued, the Board's only concern here is whether or not a cemetery which this building will be is an appropriate use.

Mr. Smith said he didn't think the Board has authority to grant this because it felt it was not the intent of the ordinance to have a structure 90' in height. Mr. Smith asked if this was in the original application and Mr. Hansbarger said, it is on the plan.

275

Mr. Hansbarger said that if you travel from Lee Highway into Falls Church to Fairfax you would see that this is one of the beauty spots along that highway. He said he was not before the Board to defend the owners and operators. They have maintained it in a beautiful fashion over the years. He said he was advised that this particular use was in the overall plan that existed from the beginning. This is a situation where these people pay taxes in the county. Last year real estate taxes were $27,000 which is a substantial contribution to the county. These people have hired a well known architect to design this building, Mr. Saddler, and Mr. Hansbarger said he doubted very seriously if he would permit himself to be associated with anything that was not particularly appropriate to this area.

Mr. Saddler, Architect, Massachusetts Avenue, Washington, D. C., answered Mr. Smith's question of how many stalls and what type of material was to be used. Mr. Saddler said they were not stalls they were crypts. He said there were approximately 1380 crypts per floor and there will be six floors above ground and two below ground and the total for the entire building is approximately 11,000. Each floor will have a small chapel area for a funeral service. The material to be used on the outside of the building is precast concrete, very plain fine texture, white or off-white. He brought a sample of a typical precast which would be similar to the one planned to be used. He said it was not a great deal of difference between the looks of this building and an apartment building. There will be trees around this mausoleum.

Mr. Hansbarger said looking down Lee Highway, this place looks like the Garden of Eden in comparison. He said just because this particular building of this height had not been built before for this particular use was not reason enough for the Board to deny it.

Mr. Smith said his decision would be based on nothing other than the ordinance itself.

Opposition.

Mr. Jack Shaver, President of Giant Music. He stated he is within 800' bordering the cemetery and they are planning to build a house and live there. He said he felt that the diagram on the picture that was sketched as the building will probably look is out of scale. The trees are no more than 30', he said, and the structure is 90' therefore there will be 60' of the building sticking up in plain view and the idea of mass graves staring out that high is repulsive and depressing. He said he knew land was scarce, but he felt it was not that scarce that we have to be stacked in tiers. He said he felt the park as it is now is a beautiful park but this structure will be a bad thing.

Opposition.

Mr. Gaskins, 2730 Hollywood Road, testified in opposition to the application. He said also that land was not that scarce, in fact he said that the land where they plan to place this building is very elevated, the most elevated part of the Park, therefore he feels this building will be able to be seen from 7 Corners. He said he knew of at least fifteen acres that they could buy adjacent to the Park where they could continue to bury people without having to put up such a high-rise apartment type building.

Mr. Hansbarger in rebuttal said he was not representing to anyone that they were out of land. All he is saying is that what they propose will be architecturally aesthetic and a beautiful addition to the Park. As far as the height is concerned, it has been stated at this meeting so often today, that perhaps that has become the objection of the people, whereas it was not before necessarily, because I talked to them in the hallway. He said he felt that what they proposed is reasonable. He said he was not necessarily talking about the height. The Board of Supervisors could change the height they could do that, but it seemed to him that the use that they propose is a use that has been recognized here whether it is underground or above ground and it meets all the requirement of the ordinance. As far as height is concerned, there is an apartment building in the area that is already just as high.

Mr. Smith said the apartment was constructed by right and not by use permit, now this Board is asked to pass an additional use. He said the Board has to decide whether or not this use is compatible with the residential character of the neighborhood, and the character that the promoters of this park have always maintained, in other words, they were going to keep this in an open status with a residential character. He said it was not the intent of the original use permit to cover this type of thing, no one ever thought about a building with more than 6 to 8 crypts. There is a provision in the last application where there is a prohibition against an above ground mausoleum.

Mr. Hansbarger said he would like to see that provision. Therefore, Mr. Smith read him a portion of the 1968 resolution"...In the application of National Memorial Park, application under section 30-7.2.3.1.1 of the Ordinance to expand existing facilities for operation of

the cemetery, Hollywood Road, Providence District, it was moved that the application be approved with the following conditions, that the applicant meet all setback requirements of the ordinance 25' from all property lines, 40' from Hollywood Road and that there be no mausoleums or above ground structure for burial on the Lewis Tract, and any on the Smith tract shall be at least 200' from all property lines or residential areas." Mr. Smith said they had at that time mausoleums that had, he believed, 6 tiers.

Mr. Hansbarger said the very fact that the Board limited it in one tract and said nothing about it in this tract should have some bearing on this application. Mr. Smith answered that no one ever thought of any thing like they are proposing now.

Mr. Smith said there was another permit that was granted for a building. He asked if this had been constructed. It was a big industrial type building. It for for a warehouse to house all of the items of equipment they needed. Mr. Hansbarger said there was a building there, he assumed it might be the one he was referring to. Mr. Hansbarger said the one that was there looked like an old one. Mr. Smith said they were under citation from the Zoning Administrator and they came in and received a Permit to construct a building. Mr. Koneczy said he would check on it.

Mr. Barnes said that was in September of 1969 and he read a portion of that resolution.

Mr. Kelley moved that this case be deferred until the next available date for decision only, for further studies.

Mr. Baker seconded the motion. The motion passed unanimously.

Therefore this case was deferred until September 21, 1971.

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MULFORD PRIVATE SCHOOL, app. under Sec. 30-7.2.6.1.3 of Ord. to permit operation of private school, hrs. of operation 9 to 12, ages 3-5, 5 days a week, app. 26 children, located 6101 Old Centreville Road, Centreville District, (RE-1) 65((1)) 125A, S-152-71

Notices to property owners were in order. The contiguous owners were Stuart T. Debell, 6321 Old Centreville Road, and H. T. Rose, 6017 Old Centreville Road.

Mrs. Mulford said they had been operating a school in McLean in her home, and now they are buying the property in Centreville and she wants to open up a school there. There are twelve rooms in the house and they plan to use two rooms, a bath and a hallway on the left wing. She said she would be able to make all the changes that were necessary to comply with Health Department and other Department regulations. The hours of operation will be from 9 to 12 Noon, 5 days per week. The transportation will be provided by the parents.

In application No. S-152-71, application by Mulford Private School, under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit operation of private school, on property located at 6101 Old Centreville Road, also known as tax map 65((1))125A, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 3rd day of August, 1971; and

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

1. That the owner of the subject property is BEVERLY M. MULFORD.
2. That the present zoning is RE-1.
3. That the area of the lot is 6.103 acres.
4. That compliance with Article XI (Site Plan Ordinance) is required.

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

277

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

4. Days of operation shall be five days per week.

5. Ages of children is 3 years to 5 years of age, with maximum number of children being 26.

6. Adequate site view at entrance is required.

7. Compliance with all state and county codes is required.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion. The motion passed unanimously.

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YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF ALEX., VA. app. under Sec. 30-7.2.6.1.3 of Ord. to permit day care center 8225 Central Avenue, Mount Vernon District, (R-17) 101-4 ((6)) 15A, S-158-71

Ms. Elizabeth Campagna, 6321 Windgate Street, testified before the Board. Notices to property owners were in order. Contiguous owners were Graham Squires, 1115 St. Stevens Street, and Louis Zucherman, 8120 Venton Street.

Mr. Smith asked for the Certificate of Good Standing from the State Corporation Commission, but Mr. Woodson said he did not realize they were a corporation and had not informed them that this was needed. Mr. Smith asked Ms. Campagna to send one in for the file.

Ms. Campagna stated that the posting and advertising were in error. This is to be a day camp and not a day care center. They would be camping children from two years of age to eighteen years of age. Their office will be a mobil home that was donated to them which is 8'x40'. It is not on the property as yet. There are no buildings on the property.

Mr. Woodson said it could be used as an office, but there can be no caretaker living there.

Ms. Campagna said they had been in touch with the Health Department and the Health Department said they would be in touch. She said at this time there would be no over-night camping, only a day camp type recreation place.

Mr. Baker said to Ms. Campagna, what did she mean by at this time they did not intend it to be other than that. Ms. Campagna answered that in the future when the storm drainage is put in they hoped to have a pavillion type of building. Mr. Baker asked her if she had any idea of how much the storm drainage would cost and she answered that the cost would be prohibitive now.

Mr. Smith said the application did not say anything about a day-care centers, it says 4 hours a day, 5 days a week for play area for ball and woodcrafts, extension of YWCA program. Mr. Smith said it was not the applicant's fault it was incorrectly advertised. She has applied for a day camp operation.

Mr. Smith said the Board would have to decide what section of the ordinance was involved. After some deliberation, it was decided that the proper section for this application to be under would be Section 30-7.2.8.1.4, Recreation Ground.

Ms. Campagna stated that in 1952 this area was dedicated as a recreational center. It contains 2.6 acres of woods at 8325 Central Avenue. The Woodlawn Association founded this as a play area and a meeting place for the community, it was then well equiped with swings, slides, and a barbeque pit and grill. Other civic organizations and agencies were asked to share in the use and the upkeep of the property so at one time the Little League fathers helped develop a fine ballfield in a clearing. The original owners offered it to Fairfax County, hopeful that it might be used for a library. Nothing came of this. The area became overgrown. In 1968, this land was given to the YWCA with the stipulation that some development of the site must be accomplished within five years or the property would revert back to the association. After spending money for surveying, etc. they were told that the drainage would not permit it. To permit the hitching up for a water fountain and a toilet would be a very costly thing. In June of this year a friend called and said he would give an 8x40' mobil to serve as a temporary office and storage space on this property. Another friend offered to bulldoze away the heavy rubble that had been dumped there, and the county Health Department and County Development and Public Works agreed to help fight the poison ivy, conservation teams came out and hauled away two truck loads of junk that had been dumped there. They expect to have a maximum number of 40 to 60 children, notjust one group, but many groups of children, not one group of families, but many groups of families. It will not be a day care program. The program would be for the community. The drainage problem is not a surface drainage problem, it is a foundation problem. The toilets would be connected to the public sewer. The County has already discussed it with the YWCA within the past two weeks.

Mr. Long said he would like her to describe what they are going to do. She said they would like to have permission to have a day camp. Mr. Smith asked what they meant by play area. She said there would be games combined with classes and a quiet time, talking through problems, camp fire arrangements, cook outs and that type of program, handcrafts etc. They plan to employ a girl with a degree in handcrafts. The teacher ratio would be 1 to 10.

Opposition.

Mrs. Strosic, 8323 Central Avenue, testified in opposition to the application. She said they had worked on this piece for twenty years and it has been used as a play ground for their community and she felt there was something the Board should know before they granted this application. SHe said she felt responsible for this as their association had given this land with the idea that a nice building would be built there as a YWCA center. She said she felt the YWCA has shown very poor faith. We (meaning the Mount Vernon Association) were going to furnish the land, and they were going to furnish the building, and they trusted them. At that time they were given to understand that there was cash money on hand plus an area drive that they were going to work on together and this would be to erect a YWCA.

Mr. Smith said they would have to dispense with the differences between the groups and get to the fact involved. The application is for a temporary mobil office and day camp, to provide supervision for the area recreation and then they would eventually build this building that she is speaking of.

She continued, that the YWCA had had ever since 1968 to do something about building a nice building and they have failed to make improvements and the deed states that if they fail to do so within five years from the date therefore the land shall be reverted to the parties of the first part, it successors or assigns. Therefore, within two more years they have to put something up there that is a building. If they put that mobil office on there, it means that the Association won't be able to do anything with it.

Mr. Smith said they were getting into personalities again.

She said this road within 1000', Central Avenue, there is not allowed anything. Nothing can be done on it. No one else in that 1000' corridor can do anything on it.

Mr. Smith said this is a recreation use. She asked then if they could meet the requirement of the deed. Mr. Smith said the Board wasn't concerned with what the deed said, all the Board could do would be to concern themselves with whether or not to permit or deny this particular use that they have applied for.

She said she had not been notified of this and just found out and there were people who objected to this that were on vacation and they would at least like this rescheduled to another date, because there were so many people in that area who objected.

279

Opposition:

Juanita Best, 3183 Woodland Lane, spoke in opposition and said she was a long time resident of Mount Vernon and a long time member of the donor club that donated this property to the YWCA and she said she was very knowledgable of the property and the endeavors of the YWCA in the Mount Vernon area. She said the people in the area had not been properly notified as it was incorrectly advertised and posted. There are many people who are concerned with this who is away.

Ms. Campagna spoke in rebuttal by saying that these were the people they were trying to do this for, therefore, if there is such serious objections then she felt it also should be postponed until she could speak with the Board of Directors of Alexandria and they could get together with these women.

Mr. Long moved that S-158-71 be rescheduled for a public hearing under the proper section of the ordinance, that it be readvertised, reposted, rescheduled, and restudied by the staff and that this be at no expense to the applicant.

Mr. Barnes seconded the motion.

Mr. Smith wanted "rescheduled" changed to "rehearing". It was so changed.

The motion passed 4-1. Mr. Smith voting No. The application S-158-71 was rescheduled for a rehearing for the 21st day of September, 1971, with the request that new plats be submitted or the existing plats be changed, the applicant renotify all the people she notified previously.

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GUS N. & ALICE L. MARTY, app. under Sec. 30-6.6 of Ord. to permit variance in side setback within 2' from property line to permit construction of attached garage. 8405 Cottage Street, Vienna, Virginia, Centreville District, Dunn Loring Woods, 49-1((9)) 47, V-156-71 -- Contiguous owners: Robert E. Meyer, 8402 Berea Dr., Vienna, Va and C. H. Brooks, 8411 Cottage Street, Vienna, Va.
Notices to property owners were in order, but the Board requested that the applicant notify the property owner most affected on Lot 46, directly contiguous with the side of the applicant's property where he proposed to put the garage.

The Board continued to hear the applicant's case. The property Mr. Marty stated is an odd shape and all the property on the east of him starting from 12' from the existing house is under some sort of an easement, flood line easement and a sewer easement line, and also the shape of the property is odd, therefore, this is the only place on the property that is suitable for the garage. This is on the east side of the residence where he wants to put the garage. The house to the left of him where the garage would be is still 50 to 60' away from the property line. The closest point to the property line is 2'7". He plans to build the garage with material to blend with the house. The garage is planned to be 24.9 feet wide. The subdivision is twelve years old.

He said he had not notified the contiguous property owner immediately to his left as the other family was on vacation.

Mr. Kelley said he objected to hearing the case without the owner of lot 46 being notified. Mr. Marty said he went by the instructions and notified five property owners, two of which were contiguous with the property.

No opposition.

Mr. Barnes moved that this case be deferred for decision only until the applicant has notified the property owner of Lot 46 and submit to him a letter telling him what his intention is and have his signature notorized. This will be deferred for decision only and it is not necessary for the applicant to be present.

Mr. Kelley seconded the motion.

Passed unanimously.

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VINCENT G. & SOK HUI CUNNING, app. under Sec. 30-7.2.6.1.5 of Ord. to permit operation of beauty shop in home, 6716 Amlong Avenue, Lee District, Kings Colony Subdivision, (R-17) 92-1((12))10, S-154-71

Mr. Cunning testified before the Board. Notices to property owners were in order. Contiguous owners were Oley Carroll, P.O.Box 1135, Alexandria, Virginia and Pearl Mallory, 6717 Benson Drive, Alexandria, Virginia.

Mr. Cunning plans to build a room by enclosing the carport. He stated that his wife did not drive,that is why she would like to have the shop in their home. They are also expecting a child in the near future and she would like to stay home with the child. He would park his car in the driveway. He would not be home during the hours of operation. She has a current operator's permit and she now is employed at the Belle Haven Beauty Shop. She has had an operator's permit for 3 and 1/2 years. They have lived at that address since June 10, 1970.

No opposition in person. There was a list of opponents who signed a Petition, but they did not state a reason why they did not want the beauty shop.
In application No. S-154-71, application by Vincent G. & Suk Hui Cunning, under Section 30-7.2.6.1.5 of the Zoning Ordinance, to permit operation of beauty shop in home, on property located at 6716 Amlong, also known as tax map 92-1((12))10, County of Fairfax, Virginia, Mr. Long moves 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 3rd day of August, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 15,066 square feet of land.
4. The dwelling is approximately one mile from commercial shop.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. The carport is to be enclosed with similar architectural and construction as the existing dwelling and as approved by the Planning Engineer.

5. This permit is for a three (3) year period and may be extended for a three (3) one year periods by the Zoning Administrator, maximum of six years.

6. The hours of operation are Monday, Thursday and Friday from 9:00 A.M. to 5:00 P.M.

7. There is to be a maximum of two patrons on the premises at any one time.

8. There is not to be any future variances granted on this property because of this use permit.

Mr. Barnes seconded the motion. The motion passed 3 to 2, Kelley and Smith voting No.

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281

JAMES A. SMITH & ASSOCIATES, app. under Sec. 30-6.4 of the Ordinance to permit dwelling to remain 9.9' from side property line. 1562 Mary Ellen Court, McLean West, 30-3((23))32, Dranesville District, V-162-71

Mr. Smith said he was the Civil Engineer on this project. He said this is a new house that was constructed in error by the contractor.

Mr. Daniel Smith asked Mr. James Smith if this is a variance on behalf of the owner and Mr. James Smith answered that it was. J & J Builders and they are a corporation in the State of Virginia.

Mr. Daniel Smith stated that Mr. Smith is not the owner or the proper applicant under our Ordinance for a variance.

Mr. James Smith said he was the authorized agent.

Mr. Long moved that because this is an out-of-turn hearing, he moved that the Board continue with the hearing and ask the application be granted with the stipulation that they furnish the Board with the necessary papers prior to the issuance of the variance.

Mr. Baker Seconded the motion.

The motion carried 3 to 2, Mr. Smith and Mr. Kelley voting No.

Mr. James A. Smith stated that the builder of the house built the house in error. The house in the development plan that they prepared was placed properly on the lot, but the builder flopped the house. In other words, the carport is on the other side, making the house too close to the property line.

Mr. Smith (Daniel) stated that he felt the person responsible for the error should be at the hearing. He said that if the Board was going to hear this case, then the application should be amended.
Mr. Barnes moved to amend the application to change the applicant from James A. Smith & Associates to J & J Builders & Developers and make them the applicant and owner.
Mr. Smith asked that he submit a copy of the building permit for the file.
There was no objection.

There was no one in the Board room who gave any objection to the application.

In application No. V-162-71, application by J & J Builders & Developers, Inc. under Section 30-7.2.6.1.5 of the Zoning Ordinance, to permit dwelling to remain 9.9' from side property line, on property located at 1562 Mary Ellen Court, also known as tax map 30-3 ((23))32, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 3rd day of August, 1971; and

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

1. That the owner of the subject property is J & J Builders & Developers, Inc.
2. That the present zoning is R-12.5.
3. That the area of the lot is 12,000 square feet.
4. This is a request for a minimum variance caused by the dwelling being reversed from left to right as shown on the approved Development Plan.

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

1. That the Board has found that non-compliance was the result of an error in the location of the building.

2. That the granting of this variance will not be detrimental to the use and enjoyment of other property in the immediate vicinity and will not impair the intent and purpose of the Zoning Ordinance.

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Page 283
August 3, 1971

JAMES A. SMITH (continued)
Amended to read
J & J BUILDERS & DEVELOPERS, INC.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations.

1. The Zoning Administrator shall not issue the variance until the applicant has furnished him a letter from the owner joining in the application and the certified Certificate of Incorporation.

Mr. Barnes seconded the motion. The motion carried with 4 voting Yes and 1 abstaining. (Mr. Smith abstained).

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SUN-DAT, INC. & WILLIAM MOORE (deferred from 7/20/71

Mark Fried attorney for the applicant testified before the Board.

They submitted new plats to the Board as they were requested to do July 20, 1971. They also submitted a Certificate of Good Standing from the State Corporation Commission on Mount Vernon Sun-Dat, Incorporated.

The new plats showed the entire installation that is now in operation and theproposed operation. In the new proposed operation all they plan to do is have parking and display area. The engineer designated this area as new car storage and probably some customer parking. They will have an additional 1 and 1/2 acres in addition to what they now have which is about 1 and 1/2 acres.

Mr. Smith said this is just an extension of the use they now have and includes this new land area.

Mr. Fried said Mr. Moore and Mr. Dodson owns the property that the present agency is on.

Mr. Fried said Mr. Moore wanted his name on the application originally because he was afraid Sundat might not work out. Mr. Smith said if the agency were to change they would still have to come back before the Board. They would need a new Use Permit.

Mr. Long moved that Application S-118-71 be amended to list the applicant as Mount Vernon Sundat, Incorporated and William H. Moore.

Mr. Barnes seconded the motion. The motion passed unanimously.

Mr. Long asked what the combined area of the parcel is now and Mr. Fried said it was 2.7 acres.

Mr. Fried said they have not submitted their site plan yet and they are requesting this extension of their use permit subject to site plan approval. He said if they can extend this, they plan to remove the debris that is in the channel and clean up the area.

In application No. S-118-71, application by Mount Vernon Sundat, Incorporated and William H. Moore, under Section 30-7.2.10.5.4 of the Zoning Ordinance, to permit outside storage of new and used autos and trucks on property located at 8862 Richmond Highway, also known as tax map 101-3((1))76, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of July, 1971 and the 3rd day of August, 1971; and

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

1. That the contract purchaser of the subject property is the applicant, Mount Vernon Sundat, Inc.
2. That the present zoning is C-G.

3. That the area of the lot is 2.7 acres of land.
4. That compliance with Article XI, Site Plan Ordinance) is required.
5. That part of the parking lot would be in the flood plain under present conditions.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 in the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. The applicant must comply with Article XI, Site Plan Ordinance for the entire parcel.

5. The applicant must dedicate to 98' from East of U.S. Route 1 for road widening, service drive and sidewalk.

Mr. Barnes seconded the motion. The motion passed unanimously.

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YUN S. LaLIMA (Rehearing) Application No. S-127-71 under Section 30-7.2.6.1.5 of Ord. to permit operation of beauty shop in home, 7300 Fairchild Drive. Lee District (R-10) 92-4((3))(6).

Mr. Jack Pickett,attorney for the applicant, testified before the Board. He stated that Mrs. LaLima appreciated the Board rehearing this case. Mrs. LaLima was not present at the beginning as she had to go to Ft. Belvoir Hospital, but Mr. LaLima was present. Mr. Smith said there had been no opposition at the previous hearing. The Board has already heard this case in great detail.

There was no one present at this hearing in opposition to this application.

Mr. Long said he wanted to get a little more information about the surrounding area.

Mr. Pickett said there is a High Store and a 7-11 one block away. Also a Gino Hamburger place is on Route 1. This area is all apartments except for this one single row of houses where Mrs. LaLima would like her shop. There are about 7 houses in that row and a block long of apartments on both sides across the street. There are no beauty shops across the street. He said he had gone into those apartments and they did not appear to be adaptable for this purpose, because they do not have an entrance to the street.

Mr. Smith said the Board had not modified its position on beauty shops and their proximity to commercial areas, but they tried to base their decision on each individual application based on the merits of the particular case.

Mrs. LaLima has two small children and she is now employed away from the home. Mr. LaLima is forty percent disabled from the service.

Mr. Smith said there was an approval from the Health Department on this. This was what caused the trouble before. Mrs. LaLima had misunderstood the stamp of "Approval" from the Health Department and had gone ahead andpurchased her equipment.

285

In application No. S-127-71, application by Yun S. LaLima, under Section 30-7.2.6.1.5 of the Zoning Ordinance, to permit operation of beauty shop, on property located at 7800 Fairchild Drive, also known as tax map 92-4((3))(6)1, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 3rd day of August, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 12,684 square feet of land.
4. That the nearest beauty shop is 0.3 mile.
5. That the property across the street is apartments with several commercial shops one block away.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. This permit is for a three year period with the Zoning Administrator being empowered to extend the permit for three one year periods for a maximum of six years.

5. The hours of operation are Monday through Saturday, 9:00 A.M. to 7:00 P.M.

6. This permit is for one operator with a maximum of two patrons on the premises at any one time.

Mr. Barnes seconded the motion. The motion carried 4 to 1, Mr. Kelley voting No.

This rehearing and finding results in an approval of the application and reverses a previous decision that was denied.

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SPRINGFIELD CONCRETE CONSTRUCTION, CORPORATION, V-146-71 (Deferred from 7-27-71)

This was deferred for proper notification of property owners, certificate of Good Standing from the State Corporation Commission, building inspection report, copy of the site plan that was submitted to the Site Plan Engineer for waiver, copy of Federal Communications License, and photographs of the area.

The certificate of Good Standing was received. Mr. Thompson also submitted new photographs, copy of his license and there was a letter from the County inspector stating that on Wednesday, July 28, 1971, he inspected the site and it is, in his opinion, structurally sound and meets or exceeds all structural requirements. Therefore, the Board determined that Mr. Thompson had met all the requirements he had been requested to meet. No opposition.

In application No. V-145-71, application by Springfield Concrete Construction Company, Inc., under Section 30-6.6, of the Zoning Ordinance, to permit variance on 150' high radio tower, on property located 10711 Giles Run Road, Lorton, Virginia, also known as tax map 113((3))E2, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 20th day of July, 1971 and 3rd day of August, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is I-G.
3. That the area of the lot is 44,100 square feet of land.
4. That the tower was constructed without a building permit.
5. That the building inspector reports that the tower construction meets or exceeds County requirements.

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

1. That the Board has found that non-compliance was the result of an error in the location of the tower subsequent to the issuance of a building permit; and

2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitation:

1. That an Agreement be entered into between Mr. Thompson, individually, and the Corporation to hold Fairfax County and the Board of Zoning Appeals harmless from any liability and that this Agreement be drawn up by the County Attorney.

Mr. Smith suggested the limitation. Mr. Long disagreed but it had been put into the motion as an amendment by Mr. Baker, Mr. Kelley had seconded Mr. Baker's motion and the motion had passed 4-1 with Mr. Long voting No. When the entire motion was voted on Mr. Kelley seconded the entire motion and it carried 4-1, with Mr. Long voting No, because of the amendment.

Mr. Thompson requested that the County contact Mr. Robert Hirst, his attorney, concerning the Hold Harmless Agreement.

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287

MR & MRS. MICHAEL DeCANDIO, JR., V-151-71 (Deferred from 7-27-71 for proper notification of property owners.

Mr. DeCandio submitted letters which he had submitted to property owners and which they had signed stating that they had been notified of the hearing date and time and purpose and also stating that they had no objection to the application.

Mr. DeCandio restated that he wanted to apply for a variance in order to attach a garage to his residence within 5'2" of the property line. The residence next to him is 31' from the lot line. The garage he plans will be 13' in width x 22'. He said he could not put the garage anyplace else on the lot because of erosion on the side of the house where he proposes to construct the garage. The garage he stated would stop the erosion. To put the garage anyplace else on the lot, he would have to remove ten large trees. He plans to stay in this house.

No opposition.

Mr. Kelley moved that the Board of Zoning Appeals adopt the following resolution:

In application No. V-151-71, application by Mr. & Mrs. Michael DeCandio, Jr., under Section 30-6.6 of the Zoning Ordinance, to permit construction of a 13'x22' garage 5'2" from side, on property located at 2505 Childs Lane, Alexandria, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 3rd day of August, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 10,800 square feet.
4. That this request is for a minimum variance.
5. That compliance with all County codes is required.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

1. exceptionally narrow lot.
2. removal of trees in rear would be necessary.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. All materials used are to be compatible with existing dwelling.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion. The motion passed unanimously.

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CANTERBURY WOODS SWIM CLUB, INC., S-135-71 & V-157-71 (Deferred from 7-27-71 in order to allow them time to work out an agreement with the Park Authority regarding parking.

Mr. Perry, attorney for the applicant, testified before the Board.

Mr. Perry read a letter from James Bell, Director of the Park Authority stating that the parking would have no adverse on them.

Mr. Smith said he then saw no objection if the parking had been worked out.

In application No. S-135-71, application by Canterbury Woods Swim Club, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit construction of tennis courts, on property located at 5001 Southhampton Drive, also known as tax map 70-3((8))5, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of July, 1971 and the 3rd day of August, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 155,231 square feet of land.
4. That compliance with Article XI, Site Plan Ordinance, is required.
5. That the Park Authority has given permission for the parking arrangement as shown on the plats submitted with this application.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. The northerly and westerly sides of the fence surrounding the tennis court is to be interlaced with a screening material as approved by the Planning Engineer.

Mr. Barnes seconded the motion.

The motion passed unanimously.

FALLS CHURCH MONTESSORI SCHOOL -- Request change in hours of operation for their special Use Permit No. S-186-70.

Mr. Smith read a letter from Jacqueline K. Harding, Secretary-Treasurer of the school. In the letter she detailed their plans for having the school all day from 7 in the morning until 6 in the evening to take care of the requests they have had from parents who work and wish to leave their children in the school all day. They still will continue their classes as they did before, but keeping a teacher there to supervise the children before school and after school. They also plan no increase in the number of students.

Mrs. Ida Young from the State Day Care Center Department had told them that she felt they would be able to accomplish this without making any addition to the building.

They are having the lunch catered from the National Lunch Service and have checked with Mr. Bowman from the Health Department on this.

They have just spent $3,000 on recreational equipment Mr. Harding said and he said also that they feel it is unfortunate that some day care centers are only glorified baby sitting services.

Mr. Smith said there would need to be a change in No. 5 of the original resolution to require teacher and an aid for each twenty-five students, therefore, it could read "meet all County and State regulations pertaining to day care centers".

Mr. Harding said they would like to start this extra service on September 13th, therefore they would appreciate a decision.

Mr. Long commented that he felt this was a change in use because of the change in hours and keeping the children all day.

Mr. Barnes said he did not agree that this was needed, that hours was all they were requesting be changed.
Much discussion ensued.
Mr. Smith suggested that since the Board was unable to reach a conclusion they recess the discussion and go on to another subject and come back to this later.

After hearing several other items, the Board brought application S-186-70 back to be continued.

Mr. Kelley moved that in Application No. S-186-70, dated the 27th of October, 1970, that the hours be changed from 8:00 A.M. to 7 A.M. and from 5:00 P.M. to 6 P.M. and to delete No. 4 and insert for No. 4 "That all State and County Codes pertaining to child day care be complied with.

Mr. Barnes seconded the motion. The motion carred 4 to 1, Mr. Long voting No.

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GULF OIL, Application No. S-227-70. Request for name change.

Mr. Lawrence Oster, 2409 Apple Hill Road, engineer from the Atlantic Richfield Company represented the applicant and testified before the Board.

Mr. Oster showed to the Board a copy of the Site Plan that they had filed. He stated that this was a different style station with 3 bays, but the arrangement is the same and the property will be developed the same. The Site Plan was submitted on the 22nd of July.

Mr. Smith said in the past there has always a requirement that a new application be made with the ownership changes for a Special Use Permit.

Mr. Oster submitted notices to nearby property owners, but Mr. Smith said they were mailed on the 28th day of July, and that does not meet the requirement.

Mr. Smith said they would have to agree to the stipulations in the original resolution.

Mr. Smith asked who he purchased the property from. Mr. Oster answered, John L. Hanson, Trustee.

Mr. Smith said they relinquished the right to the Special Use Permit by not beginning operation.

Mr. Barnes said there should be a letter from Gulf Oil Corporation agreeing to the change in name to Atlantic Richfield Company relinquishing their permit as granted on December 15, 1970, as the contract purchaser on said property.

Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

"In application S-227-70, I move the plans be submitted to the County Staff for review and have them report back to indicate any substantial change that might be between the plans submitted by Atlantic and the original plans submitted by Gulf so that the plans conform", (and report back by the 21st of September, 1971)
(portion in parenthesis added by Mr. Smith)

Mr. Barnes said he did not think it was necessary if there are not too many changes.

Mr. Smith told him we also need two more copies of the plan.

Mr. Smith asked Mr. Long wanted to amend the resolution to also add that there be a letter from Gulf Oil Corporation agreeing to the change in name to Atlantic Richfield relinquishing their permit as granted on December 15, 1970, as the contract purchaser on said property and that they, Atlantic Richfield, agree to abide by the original resolution.

This Mr. Long said he would add to his original resolution.

Seconded by Mr. Barnes.

The resolution passed unanimously.

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ZBR T/A
CEASAR'S FORUM -- Recessed earlier in the meeting until the Board could view the premises which the Board did do during lunch period.

Mr. Long moved that V-155-71 be deferred to the County Staff for a report on the conformity of this sign with the sign ordinance and also report back on the necessity of sign variances for the remaining buildings at this site.

Mr. Smith said he felt the Board should resolve this instead of referring it back to staff. Mr. Smith asked Mr. Woodson if he would briefly explain the sign ordinance relating to this particular sign.

Mr. Woodson said that there is no problem in the size of the sign, the question is the location.

Mr. Smith asked Mr. Woodson, again, if he did not feel he had the authority under the existing sign ordinance, since this is not a front sign-this canopy being an extension of the existing building where this use takes place, to grant them permission to install the sign at that location instead of right in front of their business. In other words, there are no other businesses between this business and that corner. If there were, Mr. Smith said, he would say he could not do it. That is not the case.

Mr. Woodson said he still felt the sign would not be on their building.

Mr. Smith said to Mr. Woodson that if he heard correctly, Mr. Woodson's thought is that to meet the sign ordinance he could not put the sign on the court itself.

Mr. Kenenzcy stated that the sign could not be put directly in front of the entrance of the restaurant because of two windows above the restaurant that is in offices upstairs.

Mr. Smith said then that if the Board was going to hear it, then they would have to consider every business in there and Westgate would have to bring all the other business in and offer a size sign for them. In other words, the Board would have to consider a sign for each business in there at the same time.

Mr. Long said that is why he wants to send it back to the Staff.

Mr. Smith said in other words, if it was going to be done by variance, it can't be done based on just one sign. "In other words, Mr. Woodson you say that they are entitled to this size sign, but if they don't place it where you say place it and they have to have a variance, the Board has to consider each and every business back there and all of them would have to have a sign area out front, and if they couldn't place it back there on their building back in the arcade, then where could they put it."

Mr. Long said in the back where the entrance to the restaurant is, it is not in view from the front.

The original motion of Mr. Long was reread and a date added, September 28th, 1971, for the date of deferral.

The motion was seconded by Mr. Barnes. Passed unanimously.

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Mr. Kenenzcy asked the Board if they would like a study from the Health Department on whether or not outdoor johns could be used, since the question had been raised several times in the past few months. The Board said they would.

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Mr. Kenenzcy also stated that in the past in the Board's resolutions, they read "as per plat" and it has happened that there were two different plats in the file and the Staff did not know which one was approved. Mr. Smith asked if he was now having trouble with any particular case. Mr. Kenenzcy said Yes. Mr. Smith then said if there is any question about what the Board did to request the Zoning Administrator to hold up all permits and approvals until such time as the Board can make the determination as to which plat they have approved.

The case in reference is Mr. Worthington's application on the oil tanks.

Mr. Baker moved that all permits on the Worthington application on the oil tanks be held up until such time as the Board will have an opportunity to review it.

Mr. Long seconded the motion. The motion passed unanimously.

Mr. Smith said they should review this file the first meeting if possible.

One of the members stated that Mr. Worthington is going ahead without a variance. Mr. Smith said a lady called him the day before complaining that the County, Mr. Barry had told the lady who called and complained about the operation that this was what the Board of Zoning Appeals had told them to do. If they are doing it by right, this should be stated.

Mr. Kenenzcy said he thought there was some confusion, because the Staff did not know which plat to go by. Mr. Kenenzcy said he believed the tanks were going underground. If so, they only have to meet the Fire Marshall's requirement.

Mr. Smith said that was not correct, the question on these receiving tanks for oil is that they meet a certain setback. This is a change in use. They were going underground before.

Mr. Long amended the motion to read, "If he is building the construction by right, it will not be necessary for the Board to review it". In other words, unless it is being done without benefit of any variances or directions set forth in the resolution by the Board of Zoning Appeals.

Mr. Baker accepted this amended resolution. Passed unanimously. Mr. Smith asked Mr. Woodson to convey to Mr. Barry to tell the lady that if it is being done by right it is being done by permission of the Board of Supervisors and to stop putting the monkey on our back.

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Meeting adjourned at 8:00 P.M.

By Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

DATE September 21, 1971

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293

A Regular Meeting of the Board of Zoning Appeals was Held On Tuesday, September 14, 1971, at 10:00 A.M. in the Board Room of the Massey Building, Fairfax County Administration Building. All members were present: Daniel Smith, Chairman; Mr. George Barnes; Mr. Richard Long; Mr. Joseph Baker; and Mr. Loy Kelley.

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

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ATLANTIC RICHFIELD & JOHN L. HANSON, TRUSTEE, app. under Sec. 30-7.2.10.2.1 of Ord. to permit service station, located at Route 7, 10510 Leesburg Pike (C-N) 12-4((1)) 55&56, Dranesville District, S-171-71

John L. Hanson, Jr., 7722 Springhouse Road, represented the applicant and testified before the Board.

Notices to property owners were in order. The two contiguous owners being Humble Oil Post Office Box 1288, Baltimore, Maryland 21203 and Mr. James M. Lyons, Post Office Box 488, Vienna, Virginia 22180.

Mr. Hanson stated that there was an existing use permit on this parcel of land now that had been granted to Gulf Oil Corporation on December 15, 1970, and this application is for a change of ownership. They plan to make no change to any great extent. It will be a three bay gas station with canopies over the islands.

Mr. Hanson showed pictures of what the station would look like to the Board members.

Dr. John Dockery, Chairman of the Reston Community Association's Planning and Zoning Committee, testified before the Board in opposition to the application. He stated that he represented the views of the Reston Community Association Board, which represents 1600 families in Reston. He said Reston had grown at the rate of six to seven thousand members per year. There were already two stations there. This I-L and C-N zone has been there for nine or ten years. Nothing is built on the site now and they are opposed to the application. He stated six reasons which he gave and he also gave each Board member a copy of his statement. The six points in general were:
1. The extreme danger of the Route 7/Route 606 intersection (he enclosed two articles concerning the accidents which had happened.
2. Reston has a very strong vested interest in the development of this area because Route 7 is the major lifeline serving the more than 15,000 residents of Reston as well as thousands of their neighbors.
3. There is no vested right associated with C-N zoning which automatically assures a landowner the privilege of locating a gas station.
4. Reston Community Assoc. is very concerned that permitting the small enclaves of commercial zoning now in existence along Route 7, due to a historical abberration, and the continuation to expand and intensify in a cancer-like fashion will result in a repeat along Route 7 of the strip commercial sprawl.
5. Looking to the future, the Upper Potomac Plan makes no provision for a commercial enclave at this point along Route 7. In that respect, they hope the study of the Route 7 corridor now being undertaken by the Council of Governments would offer some constructive guidance to Fairfax County policy makers.
6. They feel the VDH must initiate detailed traffic engineering analysis and design study for correcting the chaotic traffic pattern of that intersection.

For these reasons, Dr. Dockery strongly urged the Board of Zoning Appeals to deny the application.

Mr. Smith reminded Dr. Dockery that this is a zoning category that does permit this use with a Special Use Permit and the Board had granted in the past a change of name without the necessity of a new application, but in this case they had requested a new application in order that the Board could set all the standards they wished to pertaining to this particular application. He said that Gulf's permit had not expired and they still could exercise their right to build a station there if they so desired.

Dr. Dockery said they realized that, but if this transfer was denied, then Atlantic would not be building there until such time as the planning staff could review this as a unit in relation to other commercial establishments that existed in that area.

Mr. Herbert S. Miller, 1654 WayneRod Drive, spoke in opposition to the application. He stated that in looking at Route 1, it should give some depth of feeling of the kind of strip zoning the County has been cursed with. He said he had had occasion recently to knock on more doors in the Centreville District than anyone had done in years and he could say there is a great deal of citizen opposition to this kind of use and to this kind of construction on a beautiful corridor. Mr. Miller said that the adoption of the Route 1 concept which will ultimately be applied to Route 7 in an attempt to save that corridor, is a clear indication that there is a policy trend against the stripping of these major roads and a denial of this proposed use would give time to take a good look at whether or not they want to apply these concepts.

Mr. Hanson in rebuttal said he had heard no objection to their specific use, but just a commercial use in general. This will be a small business and they did plan to have a service road.

Mr. Smith asked if this transfer took place, how long would it take the new applicants to begin construction. Mr. Price, also representing Atlantic, stated that they expected to begin construction this fall after settlement.

Mr. Smith asked if this was a more intensive use than that of Gulf, or that Gulf had anticipated? Mr. Price said No, it was not.

Mr. Price said it was to be a colonial design such as the picture or sketch which was shown to the Board previously.

Mr. Long commented on the Planning Engineer's staff report proposing that the westerly entrance to Route 7 be closed, in that the service drive will be open to the west to Downey Drive. Mr. Hanson said they had not been contacted by the Staff concerning this, but that they would be glad to give it consideration.

Mr. Long said that if the transfer is made, that the Board would have to eliminate the entrance as per the request of the Staff.

Mr. Smith said he concurred in this.

Mr. Price said they would accept that.

In application No. S-171-71, application by Atlantic Richfield & John L. Hanson, Trustee, under Sec. 30-7.2.10.2.1 of the Zoning Ordinance, to permit service station, on property located at Route 7, 10510 Leesburg Pike, also known as tax map 12-4((1))55 & 56, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of September, 1971; and

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

1. That the owner of the subject property is John L. Hanson, Trustee.
2. That the present zoning is C-N.
3. That the area of the lot is 34,680 square feet.
4. That compliance with Site Plan Ordinance (Article XI) is required.
5. That compliance with all County and State Codes is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C or I Districts as contained in Section 30-7.1.2 in the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

4. There shall not be any display, selling,storing, rental, or leasing of automobiles, trucks, trailers, or recreational equipment on said property.

5. All signs shall conform to the Fairfax County Sign Ordinance.

6. The westerly entrance to Route 7 shall be eliminated in accordance with the Staff report.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion.

Mr. Smith commented that this is a new use permit and not an extension of Gulf's Use Permit. Mr. Barnes agreed that it must be a new permit and must be granted from this date.

The motion passed 5-0.

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C & P TELEPHONE COMPANY, app. under Sec. 30-7.2.2.1.4 of Ord. for construction, operation and maintenance of two story addition to existing dial center, 2806 Popkins Lane, Mount Vernon District, (R-12.5) 93-1((1))7, S-133-71 (Deferred from 7/20/71)

Randolph W. Church, Esquire, attorney for the applicant, testified before the Board.

He had notified nine property owners, all of whom were contiguous to the applicant's property. Three of the contiguous owners were Mr. Robert E. Reams, Mr. John J. Pasce, and Mr. S. L. Lennan.

Mr. Church testified that there has been a dial center on this site since 1952. This request is for an addition to the existing dial center to handle the growth of the area. The proposal is to add 20' to the back of the building in order to accomodate the additional equipment.

Mr. W. R. Hall, Engineer for the C & P Telephone Company of Virginia, testified before the Board concerning this addition to the Groveton Communications Center located at 2806 Popkins Lane, Fairfax County. Their property fronts 344' along Popkins Lane(north side) and is approximately 5.6 acres in size. It is "L" shaped and has a maximum depth of 666'. The construction of the addition is to provide space for additional equipment which is necessary to provide good service to the community. The existing structure has a basement and two floors, as will the proposed addition which will be approximately 32' in height. The total depth of the building with the addition will only be 82.5'. There are twelve permanent employees now assigned to this office and will increase to 15 upon the installation of the additional equipment, but the peak occupancy of the building after the proposed addition is completed is 10. There are adequate off the street parking spaces provided for the employess. There will be no traffic hazards created. No noise no smoke, no odor, or air pollution, no vibrations and no radio activity and will discharge no liquid waste other than those handled by the sanitary sewer system, no interferance with electronic equipment will be created by this installation.

Mr. Long asked where the parking would be, if it would be in the rear or the side. Mr. Hall answered that it would be to the side, but the side is directly behind the building.

Mr. Smith asked the total size of the proposed addition. Mr. Hall indicated it thought it was 20'x82 and 1/2'.

Mr. Church continued his testimony before the Board by stating that they had sent out a lot of notices and there have been no complaints. The original building has been at this location for twenty years.

Mr. Smith, Chairman, noted that the Planning Commission recommended approval of this application.

In application No. S-133-71, application by C & P Telephone Company, under Section 30-7.2.2.1.4 of the Zoning Ordinance, to permit construction, operation and maintenance of two story addition to existing dial center, on property located at 2806 Popkins Lane, Mount Vernon District, also known as tax map 93-1((1))7, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of September, 1971; and

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

1. That the owner of the subject property is C & P Telephone Company of Virginia.
2. That the present zoning is R-12.5
3. That the area of the lot is 5.6816 acres.
4. Site Plan will be required and all requirements of the Site Plan Ordinance shall be adhered to.
5. The Planning Commission recommended approval of this application at its regular meeting July 15, 1971.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. The addition shall be constructed of similar brick as the existing building.

5. The present landscapping type and arrangement shall be continued and as approved by the Planning Engineer.

Mr. Barnes seconded the motion. The motion passed unanimously.

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CARDINAL DEVELOPMENT CORP., app. under Sec. 30-6.6 of Ord. to permit pool to remain 14.1' from side property line, (R-17) 58-2((18)) Lot 26, Mantua Woods, 3330 Mantua Drive, Providence District, V-160-71

Mr. Bernard Fagelson testified before the Board on behalf of the applicant.

The property owners notices were in order. The two contiguous property owners were (Lot 25) Mr. Smith, 3332 Mantua Drive; and Mr. Edward J. Trusela, 3324 Mantua Drive, (Lot 27)

Mr. Fagelson explained that he represented Cardinal Development Corporation and had been authorized by Mr. Miller, the attorney for the present owners of the property to associate himself with him in representing the owners of the property. The ownership of the property has changed since the original application was in the name of Cardinal Development Corporation. The present owners are Dr. and Mrs. Richard M. Goldman.

Mr. Smith asked if they could be made a party to the application. Mr. Fagelson answered that they would like that. The Board had no objections, therefore, Dr. and Mrs. Richard M. Goldman were included as parties to the application.

Mr. Fagelson said he did not realize the title had changed hands. They planned to file the application under the "mistake clause" and not a hardship. Mr. Smith said there was a clause under Sec. 30-6.6 for mistakes.

Mr. Fagelson said most of the settlements for Cardinal Development Corp. was handled by his office, this was handled by another firm, therefore, that is why he did not realize title had changed hands. The new purchasers did not even known there had been a violation until she saw the sign in her yard and called him.

The amount of a variance needed is .9' on one corner. The engineer probably did not realize he was putting it in violation as he might have considered this a patio, but this is a structure, therefore, it is in violation.

Mr. Fagelson said Mr. Ghent asked him if he should be present, but as he had pressing business on this date, Mr. Fagelson said he told him he hoped it would not be necessary. That is why Mr. Ghent, the Engineer, was not present.

Mr. Fagelson said this mistake was not discovered until after settlement had been completed.

No opposition.

In application No. V-160-71, application by Cardinal Development Corporation and Mr. & Mrs. Richard M. Goldman, under Section 30-6.6 of the Zoning Ordinance, to permit pool to remain 14.1' from side property line, on property located at Lot 26, Mantua Woods, 3330 Mantua Drive, also known as tax map 58-2((18))26, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of September, 1971; and

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

1. That the owners of the subject property are Richard M. Goldman & Mrs. Goldman.
2. That the present zoning is R-17.
3. That the area of the lot is 15,111 square feet.

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

1. That the Board has found that non-compliance was the result of an error in the location of the structure subsequent to the issuance of a building permit; and

2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed unanimously.

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WESTMINSTER SCHOOL, INC., app. under Sec. 30-7.2.6.1.3 of Ord. to permit nursery school and kindergarten, 8:30-12N, 52 students (formerly Friendship School), (R-12.5), 3527 Gallows Road, Annandale District, 60-1((1))25, S-185-71

Mr. Thomas Cawley, attorney from the firm of McCandlish, Lillard & Marsh, 4069 Chain Bridge Road, Fairfax, Virginia, represented the applicant and testified before the Board.

Notices to property owners were in order. The two contiguous owners being James Webber, 3442 Joan Court, Falls Church, Virginia 22042 and Mr. and Mrs. Marshall Geyman, 3446 Joan Court, Falls Church, Virginia 22042.

The applicant is the lessee of the Friendship Methodist Church and the present Zoning is R-12.5. Their present lease runs through this school year, from September, 71 until May 72, with a clause for renewal. Westminster School not only is beginning their own school in the Church, but taking over the former Friendship Nursery School that the church had previously been operating for ten years. The maximum would be 52 students. The grounds are already fenced and there is adequate parking. The total area of the church property is 2.8 acres. Mr. Cawley submitted to the Board a letter from one of the contiguous property owners, Dr. and Mrs. Marshall Heyman who indicated that they had no objection to the granting of the Special Use Permit.

Mr. Long asked how the transportation would be provided and Mr. Cawley said he believed it would be by carpool, but they would have to wait a few minutes until the Director of the School arrived.

Therefore the Board recessed for a few minutes and took up other items until she arrived.

Mrs. Jane Gall, Director of the Westminister School,arrived and testified that the age group would be the age of 4 by October 1st and extend to the age of 5 with the birthday December 31.

The Board asked Mrs. Gall if this school would be in addition to the Westminister School on Annandale Road, and she said that it would be. She also confirmed that the total number of students would be 52 and that the Friendship School was no longer in operation. Mrs. Gall said for the most part the children would come to the school from the surrounding area and would walk or their parents would bring them, but they do have a shuttle bus from their main school at 3819 Gallows Road which is only a few blocks away and some of the older children who go to that school have brothers and sisters who are bussed over to this school. These busses meet County and State regulations.

No opposition.

The Board reminded Mrs. Gall that each year she would have to submit to the Zoning Administrator in memorandum form or a copy of the lease stating that they do continue to have permission to do business in that church.

Mrs. Gall said that she would be glad to do that.

In application No. S-185-71, application by Westminister School, Inc., under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit nursery school and kindergarten, Annandale District, on property located at 3527 Gallows Road, also known as tax map 60-1((1))25, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of September, 1971; and

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

1. That the owner of the subject property is Friendship Methodist Church and the applicant is the Lessee.
2. That the present zoning is R-12.5
3. That the area of the lot is 2.8385 acres of land.
4. That compliance with Article XI, Site Plan Ordinance, is required.
5. There is an existing permit for a school on these premises now which will be merged with this permit.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. This permit is issued for a three year period with the Zoning Administrator being empowered to extend the permit for additional one year periods for a total of six years.

5. The hours of operation shall be from 8:30 A.M. to 12:00 Noon, 5 days per week.

6. There shall be a maximum of fifty-two students, ages 1 through 7.

7. A recreational area shall be enclosed with a chain link fence in conformity with State and County Codes.

8. All buses used for the transporting of students shall conform to the Fairfax County School Board requirements for color and lighting.

9. Westminister is to furnish the Zoning Administrator each year with a copy of the new lease or a memorandum to the effect that they have permission to use the Church for the coming school year.

Mr. Barnes seconded the motion.

The motion passed unanimously.

The Board took up several After Agenda Items at this time as they were ahead of schedule.

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Mr. Smith read a letter from the Health Department regarding their ruling on Outdoor Toilets. The letters basically said that they only approve outdoor toilets on a short temporary basis.

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Mr. Smith then read a letter from THE YEONAS COMPANY requesting an out-of-turn hearing under the "honest mistake" clause not a hardship. They have built-and-completed a house on Lot 240-A, Section #2, Oak Hill Subdivision that is in violation of the side-yard setback requirement. The letter was actually from Dewberry, Nealon & Davis and was for the Yeonas Company.

Mr. Long moved that the Yeonas Company be placed on the 28th of September, 1971 schedule as the earliest possible date that could be advertised.

Mr. Baker seconded the motion.

Mr. Smith wanted the provision added that they would be heard providing they would meet the requirements and procedures called for in the Ordinance.

This provision was accepted and the motion passed unanimously.

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EARL McGEE, S-94-71. Mr. McGee wrote a letter to the Board withdrawing his application and request for an additional use on his car lot sales yard. He wanted to sell boats. In his letter of August 26, 1971, in the request for withdrawal he stated that "the only boat selling now would be if we should trade in a used boat on one of their cars."

Mr. Barnes moved this his case be withdrawn without prejudice.

Mr. Long said his sales should not include boats. He stated that if they granted his request that he not be given permission to sell used boats on the premises at all. Mr. Barnes added that to his motion.

Mr. Baker seconded the motion.

The motion passed unanimously.

The Clerk was instructed to notify the applicant of the decision.

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CITY ENGINEERING & DEVELOPMENT CO., INC., S-5-70

Mr. Smith read a letter from PHILLIPS, KENDRICK, GEARHEART & AYLOR attorneys for the applicant requesting another extension of 180 days due to circumstances beyond their control. This permit originally expired on March 10, 1971, but was extended for period of 180 days. Their permit was held up by the Board of Supervisors and the matter is presently in litigation. The Circuit Court of Fairfax County has held that Citgo is entitled to the issuance of a building permit, but this matter has been appealed to the Court of Appeals and will not be decided for sometime.

Mr. Baker moved that due to the unusual circumstances the Board should grant this request for an additional 180 days.

Mr. Kelley seconded the motion, as he said it was no fault of their own they could not begin construction.

Their permit would now expire on the 10th day of March, 1972.

The motion passed unanimously. The Clerk was instructed to advise the applicants.

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Page 301
September 14, 1971

SPRINGFIELD GOLF & COUNTRY CLUB, INC., app. under Sec. 30-6.6 of Ord. to permit erection of 6' chain link fence 443.60' in length along club property, adjacent to Rolling Road, 8301 Old Keene Mill Road, Springfield, Virginia, Springfield District, (R-12.5) 89-1((1))9; V-161-71

Mr. W. Dean Wagner, attorney for the applicant, testified before the Board. Mr. Wagner introduced Mr. Wellington Gillis, charter member of the club when it was formed, who had been designated by the President of the club to speak. In addition, Mr. Hudson, General Manager paid employee, was also present to speak, if the Board needed him to answer any questions.

Notices to property owners were in order. The two contiguous owners were A. D. Hall, 3541 South Carlyn Spring Road and Dan Service Texaco Station.

Mr. Wagner said there was also present a representative from the Rygate Citizens Association that adjoins the property.

Mr. Wagner stated that the present regulations for fences limits the height to 4'. The area they would like to enclose extends to 443' along Rollin Road. The fence is for a security measure as they have had a lot of vandalism in the past and a lot of children cut across the golf course from Rollin Road to Keene Mill Road.

Mr. Smith said there was a fencing ordinance that is now being processed, but will take a little while he believed. It would include from one acre up and would include this type of thing. He asked Mr. Woodson if that was correct and Mr. Woodson answered "Yes." .

A representative of the Rygate Townhouse Citizen Association spoke in favor of the fence.

No opposition.

Mr. Smith said he felt they should keep at least one foot within the property line in order for room to be left to plant shrubbery in the future.

In application No. V-161-71, application by Springfield Golf & Country Club, Inc., under Section 30.6.6 of the Zoning Ordinance, to permit erection of 6' chain link fence 443.60' in length, along club property, on property located at 8301 Old Keene Mill Road, Springfield, also known as tax map 89-1((1))9, County of Fairfax, Virginia Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of September, 1971; and

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

1. That the owner of the subject property is Springfield Golf & Country Club, Inc.
2. That the present zoning is R-12.5
3. That the area of the lot is 157.637 acres.
4. That compliance with County and State Codes is required.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has satisfied the Board that the following conditions exist which under a strict interpretation of the Zoning Ordinance would result in unnecessary hardship that would deprive the user of the reasonable use of the land involved:
(a) Unusual condition of the location of existing buildings and facilities and security reasons.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

Mr. Baker seconded the motion. The motion passed unanimously.

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COMMUNITY PRESCHOOL, app. under Sec. 30-7.2.6.1.3 of Ord. to permit preschool 9:00 - 3:30, 5 days per week, 20 children at any time, Cameron Avenue (across from Lake Anne Center) (RE-2) 17-2; 11-2((1))33A, Centreville District, S-184-71

Ms. Babette Bloomgarden, Director of the School, testified before the Board.

Notices to property owners were in order. The two contiguous owners being M. S. Crippen, Jr., 11000 Baron Cameron Avenue, Reston, Va. and Lottie Cricher, 115 Monroe Street, Herndon, Virginia.

Mr. Smith asked if this was the building that was moved from Route 7. Ms. Bloomgarden said that it was.

Mr. Barnes stated that he was glad they were able to save the old building because of its historical value.

Ms. Bloomgarden said the building itself was owned by the Reston Homeowners Association and they are renting it. Mr. Smith read from a the letter from the Reston Homeowners Association to Mrs. Lay, the former Director of the School, spelling out the rental agreement.

She stated that the Community Preschool planned to have 57 children, but only 20 children will be in at any one time as they will have split sessions. Their hours will be from 9:00 A.M. to 3:30 P.M. There is plenty of parking surrounding this building.

Mr. Barnes asked if the building was also used for a church and a community center and Ms. Bloomgarden answered that it was. The church uses the upstairs and they use the downstairs.

She stated the children will be transported by mothers and carpools.

After much discussion as to whether or not they were connected to public sewer and water Mr. Barnes found on the plat where it stated and showed that they were connected to public sewer and water.

Mr. Long asked what the ages of the children would be and she answered that they would be from 3 1/2 to 5 years of age. They are serving 50 families with a waiting list. Ms. Bloomgarden stated that there was a shortage of nursery schools in the Reston area as Gulf Reston has an agreement with one school and it says that they will not lease to anyone else, thereby causing Reston to be terribly lacking in this type of school.

No opposition.

In application No. S-184-71, application by Community Preschool under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit a preschool center, on property located at Cameron Avenue, Centreville District, also known as tax map 17-2; 11-2((1))33A, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of September, 1971; and

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

1. That the owner of the subject property is Reston Homeowner's Association.
2. That the present zoning is RE-2.
3. That compliance with Article XI, Site Plan Ordinance, is required.

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

1. That the applicant has presented testimony indicating compliance with (Standards for Special Use Permit Uses in R District) as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

4. This permit is issued for a three year period with the Zoning Administrator being empowered to extend the permit for three additional one year periods, for a total of six years.

5. Operation shall be five days per week from 9:00 A.M. to 3:30 P.M.

6. The maximum number of children shall be two separate classes of twenty students at any one time, 3 1/2 to 5 years of age.

7. All transporting of students shall be by their parents or parent car pool.

8. All Fairfax County Health requirements shall be complied with.

9. A recreational area shall be enclosed with a fence in conformity with County and State requirements.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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JOHN W. ATHERTON, app. under Sec. 30-6.6 of Ord. to permit erection of garage and workshop 10' from side property line, 4409 Banff Street, Burke, Virginia, Ardfour 70-1((4))12, Annandale District, (RE-1), V-164-71

Mr. Atherton testified before the Board. Notices to property owners were in order. The two contiguous owners were Kermit R. Pope, 4413 Banff Street, and Mr. Edward T. Briner, 8600 Ardfour Lane.

Mr. Atherton said the requirement in his zone is 20' side, but he is requesting a variance of 10' in order to make the addition to the property. The zoning there is RE-1, even though he is on one-half acre lot. The minimum lot size in his subdivision of Ardfour is one-half acre. Immediately contiguous with his lot is Cluster Zoning. He said he is the original owner of his property and there is a drainage easement on the right of him and on the left side is a well. There is also a septic field on the lot which consists of five fields, but he is on public water, but still uses his well to water his lawn, etc.

He said he plans to continue the present roof line. There is a carport there now. The garage will be 23.6'w.& 28'long. The addition will have an "A" roof.

Mr. Smith asked him if this was for his use and not for resale purposes and Mr. Atherton answered that it was for his own family's use.

Mr. Long asked him if it was going to built of the same material and Mr. Atherton answered that it was going to be built of the same kind of brick.

Mr. Atherton said his contiguous neighbor's house, Mr. Pope, is 72' from his lot line and Mr. Pope can't build there because of the septic field. There is a letter in the file from Mr. Pope stating that he has no objection to this addition.

No opposition.

In application No. V-164-71, application by John W. Atherton, under Section 30-6.6 of the Zoning Ordinance, to permit erection of a garage and work shop 10' from side property line, on property located at 4409 Banff Street, Burke, Virginia, Ardfour Subdivision, also known as tax map 70-1((4))12, County of Fairfax, Virginia, Mr. Kelley moved 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of September, 1971; and

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

1. That the ownersof the subject propertyare John W. and Mary E. Atherton.
2. That the present zoning is RE-1
3. That the area of the lot is 23,858 square feet.
4. That compliance with County Codes is required.
5. That this request is for a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

(a) exceptional topographic problems of the land.
(b) unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. Materials to be used shall be of the same type and decor as existing dwelling and shall have an "A" roof.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed unanimously.

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FAIRFAX FARMS CITIZENS ASSOC., app. under Sec. 30-6.5 of Ord. for appeal from decision of Zoning Administrator's issuance of Building Permit No. P73800, for parsonage for Chinese Christian Mission, Inc., 3621 Highland Place, Fairfax Farms, 46-4((2))38, Centreville District, (RE-1), V-174-71

Mr. Robert W. Johnson, President of the Fairfax Farms Citizens Association, testified before the Board.

Notices to property owners were in order. The two contiguous owners were Palmer G. Tinstall, 3619 Highland Place and Mr. Edward X. Miller, 11715 Lee-Jackson Memorial Highway, Fairfax, Virginia.

Mr. Johnson testified to the Board that the concern of the community was prompted by the size of the proposed parsonage and the use that might be made of such a design, for example the proposed building is to be approximately 102'x69' overall on two levels. It is to include, among other things, three kitchens, five full and eight half baths, and septic facilities to accomodate 18 persons. He said his concern was further heightened by statements by workers at the site and from the Treasurer of the Mission that the building is indeed to be the National Headquarters for the organization. The size and design would seem to bear this out. Such a use, his association feels, would be in violation of the Zoning Ordinance and would ultimately create a nuisance to the residents of Fairfax Farms. Such a use would clearly not constitute a parsonage private residence and in this regard he said they question the validity of the claim to the status of a parsonage since there is no apparent church connection to which the parsonage might lay claim. The property is owned by a Maryland based corporation, the Chinese Overseas Christian Mission, Inc., and is not registered with the Virginia State Corporation Commission. He said they had been unable to determine any church affiliation attributable to this organization and it then cannot be a church, since Virginia's constitution prohibits the incorporation of a church. They, therefore, contend that the proposed building is not in harmony with the Fairfax Farms community and is not in the best interests of that community and is not in consonance with the intent, spirit or letter of the RE-1 zoning district.
The size and obvious value of the property is far in excess of any of the current or planned homes in their community and in sharp contrast thereto. It is of interest to note, he stated, that the $50,000 evaluation listed on the application for the Building Permit would hardly cover the 13 bathrooms. They further state that the organization known as the Chinese Christian Mission, Inc. is not entitled to the exempt category of "parsonage" or "private residence", if indeed that term is proper. It is based on church affiliation which has not been shown and which they have been unable to determine. Lastly, they contend that the facts known or available to the Zoning Administrator at the time of application for the Building Permit in question were sufficient to deny the application, or at least to have caused an investigation into the circumstances and a hearing to determine the validity of the application and the intended use. The Zoning Administrator himself, he further stated, has admitted he was reluctant to issue the permit and was ultimately ordered to do so by the County Attorney's Office. This in itself, he said, appears unusual. They therefore pose the following questions for resolution: (1) Is the applicant for the building permit a proper applicant in Fairfax County, Commonwealth of Virginia, if so (2) What is the definition of a parsonage, private residence with respect to the Zoning Ordinance (3) most particularly as to the uses within by right within the RE-1 zone. Surviving these three (4) Is the applicant qualified for a parsonage private residence use as defined by the Board and (5) What, if any, are the specific limitations imposed by the Zoning Ordinance, or interpretations thereof.

No one else actually spoke in favor of the applicant, as Mr. Johnson was representing the entire citizens association. There were approximately 15 people present from the citizens association.

Mr. John Aylor, attorney, 4017 Chain Bridge Road, Fairfax, Virginia, represented the Chinese Christian Mission, Inc. and spoke on behalf of them before the Board.

He said he would like to give a little history of the organization. The land was purchased in October, 1969. In mid-summer 1970 the area was cleared of trees and also the septic field area. On March 8, 1971, the applicant applied for a building permit. On April 20, 1971, after consultation with the County Attorney, the permit was granted. Now the building is under construction and the applicant has spent considerable money already and obligated themselves by way of contract. Quite a bit of the labor is being donated and it appeared to him that the only real question before this Board, is with reference to the use of this property. He said he had present today Mrs. Evelyn M. McIntosh, Executive Secretary and Rev. Ernest Hummer of this organization who is on the Executive Committee. He is a practicing minister and is now a minister at the Westley Methodist Church of Erie, Pennsylvania. He said he would like for Rev. Hummer to testify before the Board as to the use that is to be made of the parsonage.

Mr. Smith, Chairman, told Mr. Aylor he would first like to ask a few questions. First, is the Chinese Christian Overseas Mission, Inc. qualified to do business in the State of Virginia. Mr. Aylor answered that they were now in the process of registering in the State of Virginia. He said Mrs. McIntosh had made a lot of inquiries about the question of registering and has sent in the forms. This is a non-profit organization. These forms have been filed and they are considered "carrying on affairs" in the State of Virginia, rather than "doing business".

Mr. Smith asked if they were registered under that category and Mr. Aylor answered that they had filed, but the papers had not come back as yet. They did not send the correct amount of money and they sent that in yesterday.

Mr. Smith asked where they were originally registered to do business and Mr. Aylor answered that they were incorporated in the State of Maryland in 1959.

Mr. Smith asked them if they had a Certificate of Good Standing from that date showing that it was an up-to-date corporation. Mr. Aylor handed him their Articles of Incorporation and stated that the certification was on the back, dated September of this year.

Mrs. McIntosh stated that they do not have to file each year in the State of Maryland.

Mr. Aylor asked if this was one of the Board's requirements. Mr. Smith answered that the Zoning Administrator is not necessarily required to make an investigation of any application. He takes it based on the signatures that are placed on the application and takes them as being true signatures. Mr. Smith read that section from the application blank "I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property"

Mr. Aylor asked why they had to go into this. Mr. Smith answered that the Board has to establish a relationship between the applicant and the use.

Mr. Aylor answered that the people who will be living there will be a minister and his wife.

Mr. Smith said they needed to find out what the religious affiliation is. He asked who the present Directors of the Corporation were.

The Director, Mr. Aylor said, was Mr. Donald T. McIntosh, elected 1964, he thought.

Mr. Smith asked if they had minute books of the minutes where these things have taken place. Mr. Aylor said they did.

Mr. Smith asked if there was an action by the Board of Directors authorizing Mrs. McIntosh to make application for the building permit to construct this building in Fairfax County?

Mr. Aylor asked Mrs. McIntosh this question and she said yes and they would supply the copy of the minutes whereby she was authorized to do this.

Mr. Aylor named the members of the Board: Evelyn McIntosh, Secretary, Donald McIntosh, Director, Mr. Pike, Mr. Gilliam, Mr. Roy Putman, Mr. Edith Weeks, Rev. Hummer.

Mr. Smith asked where the Church is that is involved in this operation. Mr. Aylor said the official headquarters is in Maryland, 5304 Baltimore Avenue, Chevy Chase, Maryland. There is no official building. People meet at the headquarters to get together to make decisions. They do not own the building there. They have used this same address from the beginning of the incorporation of the corporation.

Mr. Long asked Mr. Aylor if they planned to move the headquarters. Mr. Aylor asked Mrs. McIntosh this question to which she answered, "We will continue to use the Maryland address".

Mr. Smith asked who owned this building in Maryland. Mrs. McIntosh answered that it is privately owned by Dr. Pike. They lease it from him.

Mr. Smith asked if this was the private home of one of the Board of Directors? Mr. Aylor said Yes, after conferring with Mrs. McIntosh. To Mr. Smith's question on how many rooms the headquarters had, Mrs. McIntosh answered that she did not know how many rooms it had. They only used the living room and family room.

Page 307
Fairfax Christian Overseas Mission, Inc. (continued)
September 14, 1971

Mr. Smith asked if this is the only building in use now in this area by this organization, there is no church building attached to it and no churches involved.

Mr. Aylor said he would prefer to have Rev. Hummer answer these questions.

Rev. Hummer came before the Board to testify on behalf of the Chinese Christian Overseas Mission, Inc. He stated his address as the United Methodist Church in Erie, Pennsylvania. He said he was also a member of the Board of the Directors for the Chinese Christian Overseas Mission, Inc. He said as has been stated in the previous testimony, their purpose in seeking this building is to provide a residence or place to live for the minister and his wife in order that they might carry on their normal activities of a parsonage involved in the work which they are a part. He said he had lived in a parsonage all of his working years, as have they, and any of the activities involved in the building as far as he understands and any of the activities involved in this building as far as he understands are in keeping with everything they have ever done in parsonages.
The letter that Mrs. McIntosh submitted to Mr. Smith (Kenneth W. Smith, Office of the Fairfax County Attorney) on April 19 stated that the building would be used for such entertainment that would be normal to any professional person in the area. This is the purpose of the additional rooms, that on occasion weekend guests might be entertained. Rev. McIntosh is an appointed minister in good standing with the Baltimore Conference of the United Methodist Church. He is under special appointment by Bishop John Westley Lord to the leadership of this work. This work involves a ministry to the total or the whole church in the United States. The work among Chinese people is taking place in England, on the continent and in Australia. He said they are involved in supporting this work, in sharing with christians in America in having an open door policy for these people to be involved in, prayed for, etc. Rev. McIntosh is a minister at large and will not be establishing a church on that site for gathering a body of people to be organized as a church or congregation. He is touching other peoples and churches, this means that he has a circle of friends and people who are interested in him and in what he is doing. They will be, on occasion, visiting him. When such happens, the Board has tried to make provisions so that they would not have to be sent to a motel and at this building the minister and his wife will try to entertain in what might be a house party. This is the only purpose for the extra rooms. It would be impossible to make them into apartments. He stated that just looking at the mechanics of the plans would indicate the impossibility of this. He said he felt they had not misrepresented their purpose to the Board, on which the permit was granted. Rev. McIntosh is out-of-town and that is why he is not at the meeting.

Mr. Smith asked if he knew if Rev. McIntosh had an established church in this area and Rev. McIntosh said No, Rev. McIntosh does not have a special church, he has a special appointment. They in the United Methodist Church have many people in this category, they may be involved in administrative work or in special ministrys beyond local congregation.

Mr. Smith asked if the Christian Chinese Overseas Mission was affiliated with the United Methodist Church. Rev. Hummer said that it was not affiliated officially, it was organized by the United Methodist Church.

Mr. Smith asked what the functions are for this organization.

Rev. Hummer said overseas their purpose is to confront people, college students, in Britain and Southeast Asia with the christian message, with the purpose of enlisting their committment. He said they also work among restaurant workers there and among nurses in training. These young people return to their home countries in Southeast Asia.

Mr. Smith asked if they were involved in missionary work other than Great Britian. Rev. Hummer said they have some work in the continent, Holland and Paris. They have a young man working in Australia among Chinese people.

Mr. Smith asked if their basic contacts are Chinese or oriental people and Rev. Hummer said that was correct, they have a specialized ministry among the Chinese people.

Mr. Smith asked about what they do in this country. Rev. Hummer said they have no specific work in this country. There are other organizations doing this and at this point, their charter does not forbid this, but they have no plans in that direction.

Mr. Smith asked if they had a set of by-laws or a charter other than the Articles of Incorporation that were handed to him earlier. Rev. Hummer said No, they did not. They are a young organization.

Mr. Smith asked if they received direct contributions from the United Methodist Church to the organizations, other than labor. Rev. Hummer answered that many Methodist people would contribute to the work, yes, but as far as some official agency of the United Methodist Church is concerned, he was not aware of anything at the present.

Mr. Long asked for a breakdown on the rooms. There was much discussion about how many rooms were in the buildings and after studying the plans, they came up with 2 living rooms, one dining room, one recreation room, one library, one study, three kitchens, nine bedrooms (seven of which have private baths)

Mrs. McIntosh explained that they have a private kitchen for the minister and his wife, one refreshment kitchen next to the recreation room, sometimes called a wetbar, and one kitchen is for the caretakers so they can eat and prepare their own meals separately. The bedrooms would be for their use and their guests, plus the caretakers and one maid. There are only two in their family, but they wanted to plan ahead since the next Director might have several children.

Mr. Smith asked if the Director is elected and if so for how many years, or does he serve at the pleasure of the Board of Directors and is there a set time limit.

Mrs. McIntosh stated there there was no time limit.

Mr. Smith said then in other words, he is appointed and will serve from the time the action is taken until the time he resigns.

There was no answer to that.

Mr. Smith then asked where they reside at this time. She answered that they resided at 4600 Duke Street Apartments in Alexandria.

Mr. Smith asked if these premises were furnished by the organization and Mrs. McIntosh answered, "Yes".

Mr. Smith asked if they actually travel outside the county on missions or if they only worked in this area. Mrs. McIntosh answered that it is necessary in connection with their observation of the overseas mission to frequently be away and that is part of their reason that there be a caretaker for their parsonage so the residence will not be left unattended. They are hopeful that some of their Chinese friends, for example, as well as American friends, will give them some objects of art, Chinese artifacts that are of value and their own personal effects.

Mr. Smith asked if these caretakers would serve the minister and his wife and be employed by them, or would they serve the organization. She answered that they would probably be both. "In other words, the way an organization such as ours is set up, frequently we do not hire help. In other words, a person says he wants to help among the work with the organization. This could be, might be, the same as a mission, rather than a person who is for hire. It could be a person who is a part of us, but do that function."

Mr. Smith asked if they were listed as a charitable institution in the District of Columbia, and if they had that type of license to receive contributions. She answered that they did not, that she knew of. She said they were registered with IRS. Mr. Smith asked if they had any correspondence in connection with this with IRS. She said she had none with her, but they have had and they are fully authorized by them to receive contributions, the same as any church.

Mr. Smith asked for copies of that then from IRS for the past few years, and the Certification from IRS, where they were granted the non-profit status that charitable institutions have.

Mrs. McIntosh said they had the same status with the State of Maryland as far as retail sales and in the District of Columbia.

Mr. Smith asked what the largest number of people would be who would congregate at the residence. She answered that if all ten directors were there the greatest number there could be would be twenty.

Mr. Smith asked if they had regular meetings. She answered about twice a year. The Executive Committee, she stated, could call a meeting, but they never have.

Mr. Smith asked how many people they had in the field now as missionaries. She answered that the total number of staff here and overseas put together would number about 22, possibly 23.

Page 309
Fairfax Farms Citizens Association, V-174-71 (continued)
September 14, 1971

Mr. Smith asked Mr. Woodson, Zoning Adm., if he had any comments. He answered, "No." Mr. Smith then asked if there was reluctance re.this orginally and he answered, "At first there was." In rebuttal, Mr. Johnson from the Fairfax Farms Citizens Association, stated that he had heard nothing at this hearing that would change their opinion and they fail to see the connection that provides for a parsonage.As a minister at large for a church, they question who should provide a parsonage for that person, if indeed one should be provided. He said it seems that for a parsonage a church would provide it, not some corporation. As they see it, the Chinese Christian Overseas Mission, Inc. admittedly is not church affiliated. They have no direct connection with the church. They are registered as a non-profit religious organization and have availed themselves to some of the benefits of this. The present address used is a private residence, Dr. Pike. As they understand it, this is an international organization. There is, or was, an international organization headquartered in England. The premises are to be assigned or provided for a Director and his wife. A Director, admittedly of a corporation, not of a church. The question then still remains, "Is this a parsonage, in the sense that it is connected to a church, and also we have asked the Board to determine and specifically, does the term parsonage qualify under a use by right designated in the zoning ordinance under the RE-2 zoning description which is applicable also to the RE-1 to "a church, monastery, convent" As they see it, so far the Board in question has members that are to a corporation and not to a church, so they are not an active church, have no congregation, no ministry, except in a sense of what Mrs. McIntosh has referred to as "Missionary". The term "missionary" he presumed meant someone assigned to or accredited to the mission, a part of the mission. The corporation has been in being for some twelve years. They have lived at their present address for 1/2 years and he wondered why they suddenly need this large a place to live and to carry on their business, which presumably has been going on for twelve years. Their help is donated, the missionary classification again. The Directors meetings and other meetings still tend to the corporate image and not the church image. If the Directors meetings are held at this place it would indicate that their fears that this is going to be the National Headquarters is a fact, and is a reasonably based fear, and that this residence is going to be National Headquarters. If the organization is as small as she says, he wonders why they need such a large place for their purposes. He said their basic concern is the size of this particular building in their community. He said their community is somewhat unique. They are formed as the Fairfax Farms Community Association for the purpose of retaining that uniqueness; they are located near the City itself and yet they have all the flavor and atmosphere of being twenty miles out in the country. It is impossible to find an area similar to this and admittedly this is what attracted the mission, because it is a unique area. That type of building permitted in their area will tend to change the concept of what was intended and what has been going on in their place. It is an improper place and they feel that the applicants do not qualify under the basic of use by right granted under the"church monastery, convent" provision of the Zoning Ordinance.

Mr. Smith said it is beginning to boil down to whether or not this is a single family residence and whether it is in harmony with the intent of the residential character of this particular area, more than one related to a church.

Mr. Long said you generally do not think of church business being carried on in a parsonage.

Mr. Aylor, attorney for the mission, said he agreed with Mr. Smith's statement that the Board had to be concerned as to the "use" that is to be made of this building. Is this a single family use? He said he felt all the conversation about whether or not this corporation is a religious corporation is irrelevent. The Washington Presbytery owns a lot of property in this county as a corporation. The property is owned by Trustees. When the local church is formed, they convey the property over to the local Trustees. But, he said, he does not think that is the real issue. They contend that the corporation is properly formed, can own property in the State of Virginia, and is not going to be doing business in the true state of operating. Not like a grocery store or that type of thing. It has religious motives behind it. He read the aims and purpose that is set forth in the Charter. "To diffuse the christian gospel among Chinese, wheresoever situate by means of evangelistic and educational institutions and to gather scattered christians into fellowship into edification into the faith". The corporation will be owning property and there is no reason why they should not own it. The County Attorney has rendered an opinion knowing all the facts, but nevertheless this question has come up by the adjoining citizens. This building will be a beautiful building and in the northeast corner and back from the road among the trees. He said the Board had heard there was only two meetings per year and they would only be staying a few days. The size of the lot is 3.9 acres. They have told the Board and the Zoning Administrator that they are going to use this property as a residence and they will stand by the letter that they wrote to Mr. Ken Smith, if the Board wants to restrict it. It is to be used primarily as a home and the reason they need a caretaker is for security purposes and if they are going to do entertaining they need extra room. They are not going to lease the rooms or charge for them.

Mr. Smith said they would not be able to make a decision today. They needed the additional information in relation to the activities there and the charitable status with IRS and their registration in the State of Virginia, the information regarding the election of officers, when the existing Executive Committee was elected, the resolution. Any other information that you might have that would be helpful in the Board's arrival of a decision. The Board leaves the file open for additional information from either of the parties. They need the information regarding the charitable status of the District of Columbia and Maryland's file of the return from IRS for the past five years, and a copy of the letter addressed to Mr. Kenneth W. Smith.

Mr. Aylor asked Mrs. McIntosh, whether or not they would have a bunch of employees coming there and staying and/or working full time. He asked if this was true or not true. Mrs. McIntosh said this was not true. Mr. Aylor asked Mrs. McIntosh if she was going to put anyone in there except guests for these rooms, no permanent employees. She said she had stated exactly what they intended. Mr. Aylor, to the Board, stated that they would live with the letter to Mr. Ken Smith and make that a matter of record.

Mr. Long said he thought an important point will be the uses of this home and if they are a genuine home, residential use.

Therefore, this hearing was deferred until September 28, 1971, as a Deferred Case after the regular cases.

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DEFERRED CASES

ARTHUR E. & CLARA M. MORRISSETTE, app. under Sec. 30-6.6 of the Zoning Ordinance to permit industrial building closer to residential district than allowed, (I-P) East end of proposed Boothe Drive, 79-1((1))7, Springfield District, V-63-71 (deferred from 4/27/71)

Mr. Lawrence E. Hill, 821 Howard Road, Washington, D. C. testified before the Board and represented the applicants. He stated that this case was deferred until the Board of Supervisors could act on Sections 3 and 8, Cardinal Forest. The Board approved this under Zoning Case #A-787, where they approved the amendment to Development Plan #3.

Mr. Hill said as he understood it, with this Plan, they have turned this into parkland and there will be no building on it. This is the property that adjoins their property.

Mr. Smith asked if the building would be any closer than 50' and Mr. Hill answered "No.".

Mr. Long said as he recalled when they granted the variance on the other building, he thought they had asked for landscaping. Mr. Hill said, "Yes sir, they did".

Mr. Long said there should be no parking within the 50' setback. 20' of which will be landscaped.

Mr. Smith said they had previously completed the public hearing, except for this item and asked for the Board's decision

In application No. V-63-71, application by Arthur E. & Clara M. Morrissette, under Section 30-6.6 of the Zoning Ordinance, to permit industrial building closer to residential zone line than allowed by ordinance, on property located at south side of property of Boothe Drive, also known as tax map 79-1((1))7, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27day of April, 1971 and deferred until September 14, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is I-P.
3. That the area of the lot is 29.656 acres of land.
4. That compliance with Article XI, Site Plan Ordinance, is required.

Page 311
ARTHUR E. & CLARA M. MORRISSETTE (continued)
September 14, 1971

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) exceptionally irregular shape of the lot.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. A 20' strip along the southerly boundary line is to be landscaped with trees of a type and planting arrangement as approved by the Planning Engineer to provide screening for the adjoining property.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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GUS AND ALICE MARTY, app. under Sec. 30-6.6 of Ord. to permit variance in side setback regulations to permit construction of attached garage 2' from side property line, Centreville District (R-12.5) 8405 Cottage Street, Vienna, Virginia 49-1((9))47, V-156-71 (Deferred from 8/3/71)

This case was deferred from August 3, 1971, to allow the applicant to get a notorized statement from his neighbor who would be most affected by this variance. This statement was received and read by the Board from his contiguous neighbor, Mr. Robert L. McDonald. In the statement he certified that he was the property owner adjoing Mr. Marty's lot and would be most affected by the variance, and that he was aware of what Mr. Marty was planning to do and had no objection to it.

In application No. S-156-71, application by Gus and Alice Marty, under Section 30-6.6 of the Ord. to permit variance in side setback regulations to permit attached garage 2' from property line, on property located at 8405 Cottage Street, Vienna, Virginia, also known as tax map 49-1((9))47, County of Fairfax, Mr. Kelley moved 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 3rd day of August, 1971 and deferred to the 14th day of September, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5
3. That the area of the lot is 32,570 square feet.
4. That compliance with all County Codes is required.
5. This request is for a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and building involved:

1. exceptionally shallow lot,
2. exceptional topographic problems of the land,
3. unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. Materials to be used in proposed garage shall be of the same type and decor as those used in existing dwelling.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed unanimously.

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WILLIAM M. TURNER - T/A HILLSIDE STABLES, app. under Sec. 30-7.2.8.1.2 of Ord. to permit riding stable and buying and selling of horses, 9600 Leesburg Pike, Vienna, Virginia, (RE-1) 19-1; 19-2((1))16-21, Dranesville District, S-134-71 (Deferred from 7/20/71)

This case was deferred for study of the insurance policy and an opinion from the County Attorney concerning certain legal aspects of the company.

Mr. Barnes explained the policy to the Board members. He said that the United Horsemen of America were just a placement agency and not an insurance company. The correct corporate name of the insurance company is Middlesex Mutual Insurance Company. The registered agent is W. Byron Gochenour, 118 1/2 West Main Street, Salem Virginia. This is the man who countersigns the policies that this applicant had, which is now expired. In other words, you apply to the United Horsemen of America, Inc. and they try to find an insurance company to place this insurance with, so evidently they got this company out of Massachusetts. since this company was incorporated in Massachusetts. What the applicant had was an insurance policy and it was made out to the Ponderosa Farm which is not longer in business. There is no endorsement on this policy showing that the applicant was considered.

Mr. Smith said he felt that insurance on this type of operation should have a local claims agent.

Mr. Barnes said that would be very hard to do.

Mr. Barnes said the registered agent in Salem is a countersigned agent, that is all. He has nothing to do with claims.

Mr. Smith said the claims on this type of insurance had to be adjusted in Los Angeles California with United Horsemen and he couldn't imagine a person ever being able to get a claim satisfied.

Mr. Long said several people had been injured on that property under the other management and it is the Board's responsibility to make sure that this applicant and any applicant for this type of use have proper coverage.

Mr. Smith said to his knowledge no one had ever been able to collect on their accidents.

In application No. S-134-71, application by William M. Turner, T/A Hillside Stables under Section 30-7.2.8.1.2 of the Zoning Ordinance, to permit riding stable and buying and selling of horses, 9600 Leesburg Pike, Vienna, Virginia, (RE-1) 19-1; 19-2((1))16-21, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning held on the 20th day of July, 1971 and deferred until the 14th day of September, 1971

WHEREAS, the Board of Zoning Appeals had made the following findings of fact:

1. That the owner of the subject property is Clifford A. Webb.
2. That the present zoning is RE-1.
3. That the area of the lot is 102.71 acres of land.
4. That compliance with Article XI, Site Plan Ordinance, is required.
5. That a use permit for a riding stable was revoked on these premises by the Fairfax County Board of Zoning Appeals in 1970.
6. That the lease is on a sixty day cancellation basis.
7. That the applicant has been conducting an illegal riding operation on these premises since December, 1970.
8. a. The applicant has not furnished the Board with satisfactory certificates of insurance.
   b. The insurance policy is made out in the name of Ponderosa Farm. The Applicant is William M. Turner T/A Hillside Stables.
   c. United Horsemen of America, Inc., is not authorized to do business in the State of Virginia by the State Corporation Commission.

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

1. That the applicant has not presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. That the use will be detrimental to the character and development of the adjacent land and will not be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

Mr. Barnes seconded the motion.

The motion to deny carried 5 to 0.

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AFTER AGENDA ITEMS

ZIMMERMAN, CARLA A., MCLEAN MONTESSORI SCHOOL (Request for extension).

Mr. Zimmerman testified before the Board. He said this school had been in operation during thepast year. They expect to have a growth of the use of this school and would like to increase the number of children to 100 over the next three years. They will maintain the 35 square feet area for each child. They would like it extended for three years. They would like to change the upper limit of age from 5 to 6 years. They also want an extention of the hours of operation from 12:00 noon to 4:00. There will be two sessions. They plan to open under the original number of 20 students, but their permit does need renewing and they wanted to make these changes at the same time.

Mr. Smith told him that he would have to file a new application on this, but the Board would try to hear it on the 28th and he could continue to operate as he was now. In addition, the Board has another application from another school on the same premises.

Mr. Zimmerman said he was connected with the other school, the other school is affiliated with the temple and it is a Jewish Nursery School.

Mr. Smith said he would like to hear them both on the same date and resolve them both at the same time.

Mr. Zimmerman said he had with him a report from the Health Department dated 9/14/71 in which he had asked them to come in and evaluate their facilities, just the facilities that the Montessori school has he said that the hearing on 9/14/71 to increase the enrollment of 100 would be permitted on the premises at any one time, in five rooms, twenty children per room. This facility is satisfactory for an enrollment of 200 children, 100 in the morning and 100 in the afternoon. The Montessori School would use the Ladies Room with seven toilets and five lavoratories. The other school would use the Men's Room. He said he only wanted 100 students maximum enrollment.

Mr. Zimmerman said they did have an agreement which the Health Department had requested they work out with the other school whereby they would be staggering the hours they would use the playground and the times of arrival and departure.

Mr. Long asked him again about the bathroom facilities and asked him how they could allow the boys and girls to use the same bathroom. Mr. Zimmerman said he understood that this was permitted until the children were 8 years of age.

Mr. Smith asked if the Temple was completed and if they had an occupancy permit. Mr. Zimmerman answered that it was still on a temporary basis. Mr. Smith questioned whether they could go very far without a permanent occupancy permit for the use of the building.

Mr. Barnes suggested they hear both cases together and file a new application.

Mr. Smith said he didn't realize this type of bathroom facilities was permitted.

Mr. Kelley asked if the Health Department had given them permission to use this type of facilities for combined bathrooms for boys and girls together in writing. Mr. Zimmerman said it was in the evaluation report.

Mr. Long moved that the applicant file a new application and grant them an out of turn hearing for the 28th of September in order that the Board could hear both cases together.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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Mr. Long moved that the Board of Zoning Appeals approve the minutes of May 25, June 1, June 7, June 14, and June 21, 1971.

Mr. Baker seconded the motion.

The motion passed unanimously.

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Mr. Baker moved to adjourn. Mr. Barnes seconded the motion. and the meeting adjourned at 3:40 P.M.

By Jane C. Kelsey
Clerk

Daniel Smith, Chairman

November 9, 1971
Date Approved

A Regular Meeting of the Board of Zoning Appeals was Held On Tuesday, September 21, 1971, at 10:00 A.M. in the Board Room of the Massey Building, Fairfax County Administration Building. All members were present: Daniel Smith, Chairman; Mr. George Barnes; Mr. Richard Long; Mr. Joseph Baker; and Mr. Loy Kelley.

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

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KENNARD & NANCY UNDERWOOD, JR., app. under Sec. 30-6.6 to permit addition 17.5' from rear property line, 9310 St. Marks Place, Mantua Hills Subdivision, 58-2 ((9)) 46, Providence District (RE-0.5), V-165-71

Mr. Underwood testified before the Board.

Notices to property owners were in order. The two contiguous owner were Mr. Robert Marovelli, 9308 St. Marks Place, Fairfax, Virginia and Col. F. O. Diercks, 9313 Christopher Place, Fairfax, Virginia.

Mr. Underwood stated that he wanted to add this additional room on the rear in order to expand the family room. He said they had an odd shaped lot.

Mr. Smith asked the size of the proposed addition and Mr. Underwood stated it was 15'wide by 12'out. The 12' out caused the encroachment, he said. This area actually covers an existing patio slab.

Mr. Smith asked him how long he had owned the property and he said he had owned it since 1967 and planned to continue to live there. This use was to be for his family and he did not plan to sell the property. He planned to use the materials that would be in harmony with the remainder of the house and he showed the Board a sketch of his plans.

No opposition.

In application No. V-165-71, application by Kennard & Nancy Underwood, Jr., under Section 30-6.6 of the Zoning Ordinance, to permit addition 17.5' from property line, on property located at 9310 St. Marks Place, Mantua Hills, also known as tax map 58-2((9))46, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st day of September, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-0.5
3. That the area of the lot is 24,498 square feet.
4. That compliance with all County Codes is required.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

(a) exceptionally irregular shape of the lot,
(b) exceptional topographic problems of the land.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration. FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed unanimously to grant.

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DITTMAR COMPANY, app. under Sec. 30-7.2.6.1.1 of Ord. to permit tennis courts to be built, Spring Lane off Columbia Pike, 61-2((24))A, Mason District, Carlyn Square, (RT-10), S-166-71

Notices to property owners were in order. Two contiguous owners were H. L. Payne, 950 S Carlyn Spring Road and A. L. MetaGrabman, 760 S Carlyn Spring Road.

Mr. Thomas J. Offitt, Jr. testified before the Board. He stated the townhouses for the development are under construction. He stated that when the rezoning for these townhouses was obtained by the owner at that time, the owner of the property presented to the Board of Supervisors that there would be a tennis court as part of the recreational facilities. Dittmar Company now owns the property and the Department of Public Works requested that they put this tennis court in as a provision for getting the site plan approval. That is why they are before the Board trying to get the Special Use Permit for the tennis courts.

Mr. Smith read a letter from Suzanna and Thomas Hillegass who have purchased a lot in the Carlyn Square Development and are only one lot removed from the tennis court. They were very much in favor of the court and feel that the benefit will far surpass any possible minor nuisance and they fully support the application.

Mr. Smith then read the staff report from Planning Branch of Design Review which stated that this request for a use permit was being requested in order to comply with the development plan approved by the Board of Supervisors at the rezoning hearing. The tennis court will be under site plan control.

Mr. Smith said there was no variance needed to construct the tennis court , but they had to have a fence around the tennis court .

Mr. Offitt said there was a hedge row of trees that separates the townhouses and the houses on the other property.

Mr. Smith said he suggested the Board make the fence a condition of the use permit and that the fence not exceed 12' and not closer than 8' to any property line.

Mr. Long said that was closer than the setback that is required by the ordinance.

Mr. Smith disagreed and said that a fence could be placed on the property line and a fence is a condition that the Board requires in order to install a tennis court.

Mr. Long said the height of the fence would require a variance. He further stated that he did not feel the Board had the right to grant a use in violation of the zoning ordinance.

Mr. Woodson, the Zoning Administrator, said he disagreed with Mr. Long on this.

Mr. Baker said this fence is to protect the properties around the tennis court.

Mr. Smith said what he would like to do is to arrive at a conclusion that the Board could all agree on and alleviate any unnecessary action by either this Board or to the applicant in this case.

Mr. Baker said he agreed.

Mr. Offitt said he would like to get this thing resolved, because it is going to be very difficult to get this thing in in six weeks.

Mr. Long said without granting a variance, he thinks the barrier or fence would have to be within the setback requirement.

Mr. Smith said if this was a fence, as such, then they would need a variance, but in this case it is part of the use.

In application No. S-166-71, application by Dittmar Company, T. J.Offitt, Trustee, under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit tennis court (1) to be built and operated, on property located at Spring Lane off Columbia Pike, also known as tax map 61-2((24))A, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st day of September, 1971; and

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

1. That the owner of the subject property is T. J. Offitt, Jr.
2. That the present zoning is RT-10.
3. That the area of the lot is 79,573 square feet.
4. That compliance with Article XI, Site Plan Ordinance, is required.
5. That compliance with all County Codes is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

4. Backstop around tennis court, sides and rear, shall not exceed 12' in height.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion.

The motion carried to grant 4 to 1 with Mr. Long voting No.

The Offitt then stated to the Board that as soon as 50% of the houses were sold the ownership of the Townhouses' Tennis Court would be transferred to the Carlyn Springs Association.

Mr. Smith said when that occurred they should let Mr. Woodson know and write a letter and have him bring it before the Board and tell him the exact name of the new owner and the Board would be glad to make the change.

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Mr. Smith inquired of the Staff if they had any After Agenda Item to come up at this time, since there were a few extra minutes between cases.

Mr. Woodson gave Mr. Smith a letter dated September 7, 1971 regarding the Rudolph Steiner School. The original Special Use Permit was for one year and they would like it extended for another year under the same terms and conditions. They attached a copy of their lease.

Mr. Woodson said the way the resolution read, he did not know whether or not he had the authority to grant an additional year. There had been no complaints on this school.

Mr. Smith said since they had the letter before them, they would act on it.

Mr. Baker moved to grant the school an additional year.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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YWCA, request for withdrawal by telegram by Mrs. Campagna, Director, Alexandria YWCA.

The telegram was read into the record.

"This wire will confirm a telephone conversation with members of the staff of theBoard of Zoning Appeals of the County of Fairfax asking that the request for a hearing on a day camp development on the YWCA property at 8325 Central Avenue Block 15 in the Mount Vernon District be stricken from your schedule of hearing on September 21, 1971, in light of community objections no improvement of this property by the YWCA will be pursued at this time. Thank you for your good services to us. /s/ Elizabeth Anne Campagna /Director/ YWCA (602 Cameron Street, Alexandria, Virginia)."

Mr. Baker moved that they be granted the request to withdraw without prejudice.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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Mr. Woodson gave Mr. Smith a copy of the Health Departments Rules on Fencing. Mr. Smith said it was good to have and they would make it a part of the record.

Mr. Woodson told the Board this was given to them for a guide.

Mr. Smith said this was part of Chapter 15c-1 of the State Code under the definitions.

Mr. Koneczny called their attention to paragraph 1 on page 2 which spelled out the "fence" State requirement. Mr. Smith read this section to the Board.

Mr. Woodson told the Board they could require whatever they chose and could be more restrictive, but not less restrictive.

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SIDNEY J. SILVER, Trustee for Brown's Chapel Joint Venture, app. under Sec. 30-7.2.7 & Sec. 30-7.2.8 of Ord. to permit golf driving range, miniature golf courses, pony riding stable and related facilities for period of five (5) years, located at 10417 Leesburg Pike,on 36.776 acres, 12-4&18-2((1))60, Dranesville District, (RE-1), S-168-71

Mr. Lee Bean, attorney for the applicant, sent in a letter to the Board requesting deferral until several matters could be cleared up. The Board agreed to defer this case until November 9, 1971. Mr. Baker made the motion and added that the Reston Citizens should be notified and also the Great Falls Citizens Association, both of whom are interested in this case.

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LAKEVIEW SWIM CLUB, INC., app. under Sec. 30-7.2.6.1.1 to permit swimming pool and bath house located at Kings Park West, 69-3 & 78-1((5))M, Springfield District, off Gainsborough Drive, (R-17), S-170-71

319

Mr. Marc E. Bettius, 4085 Chain Bridge Road, represented the applicant and testified before the Board.

Notices to property owners were in order. The two contiguous owners were Harry Bedsworth 606 Braxton Place and Mr. James Parham, 5358 Gainsborough Drive, Fairfax, Virginia.

Mr. Bettius submitted to the Board a petition of names from eight adjoining and nearby property owners stating that they had received notice of the hearing. In addition, he had a letter from Mr. Harry L. Bedsworth, contiguous owner, and from Mrs. Jean S. Barber another contiguous owner, who stated that they had no objections to this swimming pool. Mr. Bedsworth is a non-member of the proposed pool, the Parhams have indicated their desire to join, the Barbers and Powells also have indicated they are going to be members of this pool and they have also sent letters indicating they have no objection.

Mr. Bettius stated that this swimming pool goes back to the rezoning of Kings Park West and in the site plan the Richmarr Construction Company, set aside certain areas for a swimming pool and recreation facilities. The land was reserved. They have 600 homes in Kings Park West and they now feel there is enough interest and as more of the other pools become overcrowded there has become a need for this pool.

Mr. Bettius said there is a topographic difference between the lots which lie to the north of the swimming pool facility. This land is higher than the pool site and the County Staff has indicated that they would like to adjust the requirement for the screening because they feel there exists a substantial buffer now. They would like the opportunity to speak with these property owners and to see if they can come to some mutual understanding. They are willing to do whatever will satisfy the property owners adjacent to them.

Mr. Smith said they would not accept stockade because they will not last and is not practical in the long run.

Mr. Bettius said they would agree to the conditions imposed by the Board.

Mr. Smith said the Board agrees that the people who are most affected should have their desires met if they can do that.

Mr. Long asked what the property to the left of the parking area is and Mr. Bettius answered that that is in the Rabbit Branch Flood Plain area.

Mr. Smith asked how many parking spaces have they planned for and Mr. Bettius answered they had planned 118 as per the suggestion of the County Staff and they hope to get walkers to this pool, as it is within walking distance to many homes.

Mr. Bettius said this pool is not to exceed 350 family memberships. The exact size of the pool was marked on one of the plats and the planned sketch and Mr. Bettius initialed it.

Mrs. James E. Parham testified before the Board. She said she is next to the pool and is desirous of having a pool. There are trees at the moment between her property and the pool and that would be fine, but she does not want trees alone, she would also like to have a fence and they do not want a stockade fence.

Mr. Smith stated that they would have to keep a barrier there of at least 25' of undisturbed area.

Mrs. Powell, the other adjoining neighbor spoke, and said that she agreed with Mrs. Parham.

No opposition.

In application No. S-170-71, application by Lakeview Swim Club, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit swimming pool and bath house, on property located at Kings Park West, also known as tax map 69-3 & 78-1((5))M, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st day of September, 1971; and

320

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

1. That the owner of the subject property is Richmarr Construction Company. Lakeview Swim Club, Inc., is the contract purchaser.
2. That the present zoning is R-17.
3. That the area of the lot is 2.41231 acres of land.
4. That compliance with Article XI, Site Plan Ordinance, is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

4. The hours of operation shall be from 9:00 A.M. to 9:00 P.M., except on special occasions previously approved by the Zoning Administrator.

5. All lighting shall be directed onto the site.

6. All noise from loud speakers shall be confined to the site.

7. A 6' chain link fence interlaced with a screening material and screening as approved by the Planning Engineer shall be provided to the rear of all abutting residential lots.

8. There will be a maximum of 350 family memberships with 118 parking spaces.

Mr. Barnes seconded the motion.

The motion passed unanimously.

Mr. Bettius asked for an explanation of the fencing clause, No. 7. He wanted to know if they could amend No. 7 to encompass Mr. Smith's suggestion that if they put the 6' fence along all the property line of the pool, they could eliminate the one around the immediate vicinity of the pool. Mr. Long answered that that is why he put as long as the fence was approved by the Site Plan Engineer. Mr. Bettius said that was fine.

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321

WM. & JOY BRACEY, app. under Sec. 30-6.6 of Ord. to permit erection of addition 9.5' from side property line, 7505 Axton Street, 80-1((2))(45)16, Annandale District, (R-12.5),V-169-71

Mrs.William Bracey testified before the Board. Notices to property owners were in order and the two contiguous owners were J. W. Danehow, 7503 Axton Street, Springfield, Virginia and Earl Kohn, 7500 Axton Street, Springfield, Virginia.

Mrs.Bracey said that the reason for their addition is to extend the dining area and the house sets out on the lot causing the rear part of the addition to not meet the requirements of the ordinance. They have owned the house for 14 and 1/2 years. They plan to continue to live there. The addition is for their own family's use and is not for resale purposes. They plan to use the same materials as the present house.

Mr. Smith comments that this is a minimum addition of 8'x11'.

No opposition.

In application No. V-169-71, application by William R. & Joy B. Bracey, under Section 30-6.6 of the Zoning Ordinance, to permit erection of addition 9.5' from side property line, on property located at 7505 Axton Street, Annandale District, also known as tax map 80-1((2))(45)16, County of Fairfax, Virginia, Mr. Kelley 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, the captioned application has after proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st day of September, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 11,192 square feet.
4. That compliance with all county codes is required.
5. This is a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) exceptionally shallow lot.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:
1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. Materials used in the proposed addition shall be of the same type as those used in existing dwelling.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed unanimously to grant.

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GREAT FALLS SWIM & TENNIS CLUB, INC., app. under Sec. 30-7.2.6.1.1 of Ord. for non-profit community swim and tennis dub for use of members and guests, located east side Walker Road, 1/2 mile south of Georgetown Pike, 13-1((1))pt. lot 26, Dranesville Dist, (RE-1),S-177-71

Mr. Robert M. Barlow, President of the Club, testified before the Board.

Mr. Barlow said first of all he wanted to clear up the reason Lot 26 had been put on the application. He said that inadvertently Lot 26 was on the Sales Contract and they had filed the application and used the sales contract to get the proper information. The Lot is actually a portion of Lot 28. The seller of the property is Arthur T. Kelly, who owns 35 acres which would represent both Lots 27 and 28. They had notified ten property owners, two contiguous owners were John C. Wood, Lot 25, and Herbert Benish, Lot 33. Nine of the ten property owners notified were contiguous. The only one that isn't contiguous is T. R. Bell. He said they had had a sign on the Lot identifying it as the future site of the Great Fall Swim Club and the County posting was in order.

Mr. Long moved that the advertising be accepted. Mr. Kelley seconded. Passed unanimously.

Great Falls has needed a Swim Club for year, Mr. Barlow stated. This project has been smoldering for some time. A number of concerned citizens got together and decided this was the time to put our thoughts and wishes into action. They looked for a site near the planned commercial area and they thought the site they chose was a good transition of the property. Immediately contiguous is the C & P Telephone Company. This piece of property is heavily wooded. They have community support for this venture and have worked with the community and kept them informed. They have also made reports to the Great Falls Community Association and advised them of the site they had in mind. Last Tuesday, the Great Falls Community Association adopted a resolution recommended to the Board of Zoning Appeals this particular site for the use intended. A copy of that resolution was directed to be sent to the Secretary. They are planning a membership of 400 families and single membership. Their charter allows 500 family membership. They have programed two tennis courts and a swimming pool that is "z" shaped and has approximately 5200 square feet of pool surface and it is their intent to keep as many trees as possible to keep the trees as a screen from the immediate houses across Walker Road and a number from Oliver estates. They plan 133 parking spaces. The bath house is planned to be 3000 sq. feet - 37'x80'.

Mr. Smith asked that he or the engineer present draw the scale of the pool areas, initial it and submit it for the file. The engineer did so.

The activity shed which is a roofed over area is about 2500 square feet in size.

Mr. Smith advised Mr. Barlow that they must have a 10' fence around the tennis court area. The setback for the fence is 20' on the side and 25' in the rear.

Mr. Smith read him the staff report and asked him if he was aware of the fact that Walker Road is proposed to be a 90' right-of-way and the Planning Engineer has suggested that they dedicate to 45' from center line of existing right-of-way. The Planning Engineer also suggests that this site be satisfactorily screened from any residences near this site. Mr. Barlow said they were aware of this and they would conform to their suggestions. No opposition.

In application No. S-177-71, application by Great Falls Swim & Tennis Club, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit community swim and tennis courts on property located at east side of Walker Road, one-half mile south of Georgetown Pike, also known as tax map 13-1((1)) part of lot 28, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the folbwing 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning appeals held on the 21st day of September, 1971; and

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

1. That the owner of the subject property is Arthur T. Kelly, Jr. The applicant is the contract purchaser.

2. That the present zoning is RE-1.

3. That the area of the lot is 5.0 acres of land.

4. That compliance with Article XI, Site Plan Ordinance, is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for

Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. The hours of operation shall be from 9:00 A.M. to 9:00 P.M. except on special occasions previously approved by the Zoning Administrator.

5. The maximum number of family memberships shall be 400.

6. 134 parking spaces shall be provided for this use.

7. All lighting shall be directed onto the site.

8. All noise from loudspeakers shall be confined to the site.

9. Fencing and screening along abutting residential property shall be provided as approved by the Planning Engineer.

10. 45' from the existing center line of Walker Road is to be dedicated to public use for street purposes.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed unanimously to grant.

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CLENNIE LAVEZZO, app. under Sec. 30-7.2.6.1.5 of Ord. to permit single station beauty salon to be located in basement with side entrance, 7215 Monticello Blvd., Springfield 80-3((3))(72)6, Springfield District (R-12.5), S-137-71 (Rehearing)

Mrs. Lavezzo submitted to the Board notices to nearby property owners, two of which were contiguous. The contiguous owners were Mrs. Chester Bryant and Mrs. Fitzsimmons.

Mr. Frank Lavezzo, 7215 Monticello Blvd, Springfield, Virginia, represented the applicant and testified before the Board. He is Clennie Lavezzo's cousin who has been living with them since Mr. Lavezzo suffered a heart attack.
He said this matter has now become a matter of survival. Mr. Lavezzo has recently suffered a heart attack and he is disabled. Mrs. Lavezzo is attempting to help her family. This is to be a one chair beauty parlor. There will be no additional help. SHe needs to earn some extra money that they can live on. Now they are living off of their savings account and at the rate it is going, it will only last more than two and one-half more months. SHe only wants to operate this part-time and will accept any limitations the Board may wish to set. He submitted a letter from Dr. Gardner which stated Mr. Lavezzo's many ailments, a letter from James Frik, an appraiser, who stated that in his opinion a home operated beauty shop would not devalue the property surrounding it, and another letter from J. W. Johnson, a licensed realtor who said in his opinion this permit would not affect property values.

Mr. Lavezzo stated that there are ten houses on Monticello Blvd. and excluding Mrs. Lavezzo's house there are nine house. Seven out of the nine agree to this permit.

LAVEZZO (continued)

Mr. Smith said he also was in receipt of a list of 31 people who agreed to the permit.

Mr. Long asked the hours of operation. Mrs. Lavezzo stated she would like to operate from 9:00 A.M. to 4:30 P.M. She said she would have to stagger her appointments in order to take care of her husband, therefore, she would like to operate a couple of nights a week. She would like to operate Tuesday through Saturday.

Mrs. Susan Cole spoke in favor. She lives at 7212 Monticello Blvd and she spoke on behalf of seven of the nine neighbors of Mrs. Lavezzo who live on Monticello Blvd. She said they all strongly urge the permit to be granted. They signed the Petition and they genuinely feel this will not cause a depreciation of the property surrounding Mrs. Lavezzo and they know that Mr. Lavezzo is unable to work and that Mrs. Lavezzo needs to stay home and take care of him, but at the same time she needs to earn extra money.

In opposition Mrs. Fitzsimmons of 7213 Monticello Blvd. spoke. She said she lives next door to Mrs. Lavezzo and the basement entrance is within 25' of her home and there is a shopping center within one-half a block. At the previous hearing she said she understood that that was one of the reasons why they turned it down.

Mr. Smith said the Board has since taken a new look at this particular facet and has granted this type of use for several other shops that were denied originally based on this reason.

Mr. Smith asked her to state her main reason for objection other than the close proximity to the shopping center. She said it was because she lives next door and she feels this will devalue their property. She said at the last hearing she too had had an appraiser a Mr. Hoggs, who was just as qualified and he had told the Board that in his opinion it would devalue the property.

Mr. Smith reminded her that Mr. Hoggs could not give him an example of an specific instance where a devaluation of property had taken place in Fairfax County. Mr. Smith said he knew of quite a few instances where Special Use Permits of this nature had been granted in homes that were much more expensive than the area where Mrs. Lavezzo lives.

Mrs. Fitzsimmons began to tell the Board of several personal incedents, but Mr. Smith interrupted her to stated the Board could not hear things of this nature and to remain on the main reason for objection. He asked her if there was a personal feud between she and Mrs. Lavezzo and Mrs. Fitzsimmons said "Yes", but that she was just here to protect her property.

In opposition Mr. Chester Bryant of 7217 Monticello Drive spoke. He said that Mrs. Lavezzo was contending that he was opposing this hearing because of personal reasons, but that he had opposed this hearing since she first brought it up because he too felt that it would devalue property values. He said this was brought up in the letter she wrote to the Board for the rehearing and was a part of these proceedings, therefore, he felt the Board should know that Mrs. Lavezzo had called up his wife at work and threatened her if we opposed her beauty shop. He said Mr. Lavezzo was still able to drive a car and walk around. He said the statement about Mr. Lavezzo not being able to put his socks and shoes on is correct, but that is not due to his illness, he hasn't been able to put his socks and shoes on for years. He said he definitely would not want to buy a house where a beauty shop or something similar to that was next door.

Mr. Lavezzo came back in rebuttal to these statements concerning Mrs. Lavezzo's husband. Mr. Smith reminded him that that was not the criteria for getting the permit.

Mr. Baker said he had been on the Board several years and he did not know of one case that had come back because of complaints.

Mr. Smith added that he also had been on the Board several years, since 1958 in fact, and he had not known of any case where they had had complaints.

Mr. Long said the Board should impose conditions on the use that would protect the neighborhood.

Page 325
September 21, 1971

LAVEZZO (continued)

In application No. S-137-71, application by Clennie Lavezzo, under Section 30-7.2.6.1.5 of the Zoning Ordinance, to permit single station beauty shop, on property located at 7215 Monticello Blvd., also known as tax map 80-3((3))(72)6, County of Fairfax, 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st day of September, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 12,476 square feet of land.
4. That the property is within several hundred feet of a developed shopping center.
5. That the property is approximately 800' from a beauty parlor within the shopping center.
6. An application for a single station beauty shop on this property was denied July 13, 1971.
7. The Board clarified its position on proximity of proximity of the proposed use to existing shopping center as not being a specific condition for denial of this type use.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. The hours of operation shall be from 9:00 A.M. to 8:00 P.M., Monday through Friday and 9:00 to 4:00 P.M. on Saturday.

5. The applicant is to be the sole operator of the beauty shop.

6. There is not to be any outside displaying of signs advertising this use.

7. Mrs. Lavezzo shall schedule her appointments so that all parking will be limited to the front of the property and driveway at all times.

Mr. Barnes seconded the motion.

The motion passed 4 to 1 to grant, Mr. Kelley voting No.

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CARR C. WHITENER, app. under Sec. 30-6.6 of Ord. to permit erection of double garage on east side of house within 6' of property line, 7607 Mendota Place, 80-3((2))(73)5, Springfield District (R-12.5), V-119-71 (Rehearing)

Col. Whitener, 7607 Mendota Place, testified before the Board. Notices to property owners were in order.

Col. Whitener submitted to the Board a sketch of a garage with two automobiles in it with all the measurements of the cars, the door opening measurements, etc., and in addition he said he had neglected to bring out the fact that the chimney takes up an additional 2'. He said he had measured from the neighbor's house to his lot line and it is about 40'. There is a group of evergreen trees that are about 12' high and one can hardly see between the houses. They are spruce trees and they do not intend to remove them as they were a joint project between he and his neighbor .

Mr. Kelley moved to amend the original motion of V-119-71 to read "The width of the garage be increased to 22' making the side property line set back 8.0'." Col. Whitener stated that the length was also in question, but he owned all the property in back of him. Mr. Kelley said that there was then no problem on the length as long as it was in conformity with the plat he submitted.

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DEFERRED ITEMS

NATIONAL MEMORIAL PARK, S-159-71 (Deferred from August 3, 1971)

Mr. Hansbarger represented the applicant and testified before the Board.

Mr. Hansbarger said this was deferred for additional information. Mr. Smith said the assessment records still show a bank in Charlottesville as the owner of the property. The corporation papers had been received from the applicant showing the name as National Memorial Park Association, Inc. Mr. Hansbarger asked that the application be amended.

Mr. Koneczny said the new building for which they had requested a special use permit for had never been constructed.

Mr. Smith asked Mr. Hansbarger when the Association was formed. Mr. Hansbarger said he didn't know when it was formed but it was in existence when they filed the application.

Mr. Smith asked who the officer were. Mr. Hansbarger didn't know.

Mr. Smith said what he was trying to get at was who is the owner of this particular piece of property now.

Mr. Smith asked when the name change took place. Mr. Hansbarger did not know.

Mr. Smith asked if there was a National Memorial Park, Inc. in existence and the date of the incorporation and who are the present directors or officers of the corporation. He told Mr. Hansbarger that he also wanted this information on National Memorial Park Association, Inc.

Mr. Smith said that maybe thousands own the land at the National Memorial Park. He ask what the by-laws are. Mr. Smith said the Board couldn't get down to the very important factors until they could establish who owns the land, or whether or not it is owned by various individuals who own plots of land there. He said that the ordinance does not permit cemeteries in R-12.5 zones. This cemetery of National Memorial Park was granted a Special Use Permit several years ago, but under the existing zoning (R-12.5) it is R-12.5 and would not be permitted.

Mr. Hansbarger said that one a use permit is granted, the use becomes a permitted use and the use continues to be permitted as long as the Special Use Permit is valid. It has been established that this Special Use Permit was granted for a cemetery and a mauseleum is merely a part of the cemetery. The only difference, he said, is the nature of the burial, whether it is below or above ground.

Mr. Smith said a mauseleum was not granted in the original Use Permit and every additional thing added to the cemetery has to come in for an expansion of the use.

Mr. Hansbarger said that a mauseleum is a cemetery.

Mr. Smith said the application read "cemetery" and under the ordinance and under Black's law dictionary there are two different definitions.

Mr. Smith said a mauseleum is never permitted by right. All of the mauseleums have been granted separately.

Mr. Woodson said the application has been filed for this use. It is before the Board to approve or disapprove.

Mr. Kelley said he personally felt that a mauseleum is a cemetery.

Mr. Smith said it is a part of a cemetery use. Under our Use Permit, you cannot build any additional structures without approval of the Board of Zoning Appeals.

Mr. Kelley said that he would go along with that.

There was no one else to speak in favor of the application.

Opposition: Allen Eaton, 211 South Filmore Street, Arlington, Virginia. He represents Mrs. Gaston who is a resident of the neighborhood. Mr. Eaton said he felt the very real fact here is the main issue and that is "Is a 90' mauseleum a cemetery". Mr. Eaton said that he feels a mauseleum is not a cemetery by any stretch of the imagination. He said the owner of the park itself admitted that he did not know of such a structure in the United States and yet this Board is being asked today to make this unique decision that a 90' high mauseleum is in fact a cemetery and is not subject to a use permit. In the State of Virginia in Section 57-26, 1957, it says that a cemetery is a place which the public is to be insulated away from. It is not made where there are houses close to it, it has to be at least 250 yards away from a residential building and it is something that is clearly intended that cemeteries be separated from residential areas. Now when they speak of a cemetery they must have had in mind cemeteries that were in existence at the time the statute was enacted, and this was a regular place where people were buried in the ground, like the plots at National Memorial Park and in some cases mauseleums that were one or two tiers, but certainly nothing that is 90' high. Mr. Eaton asked the Board to consider this particular applicant's record. First of all they have allowed water to run down into the road, they have planted shrubs at a very busy intersection which imperils the lives of children. This particular project is in the neighborhood of Pimmit Lane School and it will indeed become an item of curiosity and overload the road and would have a very bad effect on the enjoyment of life in this particular neighborhood.

Mr. Smith said one of the staff comments was to clear up the water situation and put sidewalks around it and put curb and gutter on Lee Highway.

Mr. Gaston said regarding the sidewalk problem, along Hollywood Road that runs along the west boundary of the National Memorial Park there is no sidewalk and people have to go back and forth between the apartment complex that way and you can't use the cemetery side of the road because of the embankment there and at least one person has been struck and permanently injured, Paula Gaston. They have grave digging equipment crossing the road, funerals coming in and out of there, it is highly overcrowded. Therefore this is a completely unsatisfactory place to put an item of curiosity which this will become.

Mr. Smith said they were under the impression that the water situation and the road situation was going to be cleared up when they granted the mauseleums on Hollywood Road, but apparently it was not done. He said he did not know why.

Mr. Gaston said it freezes in the winter and is a hazard to life and limb.

Mr. Smith said he did not why it was not done under site plan, but apparently site plan has been waived.

Mr. Smith asked Mr. Hansbarger how many parking spaces were proposed and Mr. Hansbarger said there were no additional parking spaces proposed, people would park where they park now along the drives.

Mr. Smith read the letters that will remain in the file from people who were both for and against this mauseleum.

Mr. Kelley moved that this case be deferred for thirty days until November 9, 1971, in order that Mr. Hansbarger could furnish the Board with the information requested.

Mr. Baker seconded the motion.

Mr. Smith said he was leaving the record open for written information.

The motion to defer until November 9, 1971, passed unanimously.

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328

AFTER AGENDA ITEMS:

NICHOLS B. ARGERSON, DDS - DR. Argerson wanted to have the previous resolution amended to allow him to construct another type fence other than the brick fence which the resolution stated.

Mr. Long moved to defer the case until September 28, 1971, until a copy of the previous minutes could be obtained so they could see why the stipulation was put into the resolution.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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LAKE BARCROFT RECREATION CENTER -- S-142-69

Page 328 Sept 21, 1971

A letter from Mr. Waterval, attorney for the applicant was read to the Board by Mr. Smith. Mr. Waterval sais there were 400 families in the swim club planned, but they do not anticipate reaching this goal for some time, therefore, they are requesting that the 134 parking spaces that were required be reduced until such time as they have attained that membership.

Mr. Long moved that S-142-69, Lake Barcroft Recreation Center, Item #11 under limitations "there shall be a minimum of 134 parking spaces", be amended to read "there shall be 134 parking spaces, 93 at this time and the remainder be completed within three (3) years after the occupancy permit is granted.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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COSTIN, MILLER & SMITH

Mr. Til Hazel representing the applicant requested the Board amend the original resolution in order that the building might be turned on the lot to provide some green space on the corner. There are a number of people in the CBC area who are anxious to leave this type of treatment in front of the building. He showed the Board the sketch of how they want to do this.
Mr. Barnes said that it looked like it would be better. The 25' variance which was granted would allow them to site their building one way instead of the other. The reason, Mr. Smith said, that he had voted against it in the beginning was because of the proposed road arrangement. Mr. Smith said he felt this would be better also.

Mr. Hazel said this would keep some of this land available for road when it does become a problem.

Mr. Long moved that the original motion be amended to substitute plats revised 9-21-71, and initialed by Mr. Hazel, the attorney for the applicants, for those submitted in the original application with regard to the parking and building location.

Mr. Baker seconded the motion.

Passed 4 to 0, with one abstaining.

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OVREVIK, Glenn S & Mary R.,S-166-65 --- A letter was read from Mr. and Mrs. Ovrevik requesting a change in their resolution 1. that the "9 month school session" be deleted;and 2. the hours of operation be changed to conform with our competitors' hours by changing 7:30 AM to 6:30 PM to read 6:30 AM to 7:00 PM. Mr. Long moved that this application for a change in the school hours and session limitation at 7150 Telegraph Road granted September 14, 1965 be amended as follows: deletion of sessions and that the hours of operation by changed to conform with competitors hours from 6:30 AM to 7:00 PM.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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VULCAN MATERIALS CO. SUCCESSOR OF GRAHAM VIRGINIA QUARRIES, INC.

Mr. Smith read several letters from Mr. Lytton H. Gibson, one addressed to the Board of Zoning Appeals which appealed to the Board Mr. Covington's from the Zoning Office,

Page 329
September 21, 1971
VULCAN MATERIALS CO. SUCCESSOR
GRAHAM VIRGINIA QUARRIES, INC. (continued)

decision contained in his letter of September, 1971 in which he stated they would have to file a new application and have a new hearing because of the numerous complaints they have had from the surrounding neighbors. Mr. Smith read all letters.

Mr. Long said that he thought they should have a new hearing on this.

Mr. Smith said they need to update this anyway. He said they have not complied with the last granting on noise and pollution. He said he went by there a few days ago.

Mr. Smith said this permit expires on October 23, 1971 and the earliest they could be heard would be October 19th.

Mr. Smith asked the Board if the 19th was all right, that would be 4 days before they expire. The Board members all concurred that they needed a new application and a new hearing.

Mr. Smith said the Clerk should notify the applicant that the Board's decision was unanimous to have a new application and a new hearing and to comply with all of the Board's procedures at this time, including their corporate structure, etc.

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By Jane C. Kelsey
Clerk

Daniel Smith
Daniel Smith, Chairman

November 9, 1971
Date Approved

A Regular Meeting of the Board of Zoning Appeals was Held On Tuesday, September 28, 1971, at 10:00 A.M. in the Board Room of The Massey Building, Fairfax County Administration Building. All members were present: Daniel Smith, Chairman; Mr. George Barnes; Mr. Richard Long; Mr. Joseph Baker; and Mr. Loy Kelley.

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

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ROBERT FRIEDHOFF, app. under Sec. 30-6.6 of Ord. to permit open carport within 10' of property line, 2402 Carey Lane, Vienna, Town & Country Gardens Subd., 38-3((20))36, Providence District, (RE-0.5), V-173-71

Notices to property owners were in order. The two contiguous property owners were Ida Smith, 2404 Cary Lane and Nari Vaswant 2400 Cary Lane, Vienna, Virginia.

Mr. Friedhoff testified before the Board. He said the problem with the lot is that it is a pie shaped lot and another critical item is the slope. They have a day light basement in the rear and the high ground is in the front. This placement of the carport will best suit the house and the neighborhood. He has two cars and a trailer and putting this carport here will help alleviate the problem of moving the cars in and out of the driveway. He said his subdivision was completed in 1966. He had applied in 1969, but his wife came before theBoard and failed to mention the topographic problems with the land. Since that time his neighbor down the street at 2432 Cary Lane applied for a variance and his neighbor does not have the steep slope that he has, therefore, he reapplied hoping the Board would see fit to grant this variance, as they did the neighbor's.

Mr. Smith said he also noticed that he has a flood plain easement in the back.

Mr. Friedhoff said he also had a chimney and a stoop jutting out from the side of the house taking up space.

Mr. Kelley asked him if he planned to use the same type of materials as is in the existing dwelling. Mr. Friedhoff answered that he planned to use the same type of materials.

Mr. Smith asked him if he had owned the house since it was first constructed and Mr. Friedhoff said that he had. Mr. Friedhoff plans to continue to live there.

No opposition.

In application No. V-173-71, application by Robert Friedhoff under Section 30-6.6 of the Zoning Ordinance, to permit carport within 10' of property line, on property located at 2402 Carey Lane, Vienna, also known as tax map 38-3((20))36, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of September, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-0.5
3. That the area of the lot is 20,847 square feet.
4. This request is for a minimum variance.
5. All County Codes shall be complied with.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

(a) exceptionally narrow lot,
(b) exceptional topographic problems of the land.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The same type of materials used in existing dwelling shall be used in proposed addition.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed unanimously to grant.

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HAROLD & ANNABEL BARE, app. under Sec. 30-6.6 of Ord. to permit construction of two car brick garage within 6''of side property line, 1705 Baldwin Drive, McLean, West Lewinsville Heights Subd., 30-3((1))33, Dranesville District, (R-12.5), V-178-71

Notices to property owners were in order. The two contiguous owners were Allen G. Franks 1706 Great Falls Street, McLean, to the left of the property and G. F. Kramer, Jr., 1710 Great Falls Street, McLean, to the right of the property.

Mr. Bare testified before the Board. He stated that his lot was pie shaped. He plans to make this his permanent home and they just don't have enough room. They want to make a new entrance way from the garage into the family room. He said he feels this will add to the appearance of the house. The neighbors have signed a document that they do not object. He said he didn't want just a shack in back and he said he was sure the Board didn't want that either. He measured the cars this morning and the door on his wife's car is 3'10" and his car opens 3'12" wide.

Mr. Smith said the Board has been reluctant to grant a garage over 20 to 22 feet because of a chimney he could see they would need a little extra room, but according to all the national standards, you can serve two automobiles in that size garage.

Mr. Bare said he planned on using a 9' door to get into the family room, otherwise they would have to walk from the garage outside and into the front door. He said he hoped the Board would reconsider and at least give him a 25'3" garage.

Mr. Smith,looking at the plat, said that he met the requirement of the ordinance except on a corner.

Mr. Bare said he would remove the present carport and completely reroof the house so it would not looked patched and he planned to use the same materials as is in the existing house. He said he planned to continue to live there.

In application No. V-178-71, application by Harold & Annabel Bare, under Section 30-6.6 of the Zoning Ordinance, to permit construction of a two car brick garage, on property located at 1705 Baldwin Drive, also known as tax map 30-3((1))33, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of September, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 14,000square feet of land.
4. The maximum width of the garage would be 25.3'.
5. This would be a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) exceptionally irregular shape of the lot,
(b) unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following LIMITATIONS:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The garage shall be constructed of similar material and architecture as the existing dwelling.

4. The garage shall not exceed 25.3' in width.

Mr. Barnes seconded the motion.

The motion passed unanimously to grant in part.

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SCOTT & PATRICIA TERRILL, app. under Sec. 30-6.6 of Ord. to extend and enclose existing screened porch at rear of dwelling within 18.1' of rear property line, 1122 Saville Lane, McLean, Leonard Darne Subd., 31-2((1))1, Dranesville District, (RE-1), V-175-71

Notices to property owners were in order. The two contiguous owners are Mr. Edward Curtis, Lot 5, on the right and Mr. M. C. Love, Lot 3 on the left.

Mr. Terrill testified before the Board. He said they have a small rambler with three bedrooms and they desire to enclose and extend the porch in order to give them a family room and a small dining room off the kitchen. He has owned the property three years and plans to continue to live there. This addition is for his own use and not for resale.

Mr. Kelley said it looks as though the house sets on a knoll which slopes down from the front of the house to the lane and slopes down also in the back.

No opposition.

Mr. Kelley asked Mr. Terrill if he planned to use the same type of material and Mr. Bare answered that they have a brick house with white clapboard trim and they plan to make the addition white clapboard.

The property in back of him belong to the government he said, but he had been unsuccessful in finding out who exactly to notify as no one would admit being responsible for it. He said the government had ceased to mow that area about three years ago and he had been mowing it ever since.

Mr. Smith said that there was no much ground there, he didn't see how it would affect that piece of property in back. so

In application No. V-175-71, application by SCOTT & PATRICIA TERRILL, under Section 30-6.6 of the Zoning Ordinance, to permit extension of an existing screened porch 18.1' of rear property line, on property located at 1122 Saville Lane, McLean, also known as tax map 31-2((1))1, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by theBoard of Zoning Appeals held on the 28th day of September, 1971; and

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

1. That the owner of the subject property is Scott E. & Patricia P. Terrill.
2. That the present zoning is RE-1.
3. That the area of the lot is .4605 acres.
4. This is a minimum variance.
5. Compliance with all county codes is required.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

(a) exceptional topographic problems of the land,
(b) unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The architecture and materials shall be compatible with existing dwelling.

FURTHERMORE, the applicant should be aware that granting of this action by this Board, does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed unanimously to grant.

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The meeting for the third week in October had to be moved from the 19th to another date as the Board room was being used by a Committee from the General Assembly. The Board voted unanimously to hold the meeting for that week on the 18th.

The Clerk was directed to notify all applicants of this change. Advertising had not been done, nor had posting of the properties.

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SECURITY HOLDING CORP., app. under Sec. 30-6.6 of Ord. to allow to remain a one story temporary office (bank) building and allow building closer to street and rear property line than allowed, 8029 Leesburg Pike, Applegrove Subdivision, 39-2((3))7, 8, 9, 10 and 39-2((17))A, B, Providence District, (CO-H), V-182-71

Mr. Royce Spence, 311 Park Avenue, Falls Church, represented the applicant and testified before the Board.

Notices to property owners were in order.

Mr. Spence said the history of this property is that in 1967 or '68, the property was rezoned to the CO-H category about the same time the applicant on the property in question and in other sites in the area obtained from the State Corporation Commission permission to operate a bank. They had to begin operation within a short period of time. At that time they did not have a big demand for a CO-H building. The plans were to place the bank in operation and they applied to the Board to erect a one story temporary bank building there until such time as the full high rise office structure could be erected. This permit was to expire within three years. At the end of that three year period, we asked for a 6 month extension and they felt that 6 months would be a sufficient length of time to get the high rise office building under construction. Unfortunately, that 6 month period of time ended and at the present time, they have not been able to begin construction. At the present time a site plan (No. 351) is in and they could note from that the present temporary building is planned to be torn down. He said he could and would make that commitment that when the first floor is completed, they will tear down the temporary structure. He said he anticipates that it will take a year or less to get the first floor of the high-rise constructed.

Mr. Baker said he would have to abstain from this application.

In application No. V-182-71, application by Security Holding Corp. under Section 30-6.6 of the Zoning Ordinance, to allow a one-story temporary office building to remain, on property located at 8029 Leesburg Pike, also known as tax map 39-2((3))7, 8, 9, 10 and 39-2((17)) A, B, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of September, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is CO-H.
3. That the area of the lot is 2.06 acres of land.
4. That the Site Plan has preliminary approval.
5. A variance was granted for this use March 26, 1968 for three years.
6. This is a temporary use.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. All conditions in the original variance granted March 26, 1968, shall be complied with.

2. This variance shall expire September 27, 1973.

Mr. Barnes seconded the motion.

The motion passed unanimously to grant.

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Mr. Baker moved that the Board approve the minutes of August 3, 1971.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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Page 335
September 28, 1971

JOHN B. PIPER, app. under Sec. 30-7.2.9.1.7 of Ord. to permit older structures to be used as Real Estate office, 2100 Chain Bridge Road, Old Courthouse Subd., 39-1((3))58, Centreville District, (RE-1), S-180-71

Mr. George Bennett, attorney, represented the applicant and testified before the Board.

Notices to property owners were in order. The two contiguous owners were Audrey Grove, 2108 Chain Bridge Road and Marian Daley, Route 1, Box 82, Leesburg, And Mr. Cobb & Mr. Peterson, 3504 Chain Bridge Road.

Mr. Bennett stated that he felt that the uses comtemplated for this property would be harmonious with the neighborhood. Nearby this property is a welding shop, an Esso station and a Mobil station. In addition, there is a concrete building block business. He said this accounts for the reason this property cannot be used for a residential purpose. This property is also very close to House and Home Realty. He stated that this property was rented to tenants on a month to month basis and there is an apartment building to the rear. Mr. Piper has owned this property for five to six years. He is a real estate broker, but his main business is real estate appraisals.

Mr. Smith asked if Mr. Piper planned to use this for his own brokerage firm and Mr. Bennett answered that he plans to either use it for his own or to lease it to a brokerage firm.

Mr. Smith said that if he is going to lease it, whoever he leased it to would have to be a part of the use permit. The Use Permit goes to the User.

Mr. Piper spoke before the Board. He stated he had an appraisal office in Tyson's Corner. He said it seemed to him that the most practical use for this property would be as a real estate office and he said he did not realize from the Code that it had to be for a specific user. He stated that the property is larger than he needs for himself He said he could not offer it for lease until he knew what use he could use it for. He did expect to use it as a real estate office by himself or other real estate brokers.

Mr. Piper said could he reasonably assume that if the Board would approve this property for him, could and would they approve it for another individual and the same type use?

Mr. Woodson said if he was going to have a partner, then the partner would have to be part of the application.

Mr. Piper asked if he could lease to another real estate organization? Mr. Woodson told him that if he had a partner in with him it would be alright.

Mr. Piper asked then if he leased to an established organization, say to XYZ organization would that be alright? Mr. Woodson, answered, "No".

Mr. Piper said that he did not understand that section of the Code which required only one user for a particular piece of property when there was two houses on the property and adequate room for two uses.

Mr. Smith said the Code says "real estate office" not "offices". Mr. Smith told him he had the right to establish the office if it will be in harmony with the ordinance, but that he does not have authority to lease space and also use space himself. A broker could bring in a small staff. If he did not want to use the space himself, Mr. Smith, told him he could lease it to someone else, if he could tell the Board who it is, or the Board could defer this case until he could give it some thought. He again stated that the Use Permit is granted to the User, the number of employees the particular user plans to have, the parking requirement are also based on the User, how many employees he will have and how many customers he contemplates having.

Mr. Kelley asked Mr. Piper if he knew of the comments of the Planning Staff.
"This use is under Group IX and therefore will not be under site plan control. This office would suggest that sidewalk be provided for the full frontage of the property. Also, since service drive exists not far to the north and south of the subject property some provision should be made for construction of the service drive along the full frontage of this property when required. It is suggested that the owner execute and record an agreement guaranteeing the submission of a plan and profile for approval and the construction of road

widening, curb and gutter, service road, sidewalk, and any necessary storm sewer at such time as similar improvements are constructed on either adjoining property. All on-site parking areas should be paved with a dustless surface as defined under Sec. 30-1.7.4. Adequate disposition of all drainage should be provided to prevent ponding of water and erosion of soil. All uses surrounding the subject site are zoned residential and this office would suggest that the Board consider any possible screening needs.

Mr. Piper said he would comply if he had to comply and asked if the Board usually make the staff comments a part of the stipulation of the Use Permit.

Mr. Smith said that normally where the Board grants a Use Permit that are longer than two years, it would require conformity with Staff comments. He asked Mr. Piper, what in fact had he planned to do with the two houses. Mr. Piper said that he had planned to use the little house for his office and the other house for rental to a real estate organization or another appraiser.

Mr. Woodson said that there was a land requirement of 3/4 acre for each use and there was not enough land for two uses.

Mr. Smith asked Mr. Woodson what use could be made of the other house. Mr Woodson stated that he could not allow it to be occupied because of the land area.

No opposition.

Mr. Bennett requested that the Board defer this case for 60 days. Mr. Baker so moved. Mr. Barnes seconded the motion, therefore, this case was deferred until November 23, 1971.

The motion to defer passed unanimously.

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SIDEBURN RUN RECREATION ASSOCIATION, INC., app. under Sec. 30-7.2.6.1.1 of Ord. to permit community swimming pool, 10603 Zion Drive, Between Bonnie Brae & Country Club View Subd., 68-3 & 68-4((1))16, Springfield District, (RE-1), S-186-71.

Mr. Roy C. Evans, President of the Sideburn Run Recreation Association testified before the Board. He said this development is four years old and at the time of the approval of the planned site there was no provision for recreation facilities. Their civic association was formed with the purpose of locating and building a swimming pool. Total proposed houses for this area will be 800 and and there are absolutely no facilities provided, therefore, they have located a piece of land and have a projected membership of 400.

Notices to property owners were in order. The two contiguous owners are Aubrey Limited Model Homes and C. W. Rowland. The area at the end of their property will end up in flood plain. They have 200 members who have already paid at the present time, and a number of others who have indicated an interest. This will include three communities::Bonnie Brae, Spectra and another organization which is part of the Aubrey Organization. They have parking spaces for 133 cars, Mr. Smith told him they would need 134.

Mr. Evans and his engineer marked up one plat as to the size of the pool itself and the bathhouse, initialed it and gave it to the Board for the file.

Mr. Smith asked the area of the land and Mr. Evans said it was three acres before they started giving land for the widening of the street.

There was no opposition.

Mr. Long asked if Sideburn was the contract purchaser and Mr. Evans said Yes, they were, but the owner is Amos J. Wampler.

In application No. S-186-71, application by Sideburn Run Recreation Association, Inc., under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit community swimming pool, on property located at 10603 Zion Drive, also known as tax map 68-3 & 68-4((1))16, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of September, 1971; and

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

1. That the owner of the subject property is Amos J. Wampler.
2. That the present zoning is RE-1.
3. That the area of the lot is 3.0 acres.
4. That compliance with Article XI, Site Plan Ordinance, is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. There shall be a maximum of 400 family memberships.

5. There shall be 134 parking spaces provided for this use.

6. The hours of operation shall be from 9:00 A.M. to 9:00 P.M. unless a later hour has been approved for Special Events by the Zoning Administrator.

7. All lighting shall be directed onto the site.

8. All noise from loud speakers shall be confined to the site.

9. The rear and side property lines shall be screened with Standard Fairfax County Screening and as approved by the Planning Engineer.

Mr. Barnes seconded the motion.

The motion passed unanimously to grant with Limitations.

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JOSETTE A. DAVIS, app. under Sec. 30-7.2.6.1.5 of Ord. to permit beauty parlor as home occupation, 7004 Davis Street, Woodlawn Subdivision, 93-1((19))1, Mount Vernon District, (R-12.5), S-179-71.

Mr. Jernigan, attorney, represented the applicant and testified before the Board.

Notices to property owners were in order. The two contiguous owners were Mr. Croisetiere, 7008 Davis Street and Mr. Gerald Lee Teets, 2605 Woodlawn Lane and they also notified a third contiguous owner, Mr. Dempsey E. Batchelor, 7005 Davis Street, Alexandria, Virginia.

Mr. Jernigan testified that Mrs. Davis's husband died in Viet Nam and she has two children who are teenagers and she has since remarried and needs to supplement the income. She went ahead and proceeded with this without full knowledge of the proceedings. She did not know she had to have a Special Use Permit and she went ahead and built the addition in the back. She will not have more than two people in at any one time, they have no parking problem and they feel it will be harmonious with the neighborhood.

Mr. Long asked how far is this residence from the nearest shopping center that has beauty parlors. Mr. Jernigan answered that there is a commercial area one-half mile away, a beauty shop one-eighth mile away and another one near the 1320 Club.

Mr. Smith asked if this shop was in operation at the present time and Mr. Jernigan said, "No". He said the equipment was in place and the addition has been completed.

Mr. Smith asked how long she had been a licensed beautician in the State of Virginia and where she had worked. Mr. Jernigan said she had been licensed for four years and prior to that she worked in Europe, in the United States she has worked at Lady Jane's in Alexandria.

In opposition, Mr. Gerald Lee Teets testified before the Board.

Mr. Teets submitted to the Board a Petition for Denial along with a statement giving the reasons why they recommend and suggest denial. He said he lived next door to Mrs. Davis and he is very much opposed to this shop, as well as is his neighbors except one. One of the Petitioners had her hair done at this shop and she is operating a beauty shop now at the present time. They are very concerned and they want to share their concern with the Board. One of the reasons why the neighbors do not think it should be granted, Mr. Teets stated is that there are covenants that run with the land in Woodlawn Subdivision which state three things: 1) no offensive trade is to be in this area, 2) no lot shall be used for the conduct of business, and 3) the covenants do not expire until 1999. It is also their opinion that Mrs. Davis intended to open a beauty shop from the first. She moved into that neighborhood for that purpose and his wife heard her say so. She has invested $6,000 in this business investment. They believe this is to be something other than a neighborhood beauty shop operated in the home which accomodates friends and neighbors and within certain hours. They feel this will make an inroad to commercialism into their neighborhood. He said they already have their parking problem and they don't want a widening to the Route 1 commercial corridor. He said it already is easier to get to a beauty shop than it is to buy a loaf of bread. Their parking problem is aggravated by the Davis' who have a junked car in the yard without a license and two other cars in the driveway and another one on the grass.

Mr. Smith said the ordinance permits this as a home occupation and it is very difficult to deny if the applicant meets the criteria.

Mr. Smith said this use requested is for one chair and one operator and told Mr. Teets if he could tell the Board where it has gone beyond this, then they could begin to realize his concern.

Mr. Teets said as he could see from the Petition, there are 19 immediate neighbors who are taxpayers in this County and they are concerned. It is their home, not yours and these people are good, hardworking people, who work with their hands to make an honest living. These people bought these houses in this cul-de-sac for a purpose and that is for the protection of their kids without the fear of traffic going by and they want it to continue that way.

Mr. Teets submitted pictures of the $6,000 addition and one that shows that there is no sidewalk on the Woodlawn Lane which the addition faces. He said this beauty shop has to be more than just a neighbor doing another neighbor's hair, as all the neighbor's have signed the Petition. Woodlawn Lane is a No-Through Street and it is very close to Groveton High School. They have been fighting the traffic problem for 15 years and there have been near accidents caused by these people, the Davis', parking their cars on the street.

They have had some of the neighbors who have voluntarily widened their driveways just to get the cars off the street, they have had a stop sign put up and the No-Thru Street sign.

In Rebuttal, Mr. Jernigan said Mrs. Davis had no ulterior motive and "Yes", she did want a shop and it was one of her intentions when she bought the house. The contractor came down and got the building permit for the addition, before she lived in a secluded neighborhood and could not operate a beauty shop.

Mr. Long moved that this case be deferred to allow the Zoning Administrator to inspect the property for violations and this case would not be rescheduled until the violations were cleared up. The Board will arrive at the decision after a report from the Zoning Administrator.

Mr. Smith said this closes the public hearing, but should the Board have to have questions answered, both the applicant and the opponents would be notified.

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EDMUND B. KRAUS, app. under Sec. 30-6.6 of Ord. to permit variance from side line 6' to build pole barn for pony, 4407 Wakefield Chapel Road, Burke, Virginia, 70-1((1))26, Annandale District, (RE-1), V-181-71

Notices to property owners were in order. There was only one contiguous and he only notified 4, but Mr. Baker moved to accept this, Mr. Barnes seconded, the motion carried.

In April Mr, Kraus stated, he bought a pony for his children and was told at that time he had to have 2 acres, which he has. Now he wants to build a pole barn for the pony and finds that his lot is 200' wide and he needs 100' on each side and also from the rear, therefore, he moved up 100' from the rear and is asking for a 6' variance for each side of the barn.

Mr. Barnes asked him why he didn't move back, he would have more room, and Mr. Long said he felt Mr. Kraus could move the barn 50' off the rear line without hurting anything.

Mr. Smith said the Board couldn't give the applicant more than he asked for. He didn't request a variance from the rear and unless it is stated and advertised, it is not legal.

Therefore, it was decided to leave the request as it was.

No opposition.

In application No. V-181-71, application by Edmund B. Kraus, under Section 30-6.6 of the Zoning Ordinance, to permit variance from both side property lines 6' to build pole barn for pony, on property located at 4407 Wakefield Chapel Road, Burke, Virginia, also known as tax map 70-1((1))26, County of Fairfax, Virginia Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of September, 1971;and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is two acres.
4. That compliance with all county codes is required.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical

difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

(a) exceptionally narrow lot

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed unanimously.

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TEMPLE RODEF SHALOM NURSERY SCHOOL, app. under Sec. 30-7.2.6.1.3 of Ord. to permit nursery school, 12 children, 5 days per week, 2100 Westmoreland Street, Falls Church, 40-2((1))19, Dranesville District, (RE-1), S-188-71

Mr. Philip Schwartz, attorney, represented the applicant and testified before the Board.

Notices to property owners were in order. The two contiguous owners are Herbert Eitt, 2100 Westmoreland Street, Falls Church 22043 and Mrs. Frances N. Richardson, 2048 North Westmoreland Street, Falls Church, Virginia 22043.

Mr. Schwartz stated he would like to have fifteen students in the school, 2 to 4 years of age, 9:15 to 12:15, two days per week. He said the Board was in receipt of a letter from Mr. Clayton indicating an agreement has been reached regarding the lavoratories and toilet facilities.

Mr. Smith asked if in the future, they might want to hold classes on other days also. Mr. Schwartz stated that there is that possibility. Mr. Smith told him that it would be best to extend the time now and that it would have no effect on the Montessori School, as the only thing under question is the toilet facilities. Mr. Smith said theBoard does have authority to regulate to some degree certain items such as this.

No opposition.

Mr. Smith asked if the building had an occupancy permit. Mr. Schwartz said that it did not.

Mr. Long moved that this case be deferred until the other case is heard, for decision only.

Mr. Barnes seconded. The motion passed unanimously.

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McLEAN MONTESSORI SCHOOL, INC., app. under Sec. 30-7.2.6.1.3 of Ord. to permit Montessori Nursery and Kindergarden (3 year permit), 100 children, ages 2-6, (not a day care facility), 2 sessions daily 9:00 - 4:00, 5 days a week, 2100 Westmoreland Street, Falls Church, Virginia, in the Temple Rodef Shalom, 40-2((1))19, Dranesville District, (RE-1), S-198-71.

Mr. Richard Zimmerman, 2330 N. Notingham Street, testified before the Board.

Notices to property owners were in order. The two contiguous owners were Col. Eitt, 6621 Kirby Court, Falls Church and Mrs. Richardson, 2038 N. Westmoreland St., Falls Church.

Mr. Zimmerman explained what he planned to do in this school.

He said he felt they could easily work out the bath facility problem.

Mr. Smith said there was the problem of no occupancy permit and asked Mr. Woodson if he knew why they were unable to obtain it. Mr. Woodson said they had a temporary permit which expired in May of this year. He did not know exactly what was wrong, but he said the "as-built" was rejected.

Mr. Smith suggested that the Temple's attorney, Mr. Schwartz, go up to the Planning Engineer's office and see what the problem is.

Mr. Zimmerman continuing his case stated that the transportation of the children would be done by the parents. The youngest age would be 2 and one-half and the oldest would be 6.

Mr. Long moved that the Board of Zoning Appeals defer case S-198-71 for thirty (30) days to allow the church to obtain an occupancy permit.

Mr. Barnes seconded the motion and the motion passed unanimously to defer.

Mr. Long then moved than the previous application on the Temple Rodef Shalom also be deferred for thirty (30) days to allow the Church to obtain an occupancy permit.

Mr. Barnes seconded the motion and the motion passed unanimously to defer.

Mr. Smith said that Mr. Zimmerman's school, McLean Montessori School could continue to operate on their old permit until the occupancy permit could be obtain, but that the Temple Rodef Shalom would have to wait until the occupancy permit was obtained to begin operation.

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YEONAS COMPANY, app. under Sec. 30-6.6 to allow building to remain 9.6' from property line, 8420 Georgian Way, Annandale, Oak Hill Subd., 70-1((16))240-B, Annandale District, (R-12.5), V-196-71.

Notices to property owners were in order. The two contiguous owners were Mr. Thomas Whitesell, 8422 Georgia Way, Annandale and Stanley Monroe, 4100 Holborne Avenue, Burke Virginia 22015.

Marc Bettius testified before the Board, representing the applicant.

The people who are buying the house desired a double carport and inquiry was made by the engineer and it was determined that they could have the double carport. A survey was made at the time and the stakeout made and it was not discovered until sometime later that the stakeout was done in compliance with the original development plan. Since that time the resubdivision of the lots has been accomplished. The required setback would be 12'. The encroachment is very slight and involves only the rear portion. They have discussed this with the adjoining property owners and in the spirit of neighborness, they have no objection. This is an honest error and they respectfully ask that the Board grant favorably.

Mr. Smith asked if the deed was still with the company, or with the new owners. Mr. Bettius said it was still with the company. The people are in occupancy under an occupancy agreement but title has not passed. He said he has a letter from the Vandells who are the contract purchasers asking the Board to approve.

No opposition.

The Vandells were present at the hearing, as were the adjacent property owners.

THE YEONAS COMPANY (continued)

In application No. V-196-71, application by The Yeonas Company, under Section 30-6.6 of the Zoning Ordinance, to permit building to remain 9.6' from property line, on property located at 8420 Georgian Way, Annandale District, also known as tax map 70-1((16)240-B, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of ZoningAppeals held on the 28th day of September, 1971; and

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

1. The owner of the subject property is the applicant.
2. That the present zoning is R-12.5
3. That the area of the lot is 10.580 square feet.

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

1. That the Board has found that non-compliance was the result of an error in the location of the building subsequent to the issuance of a building permit, and

2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Long seconded the motion.

The motion passed unanimously to grant.

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DEFERRED CASES:

FAIRFAX FARMS CITIZENS ASSOC., app. under Sec. 30-6.5 of Ord. for appeal from decision of Zoning Adm.'s issuance of Bldg. Permit No. P73800, for parsonage for Chinese Christian Mission, Inc., 3621 Highland Place, Fairfax Farms, 46-4((2))38, Centreville District, (RE-1), V-174-71 (Deferred from 9-14-71).

Mr. Smith said that the Board is in receipt of all the papers that were requested from the Chinese Christian Mission, Inc. the previous week. There were quite a few papers and since they were received by the Board just this morning they do need some time to go over them.

Mr. Aylor, attorney for the Chinese Christian Overseas Mission, Inc., testified before the Board. He stated that last Tuesday in connection with an appeal by the civic association on the basis that the staff had improperly issued a building permit, they were asked to submit a lot of documents supporting their position. In addition, they had present Mrs. McIntosh, Executive Secretary and Rev. Hummer who presented to the Board the nature of this particular mission and the need for the parsonage. From these papers you can see that this corporation is legal and meets all the requirements both of the State of Virginia and the State of Maryland. This property is zoned residential and this is a residence. The definition of dwelling, one family under Code Section 30-1.8.8.1.3 "a dwelling is a dwelling unit only occupied by one family". Under the recent amendment of July 2, 1971, the definition of the word family is "one person or two or more persons

related by blood or marriage not to exceed two boarders..." The way this house is laid out there is only one front door. There are no separate entrances to this building. There is a rear door on the ground floor. Therefore this building has the normal amount of entrances.

Mr. Aylor reads a letter written to Mr. Kenneth W. Smith, Assistant County Attorney on April 19th, 1971 by Mrs. McIntosh which read: "Dear Mr. Smith: In accordance with the telephone conversation of April 16 concerning information you requested, please note the following:

The Chinese Overseas Christian Mission, Inc., has applied for a building permit to build a residence on Lot No. 38, in Fairfax Farms. The proposed dwelling is to be the parsonage for this organization, serving as the residence for the minister who heads theorganization as Director for the USA Division of its work.

The building committee designed the house to serve the minister as a residence in which he and his family can adequately and comfortably live their lives and graciously do such entertaining as is normal. The house is not to be used as a boarding house or for the renting of rooms.

The house is designed to include adequate space for live-in personnel to take care of the premises and to insure that it is not left unattended for extended periods of time.

We trust that this information will satisfy your requirements, and that our building permit can be issued without further delay.

Respectfully, /s/ Evelyn N. McIntosh, (Mrs. Donald T. McIntosh), Executive Secretary, The Chinese Overseas Christian Mission, Inc., USA Division"

Mr. Aylor said that the Chinese Overseas Christian Mission, Inc. stands by this letter, exactly as it says.

Subsequent to the issuance of the permit and after this particular request for the hearing, Mr. Smith in the County Attorney's office wrote a memorandum to Mr. Woodson, dated September 14. This Mr. Aylor also read. This memorandum stated:

"Pursuant to your request for an opinion as to whether a building permit for a parsonage should be issued for the property in question, please note: 1) Pursuant to the terms of that letter from the Chinese Overseas Christian Missions, Inc. dated April 19, 1971, addressed to me, the proposed use is to serve the minister as a residence for him and his family. 'Family' is defined in Section 30-1.5.4 as amended 6/2/71. Amendment #152. 2) "Parsonage" is defined in Webster's Seventh New Collegiate Dictionary as, "the house provided by a church for its pastor". 3) "Church" is defined in the same source as, "2: the clergy or officialdom of a religious body". It is my opinion that the proposed structure, and the use thereof as delineated in the letter of April 19, 1971, is a single family dwelling under Section 30-1.8.8.1.3./s/KWS."

Mr. Aylor said that he agreed with Mr. Ken Smith's interpretation. Dr. Pike gave this special assignment with permission of the Methodist Bishop. He said this is a religious organization trying to impart christianity to the Chinese so when they go back to the mainland they possibly can help in bringing this world closer together. He said that they feel that because of the layout of the house, it cannot be possibly viewed as an apartment house, or a motel and this is not the intent.

Mr. Smith said no one was questioning the fact that the religious aspect is a fine one. It all boils down to whether this use is a normal single family use in a single family area. There is nothing to indicate that they are working in the community or in this country. This activity is on an international basis.

Rev. Hummer testified before the Board, as to how this church conforms with the church definition as given previously. He used as an example Billy Graham is not establishing a particular church, but is a ministry involved with the church. Mr. Smith said as he recalled the World Headquarters for Billy Graham's ministry is in Minnesota and is not his home

Mr. Long asked if they had any place to conduct their business besides the home. Mr. Hummer said that in the past they have conducted their business at the Westly Seminary in Washington and in the home of one of their executive members in Baltimore.

Mr. Long asked, "Will you in the future?" No answer

Mr. Smith told Rev. Hummer contrary to his belief that the Chinese Overseas Christian Mission, Inc. had been given no privileges that they had been able to construct this building without benefit of a site plan having to be submitted and if this building were for other uses, they would come under site plan control and have to meet certain requirements.

A discussion was held on whether or not business meeting were normal in one's home.

Mr. Smith asked them did they in fact plan to hold business meetings in this proposed building at any time. Rev. Hummer answered that their Board consists of ten members at the present and on occasion when they are invited by the Director to meet with him, he would assume that they would not be violating any law by going there.

Mr. Smith asked would this be "on occasion" or "on a regular basis" that is what the Board is now trying to determine.

Mr. Long asked if they would have mailout from that location and asked also where they had them now. Rev. McIntosh answered that they used Mr. and Mrs. McIntosh's apartment.

Mr. Smith then asked if the duplicating and office equipment and work pertaining to this mission would then be done where Mr. and Mrs. McIntosh would live. Rev. Hummer answered that this would be done just as he had done over over the years when you have a church associated where you live.

Mr. Smith told Rev. Hummer that Rev. Hummer was a part of that community and that is different than this. This is an organization that sets itself up in a residential community. The Board is trying to determine whether this is in harmony with the residential character of this particular community. He said he was sure if this was a Methodist Church association with the community the people there would favor it.

Mr. Aylor told the Board that Mrs. McIntosh just has indicated that if the real question is whether or not there will be business meeting, they could be held elsewhere in churches in the area and would stand by the statement that "there will be no business meetings as such" in the building in question.

Mr. Johnson from the Fairfax Farms Citizens Association said that he would assume that they were given the special privilege of a tax exemption as a church. They have no argument that their mission is a good one, but that building does not suit the character of their community. It is three or four times the cost of anything that is there or planned to be built there. There are also concerned about the resale of this type building. They are also concerned about the water supply and the sewage problem.

Mr. Smith said that it would still have to be used for single family purposes. The Health Department has to approve the building as far as water and sewage and he said he assumed they had approved it.

Mr. Smith said the Board needed a little time to digest all these papers. Mr. Barnes concurred.

Mr. Long moved that this case be deferred for decision only until the next meeting which would be October 12, 1971.

Mr. Barnes seconded the motion and the motion passed unanimously. Mr. Smith said all parties would be notified of the final decision when the decision takes place.
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ZBR, INC., T/A CEASAR'S FORUM, app. under Sec. 30-6.6 and Sec. 30-16.8.3 of Ord. to permit location of building sign within a shopping center, 7403 Colshire Drive, Commons Shopping Center, (C-D) 30-3((1))7C, Dranesville District, V-155-71 (Deferred from August 3, 1971)

Mr. Knowlton, from Land Use Administration spoke before the Board regarding the sign ordinance.

Mr. Smith read Mr. Knowlton's letter of September 22, 1971, to the Board regarding this. "The fourth paragraph of Section 30-16.8.3 reads as follows:

'In cases where an individual enterprise located within a shopping center would be so situated as not to have frontage visible from a street the Board of Zoning Appeals may grant sign area for such uses to be erected at entrances, arcades or interior malls. In granting such a variance the Board of Zoning Appeals shall limit the area of such signs to that which in their opinion is reasonably in keeping with the provisions of this Article.'

It is the apparent contention of the applicant that the frontage of his enterprise does not have visibility from the street and is applying for the relief built into the Code for such cases. If it is found that he has a lack of visibility in accord with the above paragraph, a variance would be in order, but the amount of sign and the location of that sign would still be at the discretion of the Board of Zoning Appeals. /s/ GRK"

Mr. Smith said they had viewed the site at the August 3, 1971 meeting. Mr. Smith also said that it was his view that he should be allowed to put the sign there, if he did, in fact, have control over that area and if it is contiguous to the operation of his business.

Mr. Smith said he would have a problem granting them permission if it had to be done by way of a variance to put this huge sign up there, because what happens to the other business back there. There should be some provision for all the businesses. It meets all the requirements if they could establish it over their business.

Mr. Knowlton said if the Board would recall back two or three years ago, there was a case before this Board in which Lohman's Plaza had a recession with a group a stores that wanted some sign out front and it was the discussions in that particular meeting that brought forth this particular section of the ordinance. The same question applied there that probably they should have some relief, but how much.

Mr. Smith said in Lohman's they placed a group of stores on one large upright sign and indicated all the shops that was back in the arcade. In this case the applicant has stated that they have jurisdiction over this particular part of the building, in other words, their lease calls for from the front of the store on the front all the way to the back where their restaurant is is part of their lease. The people who control the arcade, Westgate Corporation, state in a letter and at the last meeting that they were very desirous of them having the sign out front. If it were placed back in the rear where the restaurant actually is, there is an office building there and they couldn't put it there either, that is how large it is. Therefore, the question is, is this an appropriate sign and is it too large for this particular area.

Mr. Long said that the Board has to consider all the stores in the back of the arcade if they consider his sign.

Mr. Ralston said that all the stores in the back already have their signs. Westgate has a clause in all their leases which states that Westgate has to approve all signs. Even if the stores wanted a sign out front, Westgate would first have to approve them.

Mr. Ralston presented a letter to the Board stating that it was Westgate's interpretation of the lease that ZBR has the right under the lease to put the sign at that particular area. The Westgate Corporation addressed the letter to Mr. Ralston.

Mr. Woodson said it was still his position that ZBR would have to go before the Board for a variance.

Mr. Barnes said he was in favor of the sign since there were only two stores in the back and they already had a sign.

Mr. Baker said he thought the circumstances were a little bit different here. This is a restaurant that people from all over want to go to and try to find and it is hard enough just to find the shopping center.

Mr. Smith said the pertinent question is whether the Board shall limit the area to to that which is in their opinion reasonable and in keeping with the provisions of this Article of the Code.

Mr. Baker said as long as the sign doesn't exceed the size that the ordinance indicates, he doesn't feel that the Board can read into the ordinance something that isn't there.

Mr. Barnes said the sign if it was put over the restaurant itself could only be seen by a small portion of the parking lot, if that.

Mr. Ralston told Mr. Smith he could see his opinion because Mr. Smith was at the discussions that brought about this ordinance and he (Mr. Ralston) wasn't. Mr. Ralston said he felt their sign size was reasonable because it is 156 square feet vs. 200 square feet that the ordinance specifies as the amount they could have according to the linear feet of the front of their business.

Mr. Smith said the Board is confusing what he can do as a matter of right and what he can do in this small area. It is a small corner of an arcade that has a tremendous impact.

Mr. Kelley said this is Mr. Smith's interpretation and he asked Mr. Smith what he would consider to be reasonable. Mr. Smith answered one-third of the ZBR sign.

ZBR (continued)

Mr. Kelley said Mr.Ralston tells us, Westgate has told us and we have a letter to the effect that this sign has been cleared with them, so that clears the matter up in his opinion.

Mr. Smith said again we go back to the fact that no matter what agreements there are, they have come in and asked to be heard as to variance.

Mr. Baker said, did these people know when they leased this ground that no one else would be permitted a sign such as this, and that they would have to get the o.k. from Westgate.

Mr. Ralston said it is a part of Westgate's standard type lease. Mr. Ralston said it is the only way this restaurant can be located.

In application No. V-155-71, application by ZBR, INC., T/A Ceasar's Forum and Westgate Corporation, under Section 30-6.6 and Section 30-16.8.3 of the Zoning Ordinance, to permit location of building sign within shopping center, Dranesville District on property located at 7403 Colshire Drive, Common's Shopping Center, also known as tax map 30-3((1))7C, County of Fairfax, Virginia, Mr. Kelley moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the cationed 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 3rd day of August, 1971 and deferred to September 28, 1971; and

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

1. That the owner of the subject property is Westgate Corporation.
2. That the present zoning is C-D.
3. That the area of the restaurant is 10,000 square feet.

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

(a) The individual enterprise is located within a shopping center so situated as not having frontage visible from a street.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific sign indicated in the plats included with this application only, and is nottransferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of the Board prior to date of expiration.

3. This sign shall not exceed 156 square feet.

4. Compliance with all Fairfax County Codes and permits is required.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion. The motion passed 3 to 2, with Mr. Long and Mr. Smith voting No.

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Page 347
September 28, 1971

ARGERSON, S-120-71.

Mr. Argerson wrote a letter to the Board requesting that Limitation No. 6 be amended agreed to comply with the Planning Engineer's suggestion that the brick wall be substituted with another material. The Board considered the request at the previous hearing.

Mr. Long moved that Item No. 6 under Limitations be amended to read, " landscaping around the parking where the plat indicates a 6' stockage fence, shall be provided as approved by the Planning Engineer".

Mr. Smith said in other words you want to eliminate the brick fence. Mr. Long said "Yes", to conform with whatever the Planning Engineer decides.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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Mr. Baker moved the meeting adjourn.
Mr. Long seconded the motion.

The meeting of September 28, 1971, adjourned at 4:45 P.M.

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By Jane C. Kelsey
Clerk

November 9, 1971
DANIEL SMITH, CHAIRMAN, DATE APPROVED

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349

A Regular Meeting of the Board of Zoning Appeals was Held on Tuesday, October 12, 1971, at 10:00 A.M. in the Board Room of the Massey Building, Fairfax County Administration Building. Members present: Daniel Smith, Chairman; Mr. George Barnes; Mr. Loy Kelley.

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

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VIRGINIA ELECTRIC & POWER CO., app. under Sec. 30-7.2.2.1.2 of Ord. to erect, operate, maintain transmission line and poles -- replace existing transmission line and poles, located Idylwood Substation to Falls Church along W & OD RR 28-3((1))151; 49-2((1))151, 151A, 151B, 165, Providence District, (R-10, R-12.5), S-176-71

Mr. Randolph W. Church, attorney for the applicant, testified before the Board.

Notices to property owners were in order. He notified twenty-six, eleven of which were contiguous. Two of the contiguous were William C. Bauknight and Mr. and Mrs. Garrett.

Mr. Smith asked Mr. Church if there is an existing line on this property now, over this entire right-of-way. Mr. Church indicated on the map the area of the right-of-way. He said there was a loop which runs north to Idlywood Substation down to the Glebe Substation back to Occoquan Substation and up to the Ox Substation. At the present time that entire loop is energized to 230,000 volts with the exception of the section between the Idlywood Substation and the Arlington Substation. This application is to increase the voltage on that portion of that section within Fairfax County. At the present time there is a 115K.V. line and poles and wires in place along that right-of-way and the purpose of this application is to replace those poles on a one-to-one basis with a somewhat taller pole and increase the voltage to 230 KV. so the entire loop can operate at that voltage which will greatly increase the liability of the whole system so that if there is a surge at any one place the electricity can be carried around from the opposite direction to provide service. He asked Mr. Carroll to explain to the Board the necessity for this line.

Mr. R. W. Carroll, District Manager of the Potomac District of VEPCO testified before the Board. The company, he stated, is seeking this use permit to rebuild a double circuit 115,000 volts to operate at 230,000 volts. The line extends from their Idlywood Substation to their Arlington Substation and 1.3 miles of the line is in Fairfax County. The demand for electric power in Northern Virginia continues to grow at a rapid pace as shown on the bar charts listed as Exhibit 1. During the summer of 1970, the peak electric load for this area was 1,250,000 K.W., which doubled the 1964 peak load. Their engineering studies show that this peak will double again by 1975 and by 1980 will reach the demand of 5,000,000 k.w. The main transmission line serving the northern Virginia area form a closed loop as Mr. Church explained. This loop is supplied by 230,000 volt lines originating at the 500 to 230,000 volt Ox Substation and the Possum Point generating station. They now propose to rebuild this 115,000 volt section for 230,000 volts so that the entire loop will operate at the higher voltage. The existing poles will be replaced with taller, steel poles painted gray and will be similar to those in service in other section of Fairfax County and shown in Exhibit 3. The new poles will be built on or immediately adjacent to the foundations for the existing poles. The three lattice type towers now in this line will also be replaced with steel poles. The total number of structures will remain the same. The present conductor will be transferred to the new poles. The entire area will be benefitted through the increased reliability of a strong two way feed. This line will cause no interference with normal residential radio or television reception. Since the new line replaces an existing line, it should not affect the residential character of the neighborhood or affect the value of property and improvements in the area.

Mr. N. McK. Downs, real estate appraiser, spoke on behalf of the applicant. He stated that after a careful investigation he would report on his findings. He reported that the major portion of the line is located in an area zoned for single family residential use, that an examination of sales of homes in that area did not indicate any adverse effect on property values, that the proposed line would follow an existing industrial channel and the existing line would be rebuilt with structures which, although of greater height, would be more esthetically desirable for a single family residential neighborhood.

Both Mr. Downs and Mr. Carroll submitted statements of their comments for the record.

Opposition. Mrs. Maria Belousovitch, Buckelew Drive, Falls Church, Virginia, testified in opposition to the application. She said she had attended the public hearing before the Planning Commission, and at that hearing it was established that there was no comprehensive plan for utility corridors in Fairfax County. She was concerned that

the Planning Commission would approve or that the BZA would approve this application prior to a public hearing on the comprehensive utility corridor plan for Fairfax County and without consultation with the residents of the affected areas. She said her main concern is that the development of the facilities of VEPCO and the future probable widening of Shreve Road will encroach on the property and facilities of the Poplar Heights Recreation Association. She said she felt the Board should consider the adverse affect this will have on the surrounding community and that VEPCO should consider going under ground for these lines.

Mr. Smith said that although the Board might agree with her about the Comprehensive Plan unfortunately the County has not moved as fast as the oncoming residents. This particular transmission line has been in place for a number of years and was placed there at the direction of the County staff because it was on, at that time, a railroad right-of-way which would least affect the surrounding areas and at that time there was no real objection to it.

Mrs. Belousovitch contended that VEPCO should go underground. Mr. Smith asked her if she was aware of the costs and the problems of going underground and asked her if she knew what one mile of wire underground would cost. She said she knew the cost was high that one mile would be about two million dollars, yet, she continued, that if VEPCO was doing this for future use then the cost could be made up.

Mr. Smith said there was more reasons than just cost that kept them from going underground. He said that over a period of years he had attended numerous meetings and there has been much discussion about what could be done to alleviate over-head power lines, but as yet because of cost of engineering, they have found no way.

Mrs. Patricia Jones, Poplar Drive, Fairfax County also testified in opposition to this application. She said she was concerned too about their area and the Recreation facilities that might be affected by this application if it should be granted. In addition, she was concerned that this area where the power lines are to go is going to become a dump. Already, there is debris and garbage, an old refrigerator, or stove there and they have called VEPCO and they have tried to keep it clean, but to no avail. She understands they have given a concrete company permission to dump fill there. In addition, she does not like the color of pole VEPCO plans to use.

Mr. Smith said that at first VEPCO was using a rustic pole, but no one liked that either. Mr. Smith then read the Staff report and recommendation which was to request approval.

Mr. Carroll, VEPCO, in response to the opposition stated they VEPCO tries hard to keep debris from this property. They to his knowledge have never given anyone permission to dump anything on this property.

Mr. Smith suggested that he check into this complaint.

Mr. Kelley stated that he could sympathize with the people who lived near these lines. His subdivision had the same problem with these poles going through and nobody wanted them. But, on the other hand, VEPCO is charged with the responsibility of furnishing electricity to the people and in all fairness to all the citizens these lines have to go through in order for all the people to have electricity.

Mr. Kelley then made the following resolution:

In application No. S-176-71, application by Virginia Electric & Power Company under Section 30-7.2.2.1.2 of the Zoning Ordinance, to erect, operate and maintain transmission lines and poles on property located at Idylwood Substation to Falls Church along W & OD Railroad, 28-3((1))151; 49-2((1))151, 151A, 151B, 165, Providence District, (R-10, R-12.5), County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 12th day of October, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-10 and R-12.5.
3. That the length of the line is 1.3 miles in Fairfax County.
4. That compliance with Site Plan Ordinance, Article XI, is required.
5. That compliance with all County Codes is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

4. Existing poles to be replaced with steel poles, one pole to be 150' in height and the remainder of poles not to exceed 115' in height.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed unanimously 3 to 0, with 3 members present.

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LARRY & NORA YOUNG, app. under Sec. 30-6.6 of Ord. to allow hedge to remain 8' in height along Margarity Road, 1734 Anderson Road, 30-3((4))181, Dranesville District (R-10) V-183-71

Mrs. Nora Young testified before the Board.

Notices to property owners were in order. The two contiguous owners were Mr. Stephens, 7409 Tellman Drive, and Katherine Harris, 1736 Anderson Road.

Mrs. Young stated that there had been nine traffic accidents at that intersection since the road had been opened. These accidents, she stated, were not due to her hedge. There is an awful crest in the road which cause the cars to collide at the intersection. She said her hedge did a good job of keeping the car lights out of her house and since Anderson Road was opened to through traffic to 123, there has been much more traffic because people use that road for a shortcut. This shopping center was opened three years ago. This shopping center is vertically across the street. Directly east from her house on Magarity Road is where the crest is located and this crest causes the cars travelling west down Magarity Road to collide with cars at the intersection, not because of her hedge preventing anyone from seeing when they pull out Anderson Road. Many of the cars that collide at the intersection have been stopped from coming into her yard, her yard goes downhill, by the hedge. She said she would cut the hedge if she thought it was causing accidents but it isn't and if the Board were familiar with this, such as the Zoning Inspector that came to her house to tell her that she had to cut it said he was very sympathic, but that was his job and if it were him he would, if it had to be cut, he would put a brick barricade or cement barricade up, and in view of everything, she requests that her hedge be allowed to remain 8' in height.

Diagonally across the street there is a construction site, which she thinks will be more townhouses or apartments. The hedge blocks a lot of the dust which is terrible. When the shopping center was being constructed across the street the dirt and dust was almost unbearable. She said she felt her hedge was causing no one harm and it does provide her children some type of protection from cars that collide at the intersection and end up in her yard. This has happened once before and the hedge saved her children.

In favor of this application, Dr. Byrd, Vice-President of the Pimmit Hills Citizens Association testified before the Board. He said he lived across the street from Mrs. Young and his address is 1735 Anderson Road. He said when he moved there the hedge was taller than he is and that is over 6'. He also stated that the accidents were caused by Storm Hill which is only a matter of seconds before you get to the intersection and where no one abides by the speed limit, therefore the drivers that are going too fast and do not know the intersection is there slams into it. The hedge is in no way a cause of the accident and refers to his letter that the Pimmit Hills Citizens Association addressed to the Board with reference to their approval.

Mr. Smith commented to Mr. Woodson that from the looks of the plat it appears that the hedge does not interfer with site distance. Mr. Smith asked Mrs. Young how long they had owned the property. Mrs. Young said they had owned it for four years and when they moved there the hedge was at least 10' high all the way around the house. Mrs. Young further stated that her neighbor said the original owner of the house a Mr. Cunningham planted the hedge in 1942 or 1943 when the house was first built.

Mr. Smith asked who the Inspector was on that case. Mrs. Young answered that it was Mr. Keneczny. Mr. Smith said he didn't realize that the inspectors were and had started giving out recommendations on alternate screening or alternate construction and he said he didn't think that was part of his job, but there is an indication that there is a 40' to 60' arch around that corner so it wouldn't really interfere with site distance. Mr. Smith asked what the violation was as far as the hedge itself. Mr. Woodson answered it was because of the height of the hedge. The height should only be 4'.

Mr. Smith asked how this violation came about and who had complained about it. A lady complained about it from the neighborhood, Mr. Woodson said and they checked it out.

Mrs. Young said there was no sidewalk and it was not used to get to and from school, that Westgate has put in a path for the children to walk and any child that lives directly on Magarity Road is provided bus transportation because of insufficient sidewalks. She said she had called Westgate School and asked them if her hedge was a problem and they told her "No". The Highway Department has never communicated with her about the hedge.

No opposition.

Mr. Kelley said he would like to defer this case for decision only until Mr. Woodson or the Board could go look at the hedge.

Mr. Barnes seconded the motion.

The case was deferred for a maximum of 60 days and Mrs. Young was told that she would be notified of the Board's decision.

The motion passed unanimously.

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VEPCO case was reopened briefly to enter into the record the Planning Commission's recommendation for approval. Mr. Kelley moved that it be made part of the record and Mr. Barnes seconded the motion. The motion passed unanimously.

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JANE & C. CARSON MORRIS, app. under Sec. 30-6.6 of Ord. to allow carport within 8.2' of side property line, 4509 Guinea Road, Woods of Ilda Subdivision, 69-2((4))4, Annandale District, (RE-1), V-187-71

Mr. Morris testified before the Board.

Notices to property owners were in order. The two contiguous owners were Richard Curtis, 4511 Guinea Road and Mr. and Mrs. Romano, 4505 Guinea Road.

Mr. Morris said the reason for the carport is to aford protection for two vehicles and to help the off-street parking. He had owned the property three years and the house is 12 years old. He has a well in the back and also a septic field in the rear of the house. He requests the carport to be 20' wide and to a depth of the house which is 27.7'. He plans to make the addition harmonious with the existing house. He said this is for his use and they plan to continue to live there.

In application No. V-187-71, application by Jane A. & C. Carson Morris, under Section 30-6.6 of the Zoning Ordinance, to allow carport within 8'2" of side property line, on property located at 4509 Guinea Road, also known as tax map 69-2((4))4, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 12th day of October, 1971;and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 22,642 square feet.
4. That compliance with all County Codes is required.
5. That this is a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

(a) exceptionally shallow lot,
(b) unusual location of existing well and septic field.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. Materials used are to be compatible with existing dwelling and architecture.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed unanimously to grant.

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TEXACO, INC., app. under Sec. 30-6.6 of Ord. to permit erection of pump island canopy witin within 7.8' of Richmond Highway, U.S. Rt. 1 & Memorial Street, Groveton, 93-1((18))1, 2,3,4, Lee District, (C-G), V-191-71

Mr. Smith asked if Texaco was going to be responsible to the Use Permit. He said there are two locations now which are renting trucks in violation of their use permit. He asked Mr. Woodson if they had issued violation notices. Mr. Woodson said No, they had not at this point.

Mr. Smith said the gas stations are the only business that can operate and change leasees without coming back before the Board and if the Board can not control the operator.

Mr. Foley representing the applicant in this case said that he wasn't aware of the problem.

Mr. Smith said one station is in Annandale on 236 which is a new station with a canopy over it. Other operators want to know why they can't do it. If it is legal then we should let all the operators rent trucks, but if it isn't we should stop it, period.

Mr. Foley said he would make Mr. Smith's feelings known to the company.

Mr. Woodson said one case went to court and the decision was against us. Mr. Smith this was because of the way the case was entered. Mr. Smith said they were citing the operator and they should be citing the oil companies that own the property.

Mr. Foley said they were before the Board eighteen months ago on this particular case. At that time the Board approved the case, but the company ran out of appropriations but they are now in a position to do the job and are willing to conform with the conditions the Board set previously.

Mr. Barnes asked who owned the property and Mr. Foley answered that it was owned by J. C. Patterson, Sr. who has been running the station for thirteen years. Mr. Smith then stated that Texaco was not entitled to a variance if it doesn't own the property. He said the owner has to be the applicant. Mr. Foley said Mr. Patterson was in favor of this application.

Mr. Foley said when he filed no one pointed out to him that fact when he filed the application.

Mr. Kelley moved that this case be deferred until the application is properly filed and when we get information on the violations that are now in existence.

Mr. Barnes seconded the motion.

The motion passed unanimously.

Mr. Smith said that it will be rescheduled when the Board is in receipt of the proper information.

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JOHN G. NOW, app. under Sec. 30-6.6 of Ord. for variance to allow construction of attached garage 11' from side property line, 2017 Franklin Avenue, McLean, 41-7((7))16, Dranesville District (RE-0.5), V-190-71

Mr. Now testified before the Board.

The notices to property owners were in order. The two contiguous owners were Mr. and Mrs. George Myers, 2032 Virginia Avenue, McLean, Virginia 22101 and Dr. Josephine Buchanan, 2013 Franklin Avenue, McLean, Virginia.

Mr. Now testified that Franklin Avenue is very narrow and makes parking on the street hazardous and the existing driveway slopes and they have a back-slide problem in winter months. They have owned the property since 1955 and they plan to continue to live there. This is to be an enclosed garage and the construction is to be of brick in keeping with the house and the roof line will be dropped 1'. The garage itself will be on the basement level of the house. He said they have a bad drainage problem and the yard has a deep slope and in addition, they would like to spare as many trees as possible.

Mr. Smith said it looked from the plat as though the closest point to the property line would be 11' and in the back of the proposed structure, he would come very close to meeting the setback requirements. Mr. Now said that was correct.

Mr. Barnes said it seemed to him that the house is situated about in the middle of the lot and that he seems to have a very irregular shaped lot. Mr. Now said that was correct.

Mr. Now said that he had just recently attached to the sewer, but he still is using his own well water. The well is 12' from his house.

No opposition.

In application No. V-190-71, application by John G. Now under Section 30-6.6 of the Zoning Ordinance, to permit construction of a two car attached garage 11' from the side property line, on property located at 2017 Franklin Avenue, McLean, Virginia, also known as tax map 41-1((7))16, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 12th day of October, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 21,562 square feet.
4. That compliance with all County Codes is required.
5. This is a request for a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

(a) exceptional topographic problems of the land.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. All materials used in addition are to be compatible with existing dwelling.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed unanimously to grant.

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CHAIN BRIDGE DEVELOPERS, INC., app. under Sec. 30-6.6 of Ord. to permit erection of dwelling closer to Greenwich than allowed, at 2332 and 2333 North Oak Street, 2334 Greenwich Street, Mount Daniel Subdivision, 40-4((15))18, 26 & 25, Dranesville District, (R-10), V-192-71

Mr. Richard Clement, agent for the applicant, 10605 Vickers Drive, Vienna. He said he represented the applicant, Chain Bridge Developers, Inc. which is a partnership of Melton V. Peterson and Ruckers Development Corp.

Mr. Smith asked for the Corporation papers if there was a corporation involved. The applicant did not have those papers.

Notices to property owners were in order. The two contiguous owners were Mrs. Johnson and Mrs. Pettitt.

Mr. Clement stated that these lots were across the street from Mount Daniel Elementary School. The school called a meeting at 8 P.M. last night and they were having several problems in relation to this project coming up around the corner and he said he felt the proper thing to do would be to ask for deferral until they could meet several more times with the School Board and try to solve these problems.

Mr. Kelley moved for deferral of this case until the applicant is able to work out the problems with the School Board whatever they might be and to obtain a Certificate of Good Standing from the State Corporation Commission.

Mr. Barnes seconded the motion for a period not to exceed 60 days.

The motion passed unanimously.

Mr. Clement was told that when the next meeting date was set, they should notify the same people as he notified originally.

Mr. Van Meter, attorney for the School Board and the City of Falls Church testified and stated that he concurred with the deferral request.

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DOERSTLER DEVELOPMENT CORP., app. under Sec. 30-6.6 of Ord. to permit construction of townhouses 18' from center line of outlet road (road not completed or used) Northeast side of Blake Lane, 1000' west of Lee Highway, 48-3((1))45, Providence District (RT-10), V-193-71

No one was present at the time this case was called at 12:03, the Board waited a few minutes and when no one arrived, Mr. Kelley moved that this case be rescheduled to November 16, 1971 and the applicant be notified of the time and date of the rehearing date and told that he should notify the same people he notified previously.

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ROLAND GOODE, TRUSTEE, app. under Sec. 30-7.2.10.3.1 of Ord. to permit service station at the intersection of Lee ChapelRoad, (Route 643) & Old Keene Mill Road (Route 644), 88-1 & 78-3 & 78-4 ((1)) pt. lot 14, Springfield District, (C-D)

Mr. C. Douglas Adams, attorney for the applicant, testified before the Board.

Mr. Adams said that they amended the application to change the name of the applicant on Friday. The code provides for the application to be filed by the name of the owner or contract purchaser. He said he filed originally in the name of the owner, Dr. Goode, but after consultation with Mr. Woodson's office Friday, he amended to make the applicant City Service Oil Company.

Mr. Smith asked if they had the corporation certification by the State Corporation Commission for City Service. Mr. Smith said this was necessary. Mr. Adams told him it was just Friday they amended and he called the company and was told by company officials that they didn't think it was necessary that they thought it was just for companys that were not known about generally and we had had City Service previously before the Board. Mr. Smith told him that the Board had to have one for each of the files.

Mr. Adams submitted the copy of the contract to purchase.

Mr. Adams said that he could obtain this certificate in several days.

Mr. Smith asked what the time limit is on the option. Mr. Adams answered that it runs to November 30, but they have the site plan to get in, etc.

Mr. Adams said that he requested that City Service Oil Company along with Roland Goode, Trustee, be included as the applicant in this case. Mr. Barnes so moved that the above case be amended to include City Service Oil Company.

Mr. Smith said the Company is in violation in the County. Mr. Adams said he did not condone any of the violations, but he did not see how that would apply to this particular case.

Mr. Smith read the staff recommendation on this case and Mr. Adams said they were in full agreement with the staff. The land would be dedicated along Keene Mill Road.

Mr. Smith said they would proceed with the hearing on this application.

Mr. Adams said he would first give the Board an over-view. This particular site is part of a larger site that was rezoned last year. The PDH area was zoned for 120 townhouses which are in the process of being constructed. The C-D area is to be the neighborhood shopping center for Neighborhood #9. They do have a plan for the entire shopping center area. This area for the shopping center is roughly twelve acres in the area of Old Keene Mill Road and Lee Chapel. This is the only service station proposed for this shopping center. There is a restriction in the Agreement for a one service station use. The other uses in the area are bank, drug store, small shops and a fast food store, possible in the form of a restaurant.

Mr. Smith asked for a copy of the plan for the shopping center showing what was going in. Mr. Smith commented that the rezoning application did not show a service station. He asked how closely this plan has to be tied with the rezoning application. Mr. Adams said the plan is simply submitted to give an idea of what is going in. He said they just indicated to the Board of Supervisors the kind of operation that could take place. This is a convenience center for a neighborhood. This was under the Pohick Plan.

Mr. Smith said that he agreed entirely, but why wasn't it shown on the plan for rezoning. He said that so many time service stations are omitted because you are afraid that it might be denied. He said that it seemed to him that when these applications for rezoning take place it should be indicated on the plan that the service station is what is going to be in there.

Mr. Adams said it was an oversite, but that it is not a legal requirement. Mr. Smith said this is the opposition that we get is that when the rezoning took place there was no indication that there was a service station to be located there and he said he thought the service station use is an excellent use for a C-D zoned area, but everybody should be aware of it at the time it was rezoned.

Mr. Adams that the option agreement provides that the buyer, City Service, agrees that the property will not be used for the rental of trailers and/or trucks.

Mr. Smith said that was fine, but when the City Service Oil Company leases it to some operator and he goes in and puts the rentals in there and the Zoning Administrator goes out and issues a violation notice to the operator and the operators says he didn't make that agreement and you bring the operator into court and the operator doesn't know anything about it.

Mr. Adams said the notices were sent to the property owners and he submitted to the Board the registered receipts. They were in order. The two contiguous owners were Mr. George C. Stone, 7104 Leesville Blvd, Springfield and the Catholic Church, Rev. John J. Russell, P.O. Box 2G, Richmond, Virginia. He said there was only one subdivision near and he sent notices to the three lot owners in the back.

Mr. Smith asked for a picture of the station they planned to construct.

Mr. Ward testified before the Board. He is an architect whose address is Brandon Avenue, Springfield. He stated that City Service has agreed that their architecture will be compatible with the architecture of the entire commercial project. At the point he stated that they had not completed the architectural design of all the buildings in this commercial portion. He said they were interested in the station's design being as they have indicated here, but with the masonry being substituted with brick matching the brick in the shopping center.

Mr. Smith said this particular rendering is not the one that the Board has been accepting. He asked if the service station would be built prior to the opening of the stores. Mr. Ward answered that they had that right to and under the agreement it can be built prior to the other stores, but it must be built by the time the center is opened. He said they had tried to preserve a mass of trees on an existing knoll where the original house was located on the entire 50 acres. Therefore, this will be an abnormally well preserved existing vegetation. We will not only have the landscaping they will do, but this station is cooperating and not objecting to the mass of trees that will break up the view.

Mr. Smith asked if this would be a permanent arrangement and Mr. Ward said "Yes."

Mr. McIntire gave the Board a picture of the station that is now at Graham Road and on Arlington Boulevard.

Mr. McIntire said he would also check on the other service stations that were in violation of the Use Permit by having rental trucks on the property.

Mr. Kelley moved that this case be deferred until next Monday, October 18, 1971 and that the Certificate of Good Standing be submitted to the Clerk of the Board prior to that.

Mr. Barnes seconded the motion.

The motion to defer until October 18, 1971 was passed.

// DEFERRED CASES:

FAIRFAX FARMS CITIZENS ASSOC., app. under Sec. 30-6.5 of the Ord. for appeal from decision of Zoning Adm.'s issuance of Bldg. Permit No. P73800, for parsonage for Chinese Christian Mission, Inc., 3621 Highland Pl., Fairfax Farms, 46-4((2))38, Centreville District, (RE-1) V-174-71 (Deferred from 9-28-71)

Mr. Kelley made the motion that this be deferred until all five member could be present.

Mr. Barnes seconded the motion. The motion passed unanimously.

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AFTER AGENDA ITEMS:

THOMAS A. CARY, INC., S-195-70, Request for extension of Use Permit granted 11-10-70.

A letter was read from John T. Hazel, attorney for the applicant requesting extension. Mr. Smith said it could only be granted for 180 days or six months from 11-10-71. Mr. Barnes so moved. Mr. Kelley seconded the motion.

The motion passed unanimously to extend 180 days from 11-10-71 and that the Clerk so notify the applicant.

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GRACE BAPTIST CHURCH, V-167-70, request for extension of variance granted 10-20-70.

Mr. Barnes moved that they be allowed a 6 months or 180 day extension from October 20, 1970, as this is the limit the Board can extend.

Mr. Kelley seconded the motion.

The motion passed unanimously and the Clerk was directed to inform the applicant.

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WOODLAKE TOWERS, request for an additional use to be put in. Mr. Woodson said he would like to study the file and the letter from the attorney, Stephen L. Best, and advise the Board of his opinion.

Mr. Barnes moved to defer until Monday, October 18, 1971. Mr. Kelley seconded the motion.

The motion passed unanimously. Mr. Smith said it would need a formal motion.

// The meeting adjourned at 1:10 P.M.

By Jane C. Kelsey
Clerk

November 9, 1971

DANIEL SMITH, CHAIRMAN, DATE APPROVED

359

A Regular Meeting of the Board of Zoning Appeals was Held on Tuesday, October 18, 1971, at 10:00 A.M. in the Board Room of the Massey Building, Fairfax County Administration, Members present: Daniel Smith, *Chairman*; Mr. George Barnes, Mr. Loy Kelley, Mr. Richard Long, Mr. Joseph Baker.

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

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BOBBY M. THOMAS, app. under Sec. 30-6.6 of Ord. to permit enclosure of carport within 11' from side property line, 4418 Rockcrest Drive, Springbrook Forest Subdivision, 69-2 ((10)) 89, Annandale (R-17), V-194-71

Mr. Bobby Thomas testified before the Board.

Notices to property owners were in order. The two contiguous owners were John P. Bashau and Col. Albert M. Arant.

Mr. Thomas said that there wasn't enough room at the sides of the house to go around to the back to build a garage. He said he wanted to use this garage, or a part of it, for a workshop. The house is six years old and he plans to continue to live there. He plans to use the same material to enclose the garage that is in the house and that is masonite siding. The topographic problem of the lot is that the lot is hilly.

No opposition.

In application No. V-194-71, application by Bobby M. Thomas, under Section 30-6.6 of the Zoning Ordinance, to permit enclosure of carport within 11' from side property line, on property located at 4418 Rockcrest Drive, Springbrook Forest Subdivision, also known as tax map 69-2((10))89, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 18th day of October, 1971; and

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

1. That the owner of the subject property is Bobby M. & Mary B. Thomas.
2. That the present zoning is R-17.
3. That the area of the lot is 12,181 square feet.
4. That compliance with county codes is required.
5. This request is for a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) exceptionally narrow lot,
(b) exceptional topographic problems of the land.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. Materials and architecture are to be compatible with that of existing dwelling.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion. The motion passed unanimously 4 to 0. Mr. Baker was out of the room.

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360

JOHN C. GAMBRILL, app. under Sec. 30-6.6 of Ord. to permit an addition to house 21.6' from rear property line, 5609 Justis Place, Glenwood Park Subdivision, 82-1((9))8, Lee District, (R-12.5), V-195-71

Mr. John Gambrill testified before the Board.

Notices to property owners were in order. The two contiguous owners are: Silas R. Lee and William J. McShea.

Mr. Gambrill stated that his house is not parallel to the rear property line and that he has an odd shaped lot since his lot is on a cul-de-sac. There are signed statements indicating that there is no objection to this addition from any of his neighbors.

Mr. Smith said that the construction will comply with the ordinance except for a very small portion of the building.

Mr. Gambrill stated that the addition comprises 480 square feet and the variance applies to 70 square feet of the structure.

Mr. Barnes asked how far the addition would be from the house on Lot 1 and Mr. Gambrill answered that it would be 115', and that there is a great deal of vegetation between his house and the house behind him that would be closest to the addition. There is also a 15 to 20' vertical separation as it is on a hill. In the summer one can't even see the other house.

Mr. Mc Shea spoke in favor of the addition. He lives on Lot No. 1 which is directly behind. the subject property. He said that there was a barrier of woods between his house and Mr. Gambrill's house and that he had no objection to the additional.

Mr. Smith said he was the property owner who would be most affected by this addition.

In application No. V-195-71, application by John C. Gambrill, under Section 30-6.6 of the Zoning Ordinance, to permit addition to house 21.6' from the rear property line, on property located at 5609 Justis Place, Glenwood Park Subdivision, also known as tax map 82-1((9))8, County of Fairfax, Virginia Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 18th day of October, 1971; and

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

1. That the owner of the subject property is John C. and Barbara I. Gambrill
2. That the present zoning is R-12.5.
3. That the area of the lot is 13,206 square feet.
4. That compliance with county codes is required.
5. This request is for a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) exceptionally irregular shape of the lot,
(b) exceptionally shallow lot,
(c) unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. Architecture and materials used in addition to house shall be the same as existing dwelling.

Mr. Baker seconded the motion. The motion passed unanimously.
Mr. Gambrill had a question. He said he had planned to use aluminum siding on the addition and asked if that would meet the intent of the resolution, the eve of the house has wood siding.
Mr. Smith said that he felt that this would meet the condition set forth in the resolution.
Mr. Kelley agreed.

THOMAS NICHOLSON, app. under Sec. 30-6.6 of Ord. to permit corner lot with less frontage than required, easterly corner Stuart Mill & Fox Mill Roads, Lot 4, Proffitt Subdivision (proposed), 36-3((1))36, Centreville District, (RE-1), V-197-71

Mr. Nicholson testified before the Board. His address is 2900 W. Ox Road, Herndon, Va.

Notices to property owners were in order. The two contiguous owners were Wilbert E. Proffitt and Dr. John A. Sanders.

Mr. Smith said that their report from the Zoning Office indicates that the owner of the property is Bryant Nicholson, Inc. and he asked Mr. Nicholson if this was correct. Mr. Nicholson said that it was correct and that Mr. Bryant is present also.

Mr. Smith told him that he was not the proper applicant as he was not the owner of the property.

Mr. Nicholson asked what he was to do, that Mr. Bartlett the engineer was supposed to be present, but could not be. Mr. Bartlett made the application.

Mr. Nicholson told the Board that he and Mr. Bryant were the principals in the corporation and that they are both present.

Mr. Smith said they would have to have a certification from the State Corporation Commission on the status of the owner. The Corporation would have to be made part of the application.

Mr. Smith read the section of the ordinance concerning the fact that the owner must be the applicant for a variance request.

Mr. Smith said it would not be necessary to reapply, but it would be necessary to defer this case until such time as he could get the certification from the State Corporation Commission.

Mr. Long asked who the owner of the property is and Mr. Smith answered that according to the testimony and the statement from the staff the corporation is the owner. Mr. Nicholson again stated that the corporation is the owner, that they have taken title to the property. Mr. Long brought out that the plat says "contract purchaser."

Mr. Long moved the application be amended to include Bryant Nicholson, Incorporated as a party to the application and that the case be heard and deferred for decision only and deferred until the application is completed.

Mr. Barnes seconded the motion.

The motion passed unanimously to amend the application to read "Bryant Nicholson, Inc." and to hear the proposal and defer for decision until such time as Bryant Nicholson can furnish the Board with a certification of good standing from the State Corporation Commission.

Mr. Smith asked Mr. Nicholson who owned the property at the time the application was made. Mr. Nicholson said at the time he made the application he was the contract purchaser and subsequently the corporation received title to it.

Mr. Smith asked who owned it at the time theapplication was made and Mr. Nicholson said that a man by the man of Proffitt.

Mr. Nicholson stated that the land is located at the intersection of Stuart Mill Road and Fox Mill Road and contains 7.6 acres of land. He said they propose to subdivide the land into seven 1 acre lots, but Lot 4 is a corner lot and because of the existing house shown on the plat in Lot 5, they are unable to get sufficient frontage for a corner lot, according to their engineer, Mr. Bartlett. The corner lot faces on Fox Mill Road and should be 175' as he understands it and it is 138' and because of the frontage requirement on Lot 3 and the position of the house on Lot 5, they are unable to change the line to improve this situation, so they are applying for a variance.

Mr. Smith asked if they meet all the requirements on all the lots except this Lot 4 and Lot 3. Mr. Nicholson said they meet the requirements on Lot 3, it is Lot 4 they are concerned about.

Mr. Nicholson said Lot 3 has 160' frontage on Fox Mill Road. 150' at the building line.

Mr. Smith asked him if they had submitted this to the engineer for study. Mr. Nicholson said he knew Mr. Bartlett had discussed this with Mr. Chilton's office

because there are revised dates on the plat.

Mr. Smith said that this is actually a problem with the building setback line and not the frontage itself.

Mr. Smith said because of the fact that they have some ingress and egress proposals here to the interior lots, he would like to know that the Planning Engineer has reviewed and oked and will accept them.

Mr. Long said he would like a statement from him in writing.

Mr. Smith said the memo from his office stated that they have reviewed all the cases and have no comment on any of them.

Mr. Long said he believed these Lots, Number 1 and 2, would have to be recorded prior to approval of the remainder of the subdivision.

Mr. Smith said that actually he needs variances on those two lots if they aren't recorded prior to this.

Mr. Woodson suggested that he go back to Mr. Chilton's office.

Mr. Smith told Mr. Nicholson that he should go back to Mr. Chilton's office and have him go over this and make comments on it and also to see what the procedure is as far as those two interior lots being recorded, the two lots without any frontage.

Mr. Nicholson said that as he understood it, those two back lots are to be cut out and recorded.

Mr. Smith asked him why this had not already been done and Mr. Nicholson answered that they had been waiting for the decision of the Board.

Mr. Smith said that they certainly would take a reasonable approach to this, if this is the only solution to the problem, this is the way it should be done. He said he did think they ought to make a move on the other two lots and have some comments from Mr. Chilton.

Mr. Long said he thought they were talking about a technicality as far as if the variance is granted, he said they wouldn't want to approve the plat without having that question cleared up or they would be approving a plat in violation with subdivision control.

Opposition:

Dr. John Sanders who lives on property adjacent to this subdivision, 11801 Stuart Mill Road, Oakton, Virginia spoke in opposition to the application. He said he and most of his neighbors feel that the narrow frontage on the road is out of keeping with the neighborhood and they oppose any changes that do not conform to the present situation and they are against any variance being given.

Mr. Smith asked him if he was familiar with the proposal, that it was not really the narrow frontage they were requesting, but the building setback line that is involved in this application. Dr. Sanders came up and looked over the plat and Mr. Smith explained it to him, but after looking at it, Dr. Sanders still contended that they wanted to go on record as opposing this application. He did not have a Petition to submit. Dr. Sanders said that he owns 4 to 5 acres of land and they are planning to sell because of the building and construction that is going on around them is changing the character of the neighborhood as they like it.

Mr. Nicholson in rebuttal said the nature of the entire area is changing, that he too lived on a 5 acre lot on West Ox Road and he does not feel that this particular subdivision will either add one way or the other. He said that the people who surround the subdivision for the most part are the heirs of Mr. Proffitt and it is his impression that they look upon the rezoning favorably.

Mr. Long asked what the status is of the two story frame dwelling that is existing at the present time.

Mr. Nicholson said that it is his understanding that this house has historic significance, but that this is purely heressay, and they propose to leave that dwelling there and renovate and add to it to make it conform with the remainder of the new houses that are going in which are from $50,000 to $70,000.

Mr. Long asked if he planned to move this house and Mr. Nicholson answered, "No".

Mr. Smith said that brings up the question as to whether this house will need a variance too.

Mr. Barnes said it sits right on top of the road, and it would seem to him that they would have to remove it.

Mr. Smith again stated that this brings up the question of whether or not a subdivision around this existing frame house could be approved, when there are variances needed on the house.

Mr. Barnes said it was in violation now.

Mr. Smith said, No, it is non-conforming as to setbacks, but he doesn't know what affect this will have on the resubdivision of the tract of land.

Mr. Long said he could have the house there as a matter of right if he wasn't asking for a variance.

Mr. Long also asked for better photographs of the area involved.

Mr. Smith asked Mr. Nicholson how long it would take him to get these things done and asked if the date of November 9 would give him enough time.

Mr. Nicholson said he was sure it would.

Case deferred until November 9 in accordance with the previous motion by Mr. Long.

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DEFERRED CASES:

TEXACO, INC., app. under Sec. 30-6.6 of Ord. to permit erection of pump island canopy within 7.8' of Richmond Highway, U.S. Route 1 & Memorial Street, Groveton, 93-1 ((18))1, 2, 3, 4, Lee District, (C-G), V-191-71

This was deferred until the applicant could make application to the Board to have the application amended to join in the owner of the property, Mr. Patterson, Sr. in the original application. This had not been done. The Clerk had inadvertently brought this case up, therefore deferral was continued until the proper application could be made by Mr. Patterson.

ROLAND GOODE, TRUSTEE, AND CITY SERVICE OIL COMPANY /app. under Sec. 30-7.2.10.3.1 of Ord. to permit service station at the intersection of Lee Chapel Road (Route 643) & Old Keene Mill Road (Route 644), 88-1 &78-3 & 78-4((1))pt lot 14, Springfield District (C-D), S-189-71

Mr. Woodson was asked by Mr. Smith if he had cleaned up those trailers from the City Service station in McLean.

Mr. Woodson said he was meeting with the attorneys this week.

Mr. Smith asked why he was meeting with the attorneys. He said he thought the Board would have to take action. The Board is responsible for the Use Permit and Mr. Woodson is responsible for the inforcement of the Use Permit. The Use Permit and the Site Plan did not include rental of trucks. The Board could make the service station company come in everytime they change operators, because the Lessees of the property claim they don't have to abide by the Use Permit.

Mr. Long said that in the past we have been requiring a rendering of the building and we do not as yet have one for this particular application and we should be consistant with our policy and have a rendering of this particular station and what type of material is to be used. We should notify Mr. Adams and ask him to submit a rendering of the station. Mr. Long so moved that this be done.

Mr. Smith restated the motion that City Service Oil Company should submit a rendering of the proposed installation and the applicant is to furnish the Board with such a rendering showing the architectural design and the material to be used and that it should not show a single free standing sign.

Mr. Kelley seconded the motion.

Mr. Long amended his motion to add that the material used should be similar to those materials proposed for the shopping center.

Mr. Kelley accepted the amendment./

Mr. Baker said it is only right that everyone in the area that they are leasing in should know what is going to be there and what kind of building it will look like.

The motion passed unanimously.

364

WOODLAKE TOWERS, INC., S-125-69.

Mr. Smith read a letter from Stephen L. Best, attorney for Woodlake Towers, requesting the Board to approve CNA Investors Services, Inc. for rental of space to provide secretarial services, xerox copying, and the services of a Notary Public, furnishe services in securities and insurance only to the extent of making outside appointments by telephone and for training representatives.

Mr. Smith comments that for background the Special Use Permit was granted to Woodlake Towers with the stipulation that each time they lease a new part of the building or make a change they have to come in before the Board of Zoning Appeals to be approved.

Mr. Best had attached a plat indicating the space to be used.

Mr. Woodson said it looked alright to him. That it would be a secretarial service.

Mr. Smith suggested that all of the correspondence and all of the Board's actions should be put in one folder in connection with any one building.

Mr. Long moved that the request by Woodlake Towers, Inc. to include in their commercial uses a use for a secretarial service, Notary Public and xerox copying and the other items indicated in Mr. Best's letter be granted in conformity with the original resolution.giving permission for uses under the ordinance in this particular area of this building.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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VULCAN MATERIALS COMPANY, SUCCESSOR OF GRAHAM QUARRIES, S-199-71.

Mr. Smith stated that the Chair would entertain a motion to the effect that they would extend the use permit for a temporary extension of the existing use permit for Vulcan Materials, a successor of Graham Virginia Quarries, Inc. for a period of not more than 30 days from October 23, 1971 until November 22, 1971, as the Planning Commission has pulled this application and cannot hear the application until November 4, 1971, and the Board of Zoning Appeals will hear it thereafter on November 9, 1971.

Mr. Barnes so moved.

Mr. Long seconded the motion.

The motion passed unanimously.

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MONTESSORI SCHOOL OF CEDAR LANE, Mr. Smith had read previously a letter from this school requesting the elimination of the fencing requirement, because the Health Department's representative, Mr. Bowman, had waived this requirement as unnecessary in the circumstances.

Mr. Smith stated that he did not see how the Board could do away with that requirement. The Fairfax County Code states that that they shall have a fence.

Mr. Smith then suggested that the Board should have a copy of all information pertaining to fencing and for Mr. Woodson's office to call Mr. Bowman and see what his position as to fencing might be. The said letter was received from the school and they might have misunderstood Mr. Bowman. There was nothing in the file from Mr. Bowman, direct.

Therefore, this case was deferred until the pertinent information could be obtained.

SIDNEY J. SILVER, S-168-71. A letter was received from Mr. L. Lee Bean, attorney representing the applicant that he had been notified that the case had been rescheduled as per his request for deferral and the date was November 9, 1971. Due to prior commitments, he would be unable to attend the November 9, 1971 hearing and requested that the Board continue his case until November 23, 1971.

Mr. Baker moved that the Board grant his request. Mr. Long seconded the motion.

The motion passed unanimously. Mr. Smith added that the Reston Citizens Association and the Great Falls Citizens Association should be notified.

365

LEARY SCHOOL, 2849 Meadow View Road.

Mr. Smith read a letter from the school stating that they wanted to build a garage 20x20 of cinder block and it would be 30' from the existing house. This garage would serve as a small workshop to be used by the students, not more than 6 at any one time, and the students would always be supervised by adults, and they would not be increasing the total number of students.

Mr. Smith said that in view of the fact that there is an existing use permit on this school and the Board position in the past is that any additional construction under a use permit has to make a new application.

Mr. Woodson stated that the Zoning Office had had complaints regarding this school in the past.

Mr. Smith told Mr. Woodson to notify the applicants that they will need to make a new application showing the location of the proposed structure in relation to the existing uses and follow the normal procedure.

Mr. Woodson said that he would so notify the applicants.

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Mr. Long moved the meeting adjourn. Mr. Barnes seconded the motion.

The meeting adjourned at 12:25 P.M.

By Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

November 9, 1971
DATE APPROVED

366

A Regular Meeting of the Board of Zoning Appeals was Held on Tuesday, October 26, 1971, at 10:00 A.M. in the Board Room of the Massey Building, Fairfax County Administration Building, Members present: Daniel Smith, Chairman; Mr. George Barnes, Mr. Loy Kelley, Mr. Richard Long, Mr. Joseph Baker.

367

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

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ELIZABETH S. COLLINS, app. under Sec. 30-7.2.6.1.3 of Ordinance to permit day care school for 30 children, age 2 thru 6, 7 a.m. to 6 p.m., 5 days a week, 6573 Irvin Court, Fairland Gard.Subdivision, 72-1((14))5, Annandale District, (RE-0.5), S-200-71

Mrs. Collins testified before the Board.

Notices to property owners were in order. The two contiguous owners were Mrs. Griffin 6514 Braddock Road and Mrs. Smarr, 6510 Braddock Road.

She stated that she is running a school on Little River Turnpike, but the house she is leasing is becoming delapidated and very rundown and it is also too small and that is why she is looking for another location.

Mr. Barnes asked her if she was going to move her entire operation to this new place and she answered "Yes". She said that she has a contract to purchase on this property on Irvin Court and submitted a copy to the Board. Her present lease has 6 years to go, but she plans to terminate it if she gets this special use permit. The new location has 47,437 square feet of land. They do not use buses, the children are transported by the parents. She plans to have four or five teachers.

Mr. Smith said she only had four parking spaces, and would need more. Mrs. Collins comments that she had a long driveway and they could park double and also she has a garage.

She did not have an inspection report with her, nor was there one in the file.
There was no one else to speak in favor of the application.
Opposition:

Mr. Charles Wicks, 6575 Irvin Court spoke in opposition to the application. He represented three of the four property owners residing on Irvin Court. The fourth owner is Mrs. Collins. Mr. Wicks submitted to the Board a Petition from these property owners stating their objection and the reasons for their objection.

He said that in addition to the points made in the Petition, he would like to call the Board's attention to two more points. Irvin Court is not an asphalt street. It is a shot gravel road. The addition of traffic that will be generated by this school will cause extremely dusty conditions in the summer and will cause muddy conditions in winter.

In addition, this area of houses are built near flood plain area. 3/4 of his house is in flood plain and the last rain caused water to accumulate up to 4 inches. This also floods the property of the applicant. That property was flooded over just yesterday. This started getting worse during the construction of the school building behind him, Jefferson High School.

In rebuttal Mrs. Collins stated that even though property surrounding this location is zoned residential, these people are hoping to sell it for commercial. She said the flooding condition is not serious at all, that she had been there during a rain and had not noticed serious flooding.

Mr. Smith asked her if she was aware that the road was an unimproved road. He told her that she would have to improve that road from Braddock into the property where she is going to put the school, and she would have to put in sidewalk and drainage.

She said she was unaware that she would have to do that and would be unable to do so. She said it was a good solid road.

Mr. Smith reminded her that the road might be solid now with just four families living there, but when she starts bringing in 30 families each day in the morning and 30 in the afternoon, that makes 60 more cars traveling on that unimproved road.

Mr. Long asked if the children were living in the immediate area. Mrs. Collins said they were living in the area, Annandale, Springfield, Alexandria, but none were within walking distance. She said that several families brought both their children, one of whom is preschool age and the other would go to the school in back of her, then she would keep the second one only after school hours.

Mr. Smith said this is another factor to consider and that is there are two school complexes now in that vacinity using the same roads as Mrs. Collins' students will be using.

In application No. S-200-71, application by Elizabeth S. Collins, under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit day care school for 30 children, on property located at 6573 Irvin Court, Fairland Gardens Subdivision, also known as tax map 72-1((14))5, County of Fairfax, Virginia, Mr. Kelley moved the Board of Zoning Appeals to 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 26th day of October, 1971; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Roy D & Ruth A. Fahnestock, the applicant is the contract purchaser.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 47,437 square feet.

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

1. That the applicant has not presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. That the use will be detrimental to the character and development of the adjacent land and will not be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby denied.

Mr. Baker seconded the motion.

The motion passed unanimously to deny.

JAMES GIBSON ABBEE, app. under Sec. 30-6.6 of Ordinance to allow garage, screened porch and bedroom within 10' of side property line, 3901 Millcreek Drive, Millcreek Park Subdivision, 59-4((2))53, Providence District, (RE-0.5), V-201-71

Mr. Abbee testified before the Board.

Notices to property owners were in order. Mr. Legere, 3815 Millcreek Drive, Mr. Wayne Monroe, 3820 Lake Blvd, Annandale, and Mr. Richard Graham, 3903 Millcreek Drive were contiguous property owners.

Mr. Abbee stated that the homes were 17 years old. All the houses there either have only one garage or no garage at all and as a result it increases the traffic problem because most of the people have two cars.

Mr. Smith asked what the condition of the terrain is and if he is on a septic tank. Mr. Abbee stated he was not on a septic tank and they did not use the well. The back of the house is sloping down toward the front and it would be difficult to build in the back and also not very practical. He said after discussing his plans with his neighbor that his neighbor did object to his plans and therefore they have met a compromise so he is now requesting a 5' variance instead of a 10' variance. This met with the neighbor, Mr. Legere's approval.

Mr. Legere was present and asked that his original letter of objection to the Board be voided.

Mr. Abbee also stated that he was having Mr. Charles Metford the original builder of the houses do the work and that Mr. Metford had found the original brick and had told him

Page 369
October 26, 1971
ABBEE (continued)

that to the naked eye the addition will not be visible.

In application No. V-201-71, application by James Gibson Abbee, under Section 30-6.6 of the Zoning Ordinance, to permit garage, screened porch and bedroom within 15' of side property line, on property located at 3901 Millcreek Drive, Millcreek Park Subdivision, also known as tax map 59-4((2))53, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 26th day of October, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 24,200 square feet.
4. That compliance with all county codes is required.
5. This request is for a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

(a) exceptionally shallow lot.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The architecture and materials to be used are to be compatible with the existing building.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion.

The motion to grant in part carried unanimously.

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CHERRYDALE CHRISTIAN SCHOOL, INC., app. under Section 30-7.2.6.1.3 of Ordinance to allow private school, 7th thru 12th grade, 500 students, Monday thru Friday, 8:30 a.m. to 4:00 P.M. and occasional weekend activities, 2043 Kirby Road, 40-2((1))28, Dranesville District (RE-1), S-202-71

Mr. Floyd Robertson a member of the Board of Directors of the Cherrydale Christian School spoke, with the request for deferral until they can finalize their plans to the extent that they can meet and talk with the Foxhall Citizens Association and come to an agreement regarding their school. Mr. Davis one of the property owners adjoining the property was not present but the other neighbor who stated that he also adjoined the school property,

stated that he was in opposition and he felt Mr. Davis would be too. Mr. Smith asked him if he felt he could be present at the November 16th meeting and the gentlemen said he could be present then. He did not give his name.

Mr. Long moved that this application be deferred until November 16th, 1971, to give the applicant an opportunity to work out the problems with the opposition and until after the Planning Commission heard the case.

Mr. Smith repeated the motion.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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Mr. Smith said that since we had a few extra minutes between cases, the Board would now go to After Agenda items or special items that the Zoning Administrator might bring up.

Mr. Long suggested that a letter be prepared to the Board of Supervisors regarding the criteria for private schools.

It was suggested that churches also be included, but Mr. Smith said that churches are required to meet site plan requirements, but when the Board has a private school in a church, that is a different matter.

Mr. Woodson said the only way churches were causing problems was the extracurricular activities some of the churches have. The dances that are held for people other than church members, the coffee houses, and this one church in particular is involved in the drug problem and the property that is adjacent to the church and owned by the church was used as a hippie haven and the teenagers actually lived on this property. The adjacent property owners objected to this.

Mr. Smith said that if the use is not related to the church, it requires a use permit. If the church as a group is holding dances or community parties it is in keeping with the ordinance.

Mr. Vernon Long, Zoning Inspector, stated that this is where theproblem lies. It is the outside groups and groups that are not connected with the church that is causing the problems. The Zoning Office has had numerous complaints about people coming in from outside and using the church facilities.

Mr. Smith asked if the churches in question charged the groups for these facilities and Mr. Vernon Long said he did not know if they charged. Mr. Smith said if they charge, they must have a use permit. Mr. Smith said that the Zoning Administrator had required a Use Permit several years ago when there was a church that wanted to have a study group. Mr. Woodson said that was because it was the same as a school.

Mr. Smith then said if the Trustees of the Church give permission for these groups to come in he didn't see where they would have to come in as long as they were not a nuisance to the community and closed down at 10:00 P.M., where a party was concerned. Otherwise, the Zoning Administrator could take action. He said he did not feel the residents of the neighborhood should be disturbed.

Mr. Long said he would like to make a motion regarding private schools, that the Secretary to the Board prepare a letter to Dr. Hoofnagle and the Board of Supervisors to entertain an amendment to the Zoning Ordinance requiring certain standards for private schools within Fairfax County, some of which would be: 1) Location 2) Site Standards 3) Minimum area 4) Recreation area 5) Student teacher ratio 6) Teacher qualification 7) Health facilities 8) Parking 9) Transportation 10) Insurance 11) Fencing.

Mr. Kelley seconded the motion.

The motion passed unanimously.

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Page 371
October 26, 1971

SANTMYER & HARPER & MINI-THEATRE CORP., app. under Sec. 30-7.2.10.3.4 of Ordinance to allow an enclosed theatre within shopping center and overlapping parking for 20 cars, 6651 Old Dominion Drive, 300 seats, 30-2((1))59, Cranesville District, (C-D), S-203-71

Mr. James A. Smith, 1419 Dolly Madison Blvd., in McLean, Virginia, testified before the Board.

Notices to property owners were in order.

Mr. Daniel Smith pointed out that he would like to have an explanation as to why it is felt that the Board has the authority to grant overlapping parking before we go any further. He said the Mini-Theatre is one thing, but the overlapping parking is a different thing.

Mr. James Smith said that they do not now need overlapping parking at this time. At the time they filed the zoning application they did need it, but they have been able to acquire additional ground and have been able to come up with the necessary parking spaces required by the ordinance and asked that the Board not concern themselves with the 20 cars with the exception of 5 cars, but what has happened is that the McLean Planning Committee has asked that some of the parking spaces be deleted in favor of a pedestrian walkway through the parking lot.

Mr. Daniel Smith said that he still felt they would have to go back before the Board of Supervisors on this parking, even for five spaces, because the Board of Zoning Appeals has no authority to waive the parking requirements.

Mr. James Smith said they were asking for the overlapping parking by virtue of the fact that the theatre and the shopping center itself has different hours and do not correspond, therefore, it is felt that the overlapping parking was not an unusual request.

Mr. Daniel Smith said the required parking with the theatre is what they would have to adhere to to put the theatre in unless they get a variance from the Board of Supervisors. He said this is what the Board of Zoning Appeals has required in all previous cases and in one particular case the Board said the owners had to provide additional land to provide additional parking spaces before they could put the theatre in there.

Mr. James Smith said they had obtained the additional property and they do not need the 20 car overlap. The additional land will provide 21 parking spaces. He said they had people here at the hearing from the McLean Planning Committee. The design of the shopping center is colonial.

Mr. Daniel Smith said they were asking the Board to pass on a Use Permit that the McLean Planning Committee has approved and have failed to furnish the Board with a copy of what the McLean Planning Committee actually has approved. He said they would be unable to make judgment on the permit without all the facts.

Mr. James Smith said this is a family type theatre. The contract calls for no x-rated films and that it will charge no more than 50¢ per child. This is a firm policy of the Mini-Theatre Corporation which is a Jerry Lewis owned theatre. The theatre will have 300 seats.

Mr. Long said he felt the plans should showthe landscaping .

Mr. William Stell, Chairman of the McLean Planning Committee spoke in favor of the application. He said his committee has taken action regarding the requested application for overlapped parking. Assuming that this would be in the Board's jurisdiction, we are advising that the committee has approved the above application with limitations. He said they feel that the request for overlapped parking should be limited to 2% of the total amount of parking spaces which in this instance would amount to approved five overlapped parking spaces. They also requested the developers to, if at all possible, to make create a walkway from the front of the property to the rear of the property and to so amend their present drawings and with this in mind, the developer has agreed to do this, and with that agreement 5 more parking spaces would be required.

Mr. Daniel Smith told him that if they had left the Pizza Hut off they wouldn't have needed additional parking.

Mr. Long asked them if they had considered that Old Dominion Drive is to have a 22' travel lane.

Mr. Stell said he was not qualified to answer that question, but he said it seemed to him that the travel lane is as specified by the Highway Department.

Mr. Long said that parking projects into it.

Mr. Daniel Smith said that the Board had no authority to grant overlapping parking and that the advertising was done apparently at the request of the applicant and is handled by the Zoning Administrator who does have some control over it and if an application is made he has to accept it to a degree, but he said he believed Mr. Woodson would concur with the Chair that the Board does not have the authority to grant a variance in parking. That is one of things that the Board is prohibited from doing under the ordinance. The Board takes into consideration that the peak hours of the theatre is not necessarily the same as those of the shopping center and the other members of the Staff takes that into consideration too when these requirement were made.

Mr. Stell said this is a very bad piece of land, probably the worse in Fairfax County for development. That piece of land has been lying vacant for many years and the Committee realizes that a developer has certain economics he has to follow in order to make a development and they are interested in the development of Central McLean in an orderly way.

Mr. Daniel Smith said we should take into consideration the economics on both sides and he feel we are leaning more toward considering the economics of the developers and not the economics of the residents of the community. This seems to be overdevelopment and is not in keeping with what the Board thought the McLean group wanted.

Mrs. Talbot spoke in opposition to the application. She lives at 6656 Chilton Court, McLean, which is off of Longfellow and overlooking the new shopping center under discussion. They submitted a Petition signed by 93 people of the area. This was read to the Board and submitted for the file. They feel this site is inappropriate for a movie theatre because of its proximity to a residential area. They are concerned about the increase in noise and traffic and crowds into that area at that time. She said there were some trees at the moment between the theatre and the residents, but this land is zoned commercial too and the trees will probably be removed.

Mrs. John Huber testified in opposition to the application. She also felt the theatre would greatly contribute to traffic congestion in McLean. She feels it will also cause property values to deteriorate. She said the additional parking is going into flood plain areas. The only thing that keeps the houses in back from flooding is the trees that is there and now they will be taking them out and also that will be taking the screening away.

Mrs. Beverly Quinn, 6647 Chilton Court, spoke in opposition to the application.

She said she wanted to add one point and that is that the assumption that the theatre will not necessarily conflict with the traffic flow. If this theatre is basically to attract families then there will be afternoon showings, after school and in the early evening hours and this will be in conflict with the shopping center and the restaurant and Pizza Hut. People will start taking short-cuts through their streets. These are residential streets and not access roads.

Mr. Stell testified in rebuttal and said that there is a need for a theatre in McLean. There is no place for any entertainment in the area of McLean and for the children who do not yet have a car, this is in close enough proximity that it would permit the children walking to the theatre. He said he was also Chairman of the Transportation Committee and he is aware of the need for roads in the area. He said, that unfortunately the citizens in McLean do not have authority to develop streets. The young people of the community particularly,need this theatre. He also said that the area was zoned commercial long before the residents were there.on Chilton Court.

Mr. Daniel Smith asked if this development was in conformity with the McLean Master Plan and Mr. Stell said that it was.

Mr. Long moved that Application S-203-71 be deferred until November 9 and that revised plats in conformity with what the McLean Committee has reviewed and approved be submitted and that the Staff review these.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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Page 373
October 26, 1971

RALPH & WANDA LOUK, app. under Sec. 30-6.6 of Ordinance to permit barn 18' from rear lot line, 11219 Sorrel Ridge Lane, Fox Lake Subdivision, 36-4((3))8, Centreville District, (RE-1), V-206-71

Mr. Louk testified before the Board.

Notices to property owners was in order. The two contiguous owners were Mr. and Mrs. Ronald Irons, 11227 Sorrel Ridge Lane, Oakton, Virginia and Col. Ralph Curtis, 11215 Sorrel Ridge Lane, Oakton, Virginia.

Mr. Louk stated that he lives on Lot 8 and his lot is surrounded completely by lots 7 and 9 which were the two above named contiguous owners. Fox Lake is a 2 acre lot area dedicated in the early 60's. The ordinance requires a 25' setback from the property line normally, but the setback for a two acre lot subdivision where the lot is at least 80,000 square feet is 40' from the side line and 20' from the rear line. He said he sent notices to both side and rear, so he would have ample notices and the way his house is located on the lot he did not know whether to request a 40' variance from the sideline or the 20' from the back, but he would rather ask for 40' from the sideline so there would be no question.

Mr. Smith asked Mr. Woodson if this was a side or rear line, and Mr. Woodson answered that it was side line.

Mr. Louk said there is a 25' easement that exists in addition to the 87,000 square feet of Lot 8, for a bridle path. It is 25' in width.

Specifically, the plat shows the barn which is three stalls for horses, although they only have two in mind to buy, and the barn will have a tack room with hay in the top, the stalls will be 10' wide square stalls and will be brick similar to his house. It will show from the street, but will not show more than 8 or 10' because they are going to dig down about 6' and put it into the side of the hill. The reason for this application is because the shape and topography of the lot, it is not feasible to take the barn further back. At the rear of the barn as shown on the plat, there is a septic tank field which goes the entire side, lower side, of the lot and on the top side of the lot there is a forest of trees. He said he put it as far back on the lot as he could put it without interfering with the septic tank and drain fields. The reason the septic tank and drain fields are in that spot is that the lot is flat up until you get to about where the front of the barn is positioned on the plat, then there is a real sharp drop toward the rear of the lot and it had to be back that far to get the fall for the septic tank system for the basement of the house. He could not put the barn further behind the septic tank as there is a gully where a wash occurs and it would be involved with trees, as shown. Mr. and Mrs. Irons who live at Lot 7 and own Lot 7 have a barn at about the same position that his barn is located on the plat and asked the Board to look over 18' from the barn and you will see a common boundary line is located and then their barn sets over about 40' and that is where their barn is, therefore, under the proposed variance the two barns will be about 58' apart. Their house is about the spot that his is on the lot. He said if he moved it forward 40' toward the front, he could set off the side line 40' without trouble, but it would put the barn closer to his neighbors and they would prefer it be where it is positioned on the plat.

Mr. Dorsey Royball testified before the Board as he owns the land in the rear and across the road and he wanted to know the position of Mr. Louk's property. After he was shown the map and the plat he stated that he misunderstood, that he thought it adjoined his property, but that it did not and that he did not have any objection.

In application No. V-206-71, application by Ralph & Wanda Louk under Section 30-6.6 of the Zoning Ordinance, to permit barn 18' from side lot line, on property located at 11219 Sorrel Ridge Lane, Fox Lake Subdivision, also known as tax map 36-4((3))8, County of Fairfax, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 26th day of October, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 87,726 square feet.
4. That compliance with county codes is required.
5. That this request is for a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) exceptionally irregular shape of the lot,
(b) exceptional topographic problems of the land.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupanyc and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed unanimously.

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VIRGINIA CONCRETE COMPANY, INC., app. under Sec. 30-7.2.1.1 of Ordinance to permit Gravel Use Permit, 7403 Hayfield Road, 91-3 and 91-4, Parcel #71, Lots #1 through 4, incl. and portion of 15 and parcel 34, Lee District (RE-1), NR-24

Mr. Ralph Louk, Attorney for the applicant, testified before the Board.

Notices to property owners were in order. Contiguous owners were Orlando Banks, Clarence Kirby and Rev. Dowell.

Mr. Long abstained from the hearing as his firm and his partner Mr. Rinker drew the plats for this applicant.

Mr. Smith asked if he had his certificate of good standing from the State Corporation Commission. Mr. Louk said he did not believe one was in this file, but he was sure there was one in the previous application which the Board heard in May of this year. This file has been before the Restoration Board and also the Planning Commission and he told the Board that he wasn't specifically requested to provide it for this particular file. He assumed that the Staff did not feel this was necessary since their previous application NR_22 is still before the Board for decision only and it is the same corporation.

Mr. Baker moved that the Board proceed and get one from the previous file.

Mr. Smith said it should be a current one and there should be one in each file, but the Board could go ahead and hear the case and defer it for decision only until the Certificate is received.

Mr. Baker indicated that he would so amend his motion.

Mr. Barnes seconded the motion.

The motion passed unanimously.

Page 375
October 26, 1971
VIRGINIA CONCRETE CO., INC., (Continued)

Mr. Louk said the total acreage is 57.75 acres of which 41.6 is owned by Virginia Concrete and Banks and Edmund own the remainder which is under lease, which is part of the file.

Mr. Rinker, Engineer, from the firm of Long and Rinker, pointed out the area to be excavated.

The Board has a complete set of plans including the excavation plan in the file.

It was determined that Lehigh Portland Cement Company which owns the stock of Virginia Concrete Company, Inc. is the successor corporation to Virginia Concrete, but Virginia Concrete is still an operating subsidiary as a separate entity and did not merge with Lehigh. Therefore, the Board stated that it would need a Certificateof Good Standing from Lehigh Portland Cement Company.

Mr. Edmunds owned 2.91 acres and 13.24 acres is owned by William Banks.

The area to be excavated is 36.9 acres which Mr. Rinker pointed out on the Board. The average depth of the overburden is 5' in that area and the gverage depth of the gravel underneath the overburden is 15'.

The Restoration Board has had two or three hearings presided over by Dr. Kelley and there was a decision to recommend approval. This formal letter of approval was in the file.

The Planning Commission also heard this case and they too had submitted a letter of recommending approval.

As background information Mr. Louk explained the status of NR-22 and said NR-22 had no connection with this application. The Board of Supervisors has moved to amend the existing zoning ordinance and that hearing comes up on November 10. The Board of Supervisors is aware of this application and has indicated that the Staff should continue to work on this application and make its recommendation and the Board of Zoning Appeals grant it approval or disapproval, notwithstanding the fact that the new ordinance is to be adopted. The statement that Mr. Louk said he made to the Board of Supervisors that NR-22 the one that is now pending for decision, that they had agreed that any provision of the new ordinance would apply to NR-22 and they would be bound by that and that is why this NR-23 is before the Board today. The plans for NR-23 are very detailed and have been worked over by people in the County for all facits that are involved, storm drainage, easements, restoration and these plans have been approved as indidated. Specifically, the Board of Zoning Appeals must find as indicated that the plans have actually been approved and the impact of the application. The property owners surrounding this tract have been listed in the report of the Restoration Board and he said that to his knowledge there are no property owners objecting to the removal of gravel and the property owners adjoining this property have, in one way or another, indicated consent. They did not appear at the Planning Commission or the Restoration Board hearing. Mr. Harlow did appear at the Planning Commission hearing, but it was not specifically objecting to this application. Mr. Harlow talked about his property and his problems and natural resources in particular.

Mr. Smith said the Board was in receipt of letters from Holland Edmunds and Mr. Banks indicating an agreement between each of them and Virginia Concrete.

Mr. Louk says that it is their intention to go along with the Staff's recommendation regarding Hayfield Road. The Restoration Board recommended that they treat Franconia Road to keep the asphalt up and they have agreed to do this.

Mr. Smith told him that the Health Department recommends that they stay 200' from any individual water supply.

Mr. Louk said they agreed to do that.

No opposition.

Mr. Smith read into the record a memorandum from the Planning Commission recommending approval of this application with the stipulation that one of the conditions be that gravel truck stravel in the manner proposed by the applicant and specifically that the trucks not use Hayfield Road and instead come out on Franconia Road.

Mr. Louk said this was agreeable.

Mr. Smith said that the Letter from Restoration Board should be made part of the record and a part of the resolution.

Mr. Louk stated that it was very important that they get a decision as soon as possible. He said had he known he should have had the corporation certificate he would have supplied it.

Mr. Smith said it is a policy of the Board. He said we also need a copy of the certificate of good standing from the State Corporation Commission on the other corporation, the Lehigh Portland Cement Co.

Mr. Louk said he would have someone drive to Richmond and get it if they could make their decision with the stipulation that it was in effect as soon as they received the certificates.

The Board members agreed that they must have the certificates prior to a decision.

Mr. Kelley said that he would be in favor of a Special Meeting on this case.

Mr. Baker said he would favor next Tuesday, November 2, 1971 and would so move.

The motion passed unanimously.

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MITCHELL J. BUKZIN, app. under Sec. 30-7.2.6.1.10 of Ordinance to permit dentist office, 8430 Bauer Drive or 6208 Rolling Road, 79-3((4))36E, Springfield District, (RE-1) S-208-71

Mr. Rosenfeld, attorney for the applicant, testified before the Board.

Notices to property owners were in order.

Mr. Rosenfeld stated that the house is not occupied at this time, but it had been used as a single family residence. Dr. Bukzin has a lease with an option clause that he can purchase this property. The property has 1.3 acres. The Doctor now resides in Woodbridge, Virginia and is practicing in Dumfries with another dentist and he would like to start a practice of his own in this building. The Doctor does not live in the house at the moment, but if his business goes well, he plans to add on to the property and live there, but,Mr. Rosenfeld said, he would not be living there for six months or so.

Mr. Smith asked him about the parking and Mr. Rosenfeld submitted new plats showing the parking area. He said the entrance is on Bauer Drive. The Doctor would have two or three patients at a time and one employee. Most of the parking, he said, was hidden from the road.

Mr. Smith said theparking area would have to be more than just gravel, that the county would require that he put in asphalt to provide a dust free surface.

Mr. Rosenfeld said he did not anticipate thatthis would be a problem.

Mr. Smith asked Mr. Rosenfeld if he was familiar with the staff report stating that there should be no entrance on Rolling Road and that this site would be under site plan control. There were other items that needed work too and he asked Mr. Rosenfeld if they would be able to make the necessary changes. Mr. Rosenfeld said that they would.

Mr. Rosenfeld said they were requesting the use permit for as long a term as possible. The term of the lease is five years.

Opposition: There were four people there in opposition. Mr. John Ruskin spoke before the Board. He said he lived at 6105 Wilkins Court and has a dentist practice. He stated there would have been more opposition had the sign been on Rolling Road instead of Bauer Drive, as Bauer Drive was a dead end street and there were only about nine residences on that road. Mr. Smith said the posting was adequate even though it might not have been in the best location. The advertising referred to both addresses. He said he had been in Springfield for about seven years. He said his main concern is if this permit is granted, then it will lead the way for other people in Fairfax County and the Springfield area to take a house and use it for a commercial purpose without having to get commercial zoning.

Mr. Smith said that doctors and dentists were taking advantage of this part of the ordinance in great numbers and it is provided for in the ordinance by use permit.

Page 377
October 26, 1971
BUKZIN (continued)

Dr. Paul Muldoon spoke in opposition to the application. He stated that he had been a dentist for 5 and 1/2 years. He said that all the dentists around Springfield had been forced to operate out of their own home for all these years, because there was no medical facility in the area that could handle this office. He said he felt that this applicant should either practice and live there or he should have to apply for commercial zoning as many of the professional dentists in this area have had to do in order to have an office outside their home. He said that it would also open the door for beauty shops, drug stores and a wide range of other commercial activities.

Mr. Smith said that the Board has been reluctant to grant these in the past where a dentist is just purchasing a home for the purpose of operating the business and for that purpose alone.

Dr. James Winkler spoke in opposition to the application. He said he had had a home office for seven years and he said again that he felt he fell in the category of the other thirteen practitioners. He said he felt that all the people who are now in their homes are there because there were no other places to go and do this kind of work in this area. He said that now he could do the same thing, continue to operate his business out of his house and move his family elsewhere, but he was sure that his neighbors would not appreciate it. He said he feels this is a real problem to the Board as far as precedent. Commercial space is more expensive, but when he moved there seven years ago there was no commercial space. He said he feels that if a person wants to separate his office from his home the only way it should be done is by going into commercial space and there is plenty of that in Springfield now.

Mrs. Fisher from the Springfield Citizens Association asked whether or not the house is now occupied and Mr. Smith told her that it had been occupied by a residential use but was not now occupied at all.

Dr. Ellis, 6600 Harwood Place, West Springfield, spoke in opposition. He stated he had also been in practice over seven years in a home combination office and he objected to this simply because there is commercial space now available if someone wants to come in and practice in the area. He said working in a home-office hasn't been pleasant. He feels this application should not be granted.

In Rebuttal, Mr. Rosenfeld stated that the Board's approval of this application will not set precedent because the Board has to look at each application individually and each neighborhood individually. Surrounding this property is property that has been purchased by the County for a fire station and a library. There are two shopping centers in this area and they had seven homeowners in the immediately surrounding area who had signed letters stating their approval. He said there was a conflict with every speaker as they were all part owners of the medical building which is in the area. Mr. Bukzin is a prospective tenant and would be competition for them. He said that the objections seemed primarily because the Doctor wasn't going to live in the house. He said they personally checked the land records at the lunch break.

Mr. Smith gave the opposition a chance to rebutt the statement that they all owned the medical building.

They stated that they were part owners of the building that is presently under construction and the reason they are building this building is because they did not want to practice in their homes and were told by the County that that was the only way they could have the dentist office and as a result they went back before the Board of Supervisors and applied for a rezoning . He said it was true that the County was building a fire station and a library, but there were also residences butting up against the property. He said at the time he obtained his permit to operate his dentist office in his house he could not move his dentist office in and then his family. He had to move his family in first. At the time they applied for a rezoning, there wasn't a medical building in the area, but now there has been build two or three.

Mr. Long moved that this application S-208-71 be deferred until the Board could view the property and for the Board's decision only. The Kelley seconded the motion and the motion passed unanimously to defer this application until November 16, 1971, after the Planning Commission has heard it and after the Board has had a chance to view it.

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DEFERRED CASES:

ROLAND GOODE, TRUSTEE & CITY SERVICE OIL COMPANY, app. under Sec. 30-7.2.10.3.1 of Ord. to permit service station at the intersection of Lee Chapel Road (Route 643) and Old Keene Mill Road (Route 644), 88-1 & 78-3 & 78-4((1)) pt. lot 14, Springfield District, (C-D), S-189-71 (Deferred from October 12, 1971, until the applicant could submit a rendering.)

Mr. Douglas Adams represented the applicant and stated that the rendering of the station was in the file. He presented the Board with a brick that would be used in the building and in the shopping center. It was a gray brick that was imported from Mississippi.

Mr. Smith asked if this was the same brick as that shown the Board of Supervisors and Mr. Adams said that it was stated that brick would be used but the type brick was not stated.

Mr. Smith said it would be good if the stations could get back to the colonial design.

The Board did not like the idea of the red strip around the top of the building.

Mr. Adams said this was the same type brick as that used at the Northern Virginia College, but a little lighter than this brick. The roof will be sloping mansard roof of a bronze color.

Mr. Smith said this is a good layout if they make it compatible with the shopping center and if they would drop the red band around the top of the building. The County, he said, is getting close to the planned shopping center wherein all buildings are compatible in design.

Mr. Smith said there should be a stipulation in the motion that this is the only service station in this C-D area.

In application No. S-189-71, application by Roland Goode, Trustee, and City Service Oil Company, under Section 30-7.2.10.3.1 of the Zoning Ordinance, to permit service station at Lee Chapel Road (Route 643) and Old Keene Mill Road (Route 644), on property located at Lee Chapel Road (Route 643) and Old Keene Mill Road (Route 644), also known as tax map 88-1 & 78-3 & 78-4((1)) part of lot 14, County of Fairfax, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 12th day of October, 1971; and deferred to October 26, 1971; and

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

1. That the owner of the subject property is Roland E. Goode, Trustee.
2. That the present zoning is C-D.
3. That the area of the lot is 32,007 square feet.
4. That compliance with Article XI, Site Plan Ordinance, is required.
5. That compliance with County Codes is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C or I Districts as contained in Section 30-7.1.2 in the Zoning Ordinance), and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

4. There shall not be a single free standing sign for this use. Any sign must be on the building and conform to the Fairfax County Sign Ordinance.

5. There shall not be any display, selling, rental, storing, or leasing, of automobiles, trucks, trailers, or recreational vehicles on said property.

6. The owner shall dedicate the required land for future road widening along Keene Mill Road as shown on plats submitted to the Board.

7. The owner shall make some provision to provide a 22' travel land curb cut to the west along Keene Mill Road.

8. The entrances onto Keene Mill Road shall be as approved by the Planning Engineer.

9. Brick shall be identical to that uses in the shopping center.

10. The red band on exterior of building shall be eliminated.

11. The facade and roof shall be the same as that used in the shopping center.

12. It is understood and agreed that this is to be the only service station located in said shopping center.

Mr. Barnes seconded the motion.

The motion passed unanimously, 4 to 0. Mr. Baker was out of the room.

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TEXACO, INC., app. under Sec. 30-6.6 of Ord. to permit erection of pump island canopy within 7.8' of Richmond Highway, U.S. Route 1 and Memorial Street, Groveton, 93-1 ((18))1, 2, 3, 4, Lee District (C-G), V-191-71. (Deferred from October 12, 1971, until the owner could be joined in the application)

Mr. Foley, real estate agent for Texaco, spoke before the Board. He indicated that there was a letter in the file from Mr. Patterson joining in the application. Mr. Smith read the letter.

Mr. Smith asked if Mr. Patterson operated the station and Mr. Foley said, "No".

Mr. Smith then asked who Mr. Patterson leased it to and Mr. Foley said "Texaco"

Mr. Smith brought up the fact that there are Texaco station being operated in the County where there is a Use Permit on the station and the Use Permit definitely states that there shall be no rental of trailers, etc., and the stations are renting the trailers, u-haul trucks, etc. Mr. Foley stated that one of the companies that rent those trucks have contacted the county and are attempting to work this out. Mr. Smith asked Mr. Woodson if they had gotten the trailers out on 236. Mr. Woodson said they were working on it. Mr. Smith said"Yes, they have contacted the County and are attempting to work this out. Mr. Woodson is letting them stay in there. If we are going to have the situation These use permits were given to Texaco, Inc., with the understanding and the instructions that they were not to rent, store or lease these trailer or trucks from these locations and you let them go in there and now you say that the truck people are contacting Mr. Woodson and Mr. Woodson is letting them stay in there. Well, now somebody is failing. Somebody is not enforcing the County Code. I think if we are going to have this situation with the service stations, what we should do is each time you change operators and before you put an operator in there, you bring the operator in and we will put him on this use permit with the Oil Company. If the Oil Company can't enforce it. The Board instructed me and this is one of the locations, several months ago, to institute a show

cause action on them. I did and they were removed. I stopped it. We recently discussed it and I think the time has come again and you should again show cause why you should not have your use permit revoked on these service stations. You are in violation with the use permit."

Mr. Foley said that if the condition of the use permit presented or stipulation that these trucks and trailers were not to be on the property, Texaco does not want to be in violation.

Mr. Smith asked why he removed them the first time and then put them back again.

Mr. Foley said as he understood it the truck people were involved in litigation and they took it to Court.

Mr. Smith said,
"This is a misunderstanding, the truck people were involved in a location down on No. 1 Highway in a C-G zoned area that wasn't under a use permit and it didn't set a precedent and the Judge that rendered a decision on it said the only effect that this particular case only affected this location and if that particular case had been taken to Court and prosecuted properly, it would not have been decided in the manner in which it was. If the Oil Company had been brought in, the owner of the property, instead of the little service station operator, who does nothing but lease the property, I think we would have got a different decision then. As a matter of fact the first Judge decided they were in violation and it was appealed and it was reversed. The County Court Judge decided one thing and it went to the Circuit Court and the Circuit Court reversed. I think the Board should resolve this matter. We have instructed the Zoning Administrator previously. He has our interpretation of the Ordinance and if we are not going to have an enforcement of it, there is no point in the Board sitting here making these and stipulating these conditions in these use permits and certainly it was not theintent of the Board thatthis happened and if the Easy-Haul or whoever it is is going to run the service stations, then they will have to come in and get the use permits for them. Apparently, that is what you have indicated they are doing."

Mr. Foley said "No".

Mr. Smith: You said the Easy-Haul people, and I think that's the one or both of them said that they were allowed in there. Have you checked with anybody to see if you could allow them in there?

Mr. Foley: "We have retailers in both of those stations who individually have an arrangement with these people".

Mr. Smith: "You see Gentlemen, that is what you are confronted with. What are you going to do, are you going to keep batting this thing around. The Oil Company denies any responsibility to enforce the Use Permit. We will have to do this like we do all other use Permits, have them come back in each time they change their operators and have them come in and the operator's name have to be on it and he will be instructed.

Mr. Foley: Mr. Chairman, we don't say that this is a problem of just the operators. If the condition of the Use Permit was that there are to be no trucks or no trailers and this is a violation of the Use Permit, then we will see that this situation is corrected.

Mr. Smith: Why did you move them out of one station then move them back? You were issued a violation notice on one of them, I know, and you removed them,after a few day they all came back.

Mr. Foley: Mr. Smith, I don't know. I am not in the Sales end of it.

Mr. Smith: Mr. Woodson what are you going to do. Are you going to enforce the Board's interpretation of the Ordinance or aren't you? I think the time has come for us to get something done.

Mr. Woodson: We had a meeting with the County Attorney and Mr. Yaremchuk.

Mr. Smith: I don't care who you had a meeting with, the Board has interpreted the Ordinance and we are responsible for issuing a Use Permit.

Mr. Woodson: All right.

Mr. Smith: This has been a policy that we follow. If we are going to sit here and sit forth conditions and then branches of the County Government are going to stop the enforcement of these conditions, then there is no point in us setting them.

Page 381
October 26, 1971
TEXACO (continued)

Mr. Long: I think we should defer this until Mr. Baker is here. He was on the Board at the time of the original granting and he is not here today. I would like to move that this be deferred until November 16th for reasons stated.

Mr. Kelley said he felt that Mr. Foley should check with the Sales Department and check this out. He said he was sure the operator would like to continue and the Oil Company too.

Mr. Long said he didn't see how when they come in for a Use Permit and there is no provision for trailer parking, landscaping, etc. there is no way they could put it there, because they would have to have larger sites and he said he could think of a lot of different provisions that would need to be imposed.

Mr. Smith said the Use Permit goes to Texaco and they bring in the operator and Mr. Woodson issues the violation notice to the operator instead of issuing it to Texaco. He said he thought the violation notice should go to the Oil Company who holds the Permit.

Mr. Smith then said this should be share and share alike, if the County is going to allow one operator to allow these rental of truck and trailers, then they all should be allowed to do it, or we should issued the service station permit for the same limited time as the Board does all other use permit and every time the operator changes they will have to come in again. That looks like the only way the Board can alleviate the situation. He said he had talked with three other oil companies who were violating this, and they have adhered to it, but Texaco and Gulf have failed to.

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AFTER AGENDA ITEM:

MONTESSORI SCHOOL OF CEDAR LANE. This was deferred until they could talk with Mr. Bowman from the Health Department and see what authority he had to waive the fence. After the Zoning Office talked with Mr. Bowman, Mr. Bowman indicated that under the State and County Codes he did have authority to waive the fence requirment if he felt it wasn't needed, but the Board had the right to impose a fence if they so chose.

Mr. Smith said he didn't think any condition the Board set should be waived.

Mr. Long said if it was waived it should be done by the County Staff, after thorough study.

Mr. Woodson said he did not feel the County Executive or anyone should waive the Board's requirements.

Mr. Smith said he didn't remember how the resolution was worded. Mr. Long said they have been wording the recent ones, according to State and County Codes.

Mr. Long said he felt that someone on the Staff should review these recreational areas and there should be a determination as to whether the fence is actually needed.

Mr. Woodson said that comes under Mr. Bowman from the Health Department.

Mr. Smith said the Health Department administers the State and County School law including private schools.

Mr. Vernon Long said that Mr. Bowman stated to him that he had that right to waive the fencing requirement under the State Code.

Mr. Smith said maybe he feels that it is a protected area simply because it is 100 yards from a traffic lane. Fences are more than just to protect children, but to also protect the homeowners surrounding the area.

The Board was not aware of the fact that Mr. Bowman or anyone had the right to waive this fencing requirement and the Board thought that it was a mandatory and the only reason the Board changed the wording in the resolution was simply because the Board had been requiring a 4' fence and the ordinance only required a 3' fence, so the Board reworded the resolution to coincide with what we thought was a mandatory requirement.

The Board's intrepretation is that the County Code requires a 3' high chain link fence and it is the intent of the Board that this be complied with.

It was moved and seconded that the meeting adjourn and it was adjourned at 4:10 P.M.

By Jane C. Kelsey
Clerk

Daniel Smith, Chairman

November 9, 1971
Date Approved

A Special Meeting of the Board of Zoning Appeals was Held on Tuesday, November 2, 1971, at 10:00 A.M. in the Board Room of the Massey Building, Fairfax County Administration Building; Members present: Daniel Smith, Chairman; George Barnes, Loy Kelley, Richard Long and Joseph Baker.

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

// DEFERRED CASE:

VIRGINIA CONCRETE COMPANY, INC., app. under Sec. 30-7.2.1.1 of Ordinance to permit Gravel Use Permit, 7403 Hayfield Road, 91-3 and 91-4, Parcel #71, Lots #1 through 4, incl. and portion of 15 and parcel 34, Lee District (RE-1), NR-24 (Decision only)

Mr. Ralph Louk, Attorney for the applicant, testified before the Board.

Mr. Louk had furnished the Board with the necessary certificates of incorporation for both the Lehigh Portland Cement Company, Inc. of Allentown, Pennsylvania and Virginia Concrete Company, Inc.

In application No. RE-24, application by Lehigh Portland Cement Company, Inc. of Allentown, Pennsylvania and Virginia Concrete Company, Inc. under Section 30-7.2.1.1 of the Zoning Ordinance, to permit gravel use at 7403 Hayfield Road, Alexandria, Virginia, also known as tax map 91-3 & 91-4, Parcel #71, Lots #1 through 4 incl. and portion of 15 and 34, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 26th day of October, 1971 and deferred to November 2, 1971; and

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

1. That the owner of the subject property is Lehigh Portland Cement Company.
2. That the present zoning is RE-1.
3. That the area of the lot is 36.9 acres.
4. The Restoration Board recommended approval of this application October 14, 1971.
5. The Planning Commission recommended approval of this application at its regular meeting on October 10, 1971.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and 30-7.1.2 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application by and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the uses indicated on plats submitted with this application. Any additional uses of any kind, changes in use or whether or not these additional uses require a use permit, shall be cause for this use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

4. This permit is issued for a period of two (2) years.

5. Compliance with county codes is required.

6. A bond of $2,000.00 per acre shall be posted with the Zoning Administrator prior to issuance of any permit for said operation to cover the cost of planned restoration. The bond may be reduced $1,000.00 per acre upon partial completion of the operation and upon approval of the Restoration Board.

7. The days of operation shall be limited to Monday through Friday, with hours being 7:00 A.M. to 5:30 P.M., approximately, weekends and holidays being excluded.

8. Equipment to be used:

   1 Bulldozer for clearing operation.
   1 Bulldozer and 2 scrapers for stripping and restoration.
   1 Dragline and approximately 8 trucks for excavation. Trucks licensed and inspected.
   1 Grader to provide grading for streets.
   8 Trucks will enter or leave property one at a time.

   No other mechanical equipment. No processing.

9. There shall not be any signs connected with this operation unless approved by this Board.

10. South Van Dorn Street, south of Franconia Road to be graded, paved, and maintained to a width of 36 feet for a distance of 50 feet south of Franconia Road in conformity with the Restoration Board's request.

11. There is not to be any excavation in connection with this operation within 200 feet of a well on adjoining property.

12. No trucks used for hauling material for this operation shall use Hayfield Road. Traffic shall be limited to company owned private roads to Franconia Road and thence to processing plant on Van Dorn Street and City of Alexandria.

13. Restoration operations, siltations, and erosion control shall be in conformity with plans submitted with this application and as approved by the Restoration Board.

14. The rock dam on the westerly side of the property requested by the Restoration Board is required.

15. Memorandum to Chairman and Members of Board of Zoning Appeals and Chairman and Members of the Fairfax County Planning Commission, from Mr. George J. Kelley, dated October 14, 1971, shall be made a part of the limitations, except where expressly covered herein.

    (Attached hereto as Page 384 A)

Mr. Baker seconded the motion.

The motion passed 4 to 0 with Mr. Long abstaining.

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The Board recessed to view the property of Vulcan Materials Company, Successor of Graham Virginia Quarries, Inc. and the property of Mitchell Bukzin (application for a dentist office)

// After viewing the Vulcan Materials Company at Occoquan, Mr. Long moved that application S-199-71, be referred to the Restoration Board for investigation and recommendations on methods of controlling the operation and restoration of the above mentioned application and the report should be given to the Board prior to the Board's hearing on November 9, 1971, if possible, or at least prior to any formal decision on this application.

Mr. Baker seconded the motion. The motion passed unanimously with the members present. Mr. Kelley was not present at that time.

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The meeting adjourned at 3:10 P.M.

By Jane C. Kelsey, Clerk

Daniel Smith, Chairman

December 7, 1971
DATE APPROVED

COUNTY OF FAIRFAX, VIRGINIA

NR 24

MEMORANDUM

384 A

TO: Chairman - Members Board of Zoning Appeals DATE: October 14, 197
Chairman - Members of Fairfax County Planning Commission
FROM: Mr. George J. Kelley

SUBJECT: "The Restoration Board, on October 14, 1971, reviewed the application of Virginia Concrete Company, Inc. (applicant"s name) to permit the extraction of gravel (the material) on land located at 7403 Hayfield Road (address), also known as 91-3 ((1)) 71 and 91-4 ((1)) 1 through 4 and part 15 (tax map reference), being land owned by Virginia Concrete Company, Inc. (owner). This request, known as Application Number NR-24, involves 57.75 acres of land in the NR District which is zoned RE-1 (present zoning)."

The Restoration Board met on October 14, 1971 and considered application NR-24. The results of this meeting was to recommend approval based upon the following enumerated factors:

1. The uses proposed on the most recently adopted comprehensive plan for the area in which the property contained in the application lies. This section of the report shall also indicate the proposed uses of all contiguous land.

The plan for the Rose Hill Planning District, adopted May 17, 1967, indicates the area in which the application is located for single-family residential uses at not more than 2.5 dwelling units per acre. Restoration should be such as to leave the land suitable for such use.

2. A statement indicating the status of any proposals of which the County staff is aware in the immediate vicinity of the application, including site plans or subdivision plats submitted.

There are, at the present time, no pending site plans or subdivision plats in the immediate vicinity of this application. Ultimately, South Van Dorn Street is proposed to be extended, and may cross a protion of this site. No immediate plans for that street exist.

3. A statement concerning access and traffic. This statement shall include the most recently published traffic count on all contiguous streets which could provide access to the site.

Egress from the site is proposed via internal company owned private road to Franconia Road, and hence across Franconia Road northward toward the Alexandria City limits. In this area, Franconia Road carries approximately 15,000± vehicles per day, and South Van Dorn Street north of Franconia Road carries some 7,792 vehicles per day (Latest V.D.H. published figures -- April through November, 1969).

Since company owned Street is broken up where it meets Franconia Road, and since trucks entering a paved road tend to (1) break up the edge of pavement, thus narrowing the roadway width on Franconia Road, (2) track dirt from their tires onto the pavement of Franconia Road, and (3) drop material as they bump onto the paved surface of Franconia Road; it is recommended that the first fifty feet of South Van Dorn Street south of Franconia Road be graded and paved (dustless surface , maintained as such) to a 36 foot width, and that fillets and drainage be designed to the satisfaction of the Division of Design Review.

4. A statement relating to the possible compatibility of the proposed use with each of the uses of land on adjacent property. This statement may include recommendations as to how this permit might be further restricted in order to achieve a greater degree of compatibility.

The site immediately adjoins the property of approximately four dwellings, one church, and a number of parcels which are either vacant or in use as a gravel operation. It is recommended that the one hundred foot setback required by the present ordinance be maintained, and that vegetation within that one hundred feet not be disturbed except (1) adjacent to lots 16 and 20 which are owned by the applicant and where activity may be closer, and (2) adjacent to the church where it would accomplish a leveling purpose acceptable to the church.

5. A statement concerning the proposed measures to control erosion and siltation. Where the proposals are considered by the Board to be inadequate, the report shall include recommendations concerning additional measures needed.

The natural drainage divides have been honored as indicated on the existing topography plat. The restoration grading plan shows that the final grading will also honor the natural drainage divides and no problems can be expected by the proposed grade on the slopes as shown on the plan.

The siltation and erosion control methods proposed by the engineer are deemed satisfactory with the addition of a rock dam on the westerly side of the property.

6. A statement concerning the proposed grades after restoration, the proposed depth and type of topsoil planned to be placed thereon, and the proposed planting and/or reforestation planned after completion of the operation. The Board may recommend a different type of surface treatment in order to guarantee the fertility of the finished land.

384 A

The proposed grades after restoration are satisfactory and will not require maintenance once the vegetative cover is established.

The depth of and type of topsoil, the amount and kind of fertilizer and lime shown on the restoration plat are correct for this application. The amount and type of seed to be used to establish vegetative cover as shown on the restoration plat is very good. This is the seed mixture that has proven successful on many similar gravel pits in the past.

7. A statement concerning a limitation, if any, that the Board feels should be applied to the amount, size or location of any sign erected on the site.

Signs in residential districts may not exceed one sign per use granted, may not exceed an area of twelve square feet, and may not exceed the height of eight feet. There has been no previous interest in the erection of signs on other gravel operation and I do not feel there will be any desire to erect any signs in connection with this operation.

8. A brief statement of the history of similar uses in the vicinity of the application. If active operations are underway in the immediate area, their expiration date shall be indicated.

Parcel 70 Across the street is a residential dwelling located 250 feet from property line and 650 feet from the area of excavation

Parcel 70 and all of Company owned property and Banks & Lee property in this area is under option by major developers for residential purposes.

Parcel 25 is owned by Virginia Concrete and is not to be dug.

Parcel 23-24 is owned by Orlando Banks and has dwelling approximately 500 feet from property and 1200 feet from area to be excavated and is for residential purposes.

Parcel 20 is owned by Virginia Concrete and is vacant. There are no plans to dig.

Parcel 19 is owned by Melton. Mrs. Melton was a bookkeeper for Layton Sorbers Gravel Company for many years. Her house is 100 feet from property line and two hundred feet from area to be dug. This property is for residential purposes. A Virginia Concrete Company employee rents a home on the same property from Mrs. Melton.

Parcel 16 is owned by Banks & Lee Contractors. Virginia Concrete has leased Parcel 15 from Banks & Lee which is part of Application NR-24. Parcel 16 is vacant unimproved residential land.

Parcel 5-6-17 All owned by Virginia Concrete and previously excavated for sand and gravel and is restored.

Parcel 73 Owned by Mr. Baker. There is a residential dwelling located on premises. The dwelling is 350 feet from property line and approximately 500 feet from area to be excavated. Mrs. Baker is related to the former owners of some of the area this Permit is requested for.

Parcel 92 Owned by Virginia Concrete and previously excavated for sand and gravel under non-conforming use. Restoration is underway.

Parcel 72 Owned by Hayfield Baptist Church. Virginia Concrete has permission to dig up to property line. The Church was just recently constructed.

9. A statement indicating the amount, per acre and total, of surety and escrow bond recommended by the Board as adequate to guarantee the planned restoration.

A bond of $1000 per acre would be adequate to cover the cost of the planned restoration of this application, NR-24, or a total of $57,750.00.

10. A recommendation of the Board to grant, deny or grant in part the application. The recommendation shall be considered by the Board of Zoning Appeals in its consideratio of the application.

In addition to the information required on pages 21 and 22 of the proposed ordinance, the following information has been obtained from the applicant.

1. Time required for the project: Approximately two years with restoration to be continuous.

2. Equipment to be used:

   1 - Bulldozer for clearing operation
   1 - Bulldozer and 2 scrapers for stripping and restoration
   1 - Dragline and approximately 8 trucks for excavation. Trucks licensed and inspected
   1 - Grader to provide gradin g streets
   8 - Trucks will enter or leave property at any one time.

   No other mechanical equipment. No processing.

3. Hours of operation: 5 days per week (no weekends or Holidays)

   7 A.M. to 5:30 P.M., approximately.

The Regular Meeting of the Board of Zoning Appeals was held on Tuesday, November 9, 1971, at 10:00 A.M. in the Board Room of the Massey Building, Fairfax County Administration Building. Members Present: Daniel Smith, Chairman; George Barnes, Loy Kelley, Richard Long and Joseph Baker.

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

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SANTMYER & HARPER, app. under Sec. 30-6.6 of Ordinance to eliminate standard screening and in lieu thereof put a 6' stockade fence on property line, in part, 6651 Old Dominion Drive, McLean, 30-2((1))59, Dranesville District, (C-D), V-204-71

Mr. Douglas Mackall, attorney for the applicant, testified before the Board and requested their applicant be withdrawn.

Mr. Smith also read the letter from Santmyer & Harper requesting withdrawal. Mr. Mackall said he believed that the ordinance allows that this request could be granted administratively.

Mr. Long moved that application V-204-71 be withdrawn without prejudice.

Mr. Kelley seconded the motion. The motion passed unanimously.

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Mr. Baker moved that the minutes for the Board of Zoning Appeals Hearings of September 14, 1971, September 21, 1971, September 28, 1971 and October 12, 1971 be approved.

Mr. Long seconded the motion.

The motion passed unanimously.

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OAKTON LIMITED PARTNERSHIP & MOBIL OIL CORP., app. under Sec. 30-7.2.10.3.1 of Ord. to allow service station east right-of-way Hunter Mill Road, 900' from intersection with Route 123, 47-2((1)) part of parcel 99, Centreville District, (C-D), S-205-71.

Mr. John T. Hazel, attorney for the applicant, testified before the Board.

Mr. Hazel stated that Mobil Oil is leasing from the owner and builder of the shopping center. Oakton Limited Partnership is leasing to Mobil Oil Corp.

Notices to property owners were in order. The two contiguous owners were the Ashby Wyatt Estate, 2900 Chain Bridge Road, Oakton, Virginia 22124 and Mr. Irvin Payne, 5850 Leesburg Pike, Baileys Crossroads, Virginia 22041.

Mr. Hazel stated that Route 123 is a main artery between Fairfax and Vienna. Route 66 is just off 123 and this is part of the interchange at the Flinthill School. While Oakton has been rural in nature, several things are happening that will change that picture very dramatically. For example, the property adjacent to Flinthill School is zoned CRM-H, 40 units per acre. Along Blake Lane is 100 acres or more of PAD which is 30 units per acre. There is PAD off the Jermantown Road section. Therefore, a tremendous complex surrounds Route 66 and 123 and is just now commencing action, the first project being apartments in the section adjacent to the Holiday Inn in Fairfax City. The reason this land has not been previously developed is that the sewer problem through the City of Fairfax and Accotink has just been solved with the opening of the Potomac Pollutant Control Plant.

Route 123 is under an immediate construction program by the State Highway Department. Hunter Mill Road running north and west from 123 serves an area between Oakton and the Reston community and there is also a proposal for a fairly early reconstruction of Hunter Mill Road. Now there is in the plan a four lane highway for a portion of Hunter Mill Road running for 2,000 feet in front of the shopping center. Mr. Hazel said he was pointing this out because of the citizen concern and he feels the Board needs to look at Oakton as it is going to be.

Mr. Smith asked if the rezoning plans included a service station. Mr. Hazel answered that they did.

Mr. Hazel then submitted a rendering and described what the station would look like. It would have a cedar shake, mansard roof just like they showed at the rezoning hearing and would tie into the shopping center with a continued roof line. This is identical with the plan submitted at the time of the rezoning, he said. He asked that the rendering be made part of the record, along with the site plan. Mr. Hazel said that on the site plan they had two entrances which is the only deviation from the site plan that was before the Board at the time of the rezoning and the reason the second entrance wasn't on there was an oversite.

HUMBLE OIL & REFINING CO., app. under Sec. 30-7.2.10.3.1 of Ord to permit service station same as existing use, but remodeled, northwest corner of Old Keene Mill & Rolling Roads, 79-3((5))Parcel 1-A, Springfield, (C-D), S-207-71

Mr. Hansbarger spoke before the Board as attorney for the applicant.

Notices to property owners were in order.

Mr. Hansbarger stated that the existing gas station is now under use permit. He said the station is physically located so that it appears to be a part of the Old Keene Mill Shopping Center. This is planned to be a car care center to provide better and faster service. He shows a rendering to the Board. He said there would be four bays in front and four in rear. The style is ranch style.

Mr. Hansbarger then submitted a Petition from the people located in the area that were in favor of the car care center.

Mr. Long asked if they intended to landscape and Mr. Hansbarger said they did.

Mr. Hansbarger stated that there would be no rental of trucks, trailers or the like and would submit that as a condition to the Use Permit. There was no canopy planned over the pump islands. Mr Hansbarger stated that in '67 the Board had approved a 8' oval sign and they would like to add the words "car care center" .

Mr. Smith said the fact that they were back before the Board gives the Board complete authority and this is C-D zoned areas and to expand the sign would not be in keeping with the sign ordinance and it should not be expanded and no new signs should be added to it.

Mr. Hansbarger said they were about the change the name to EXXON.

Mr. Long said he felt the sign ordinance was good and he said he did not feel the Board could expand on that.

Mr. Baker said he would be opposed to the sign he had in the rendering as it was too large.

No opposition.

In application No. S-207-71, application by Humble Oil Company, under Section 30-7.2.10.3.1 of the Zoning Ordinance, to permit remodeling of service station, on property located at Old Keene Mill Road and Rolling Road, also known as tax map 79-3((5))1A, Springfield District, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of November, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is C-D.
3. That the area of the lot is 0.9745 acres of land.
4. That a permit was granted for this use March 14, 1967.
5. That compliance with Article XI, Site Plan Ordinance, is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C or I Districts as contained in Section 30-7.1.2 in the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

387

to have these rezonings show all of these proposed uses, because the BZA has had problems controlling these service stations and if there were shown on the rezoning plats that a service station was proposed, then everyone would be aware of the overall development. This does follow the comprehensive planning concept and it alleviates more than one service station going into any one particular neighborhood shopping center.

Mr. James Conroy spoke in opposition to this application. He lives at 2800 Hunter Mill Road in Oakton. He said he only wished to make two points, (1) the zoning across the road is RE-1 at the present time. If a gasoline station goes in here, then he could foresee any oil company going in across the street. (2) He does not see how the PAD zoned areas surrounding Oakton is relavant to this situation. This is a neighborhood shopping center for use for the neighbors in Oakton and not for through traffic. This is what Mr. Hazel stated. Yet, these same neighbors had just stated that they do not wish to have this gas station, therefore, how can it be for the neighbors. He said he felt the thoughts and feelings of the people in Oakton should have some effect on whether or not this station is granted.

Mr. M. A. Finch, 2864 Hunter Mill Road, Oakton, spoke in opposition to this station. He said he had lived in Oakton for twenty one years. He said he did most of the leg work in getting the Petition signed that was handed to the Board and that he had contacted 260 people. Out of that many people, only 6 would not sign it.

Mr. Charlton Osborne, 10710 Vale Road, Oakton, spoke in opposition to the station. He told the Board he felt the main element in the application that should be considered is the feelings of the people surrounding the gas station and Fairfax County citizens. He said those of the neighbors who came out of the Planning Commission meeting came out with a disagreeable and a discouraged feeling about how the government was taking care of its citizens. If this is granted there will be an even more undesirable effect about the way the citizens are represented in Fairfax County.

Mr. Raymond Meekins, 100706 Vale Road, Oakton, Virginia spoke in opposition to the station. He said he lived two miles from the site and he felt that the fact that there is so much opposition present today should be indicative of the strong feelings of the citizens of Oakton and Fairfax County. He said he was a private citizen, retired and typical of a number of people in this area and they had rather drive someplace else to shop rather than have Oakton's environment change. He said they would like to keep Oakton as it is. He said he hoped the Board would consider the individuals because sometimes Planners get so involved in their plans that they forget about people.

Mr. Smith said he really feels what the people are objecting to is the zoning itself.

Mr. Smith then read a letter of opposition from Mr. Lewis E. Childers.

In Rebuttal, Mr. Hazel said he would rest his case on his previous statements.

Mr. Long asked if the Planning Commission adopted the staff recommendations and Mr. Smith said he had read the entire thing and all it said was that it recommended approval.

Mr. Long said the staff raised some points that he wanted to be cleared up regarding the rezoning application and whether or not it actually showed a service station.

Mr. Long moved that this application S-205-71 be deferred to allow the applicant to furnish the following items:

1. Entrances in conformity with those shown on the rezoning plats.
2. Specific landscaping plan showing conformity with rezoning plat and the vacinity of the gasoline station.
3. Property signs.
4. Methods of storing trash.
5. Rendering of the building.

Mr. Baker seconded the motion.

The motion passed unanimously and it was decided to defer until November 16, 1971.

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HUMBLE OIL & REFINING CO., app. under Sec. 30-7.2.10.3.1 of Ord to permit service station same as existing use, but remodeled, northwest corner of Old Keene Mill & Rolling Roads, 79-3((5))Parcel 1-A, Springfield, (C-D), S-207-71

Mr. Hansbarger spoke before the Board as attorney for the applicant.

Notices to property owners were in order.

Mr. Hansbarger stated that the existing gas station is now under use permit. He said the station is physically located so that it appears to be a part of the Old Keene Mill Shopping Center. This is planned to be a car care center to provide better and faster service. He shows a rendering to the Board. He said there would be four bays in front and four in rear. The style is ranch style.

Mr. Hansbarger then submitted a Petition from the people located in the area that were in favor of the car care center.

Mr. Long asked if they intended to landscape and Mr. Hansbarger said they did.

Mr. Hansbarger stated that there would be no rental of trucks, trailers or the like and would submit that as a condition to the Use Permit. There was no canopy planned over the pump islands. Mr Hansbarger stated that in '67 the Board had approved a 8' oval sign and they would like to add the words "car care center" .

Mr. Smith said the fact that they were back before the Board gives the Board complete authority and this is C-D zoned areas and to expand the sign would not be in keeping with the sign ordinance and it should not be expanded and no new signs should be added to it.

Mr. Hansbarger said they were about the change the name to EXXON.

Mr. Long said he felt the sign ordinance was good and he said he did not feel the Board could expand on that.

Mr. Baker said he would be opposed to the sign he had in the rendering as it was too large.

No opposition.

In application No. S-207-71, application by Humble Oil Company, under Section 30-7.2.10.3.1 of the Zoning Ordinance, to permit remodeling of service station, on property located at Old Keene Mill Road and Rolling Road, also known as tax map 79-3((5))1A, Springfield District, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th day of November, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is C-D.
3. That the area of the lot is 0.9745 acres of land.
4. That a permit was granted for this use March 14, 1967.
5. That compliance with Article XI, Site Plan Ordinance, is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C or I Districts as contained in Section 30-7.1.2 in the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. The sign granted in the permit March 14, 1967, shall not be enlarged.

5. There is not to be any storing, renting, or leasing of automobiles, trucks, trailers and recreational equipment on these premises.

6. Landscaping and construction shall conform generally to rendering submitted with this application.

Mr. Baker seconded the motion.

The motion passed unanimously.

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VULCAN MATERIALS CO., Successor of Graham Virginia Quarries, Inc., app. under Sec. 30-7.2.1.3 of Ordianance to permit extension of quarry permit issued by Board of Zoning Appeals in 1956 and last extended by Board of Zoning Appeals October 22, 1968, 10050 Ox Road, 112((1)) 3, 4, 6 and portion of 8, Springfield District, (RE-1), S-199-71

Mr. Gibson, attorney, represented the applicant.

He stated that he and his opposition, the Occoquan citizens, represented by Herbert Rosenbloom were in agreement and at last Tuesday it came to his attention that there was a new ordinance under consideration relative to natural resources with rock quarries being included, therefore, they were requesting that this case be deferred until after the ordinance has been approved. The Planning Commission had deferred this case until January 13. In so doing, they would know what the new ordinance is going to require.

Mr. Smith told him that when the new scheduling takes place, they should notify the same people that time that they notified this time.

Notices to property owners were in order. The two contiguous owners were The Water Authority and Sam Finley, Inc., asphalt company.

Mr. Rosenbloom, attorney representing the citizens of Occoquan, spoke before the Board stating that they were in full agreement to the deferral.

Mr. Baker moved that this case be deferred until January 18, 1972.

Mr. Kelley seconded the motion.

Mr. Long stated that the property should be reposted and the same people notified at least 10 days before the hearing.
The motion passed unanimously.
Mr. Gibson also stated that they would not blast within 240' of the face of the quarry toward Occoquan during this period of extension.

Mr. Smith said that he knew this was one of the big complaints from the citizens of Occoquan.

Mr. Baker moved that the applicant's Use Permit be extended not longer than 90 days from November 22, 1971. Mr. Kelley seconded the motion.

The motion passed unanimously.

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DEFERRED CASES:

BRYANT NICHOLSON, INC., app. under Sec. 30-6.6 of Ord. to permit corner lot with less frontage than required, easterly corner Stuart Mill & Fox Mill Roads, Lot 4, Proffitt Subdivision (proposed) 36-3((1))36, Centreville District, (RE-1), V-197-71, (Deferred from October 12, 1971)

390

This case was deferred for better photographs of the area involved, to check on the existing frame house and the two inter lots and also for a certificate of good standing from the State Corporation Commission.

Mr. Smith read the Staff Report from the Land Planning Office.

"A preliminary plat has been submitted to this office for approval of the subject subdivision. The plat is at the final approval stage and is awaiting any decisions by the Board of Zoning Appeals on the subject variance. This office is aware of the two lots to the rear of the subdivision without frontage. These two lots are exceptions allowed by the Subdivision Ordinance and will be subdivided out prior to the recording of the subdivision."

Mr. Nicholson had the certificate of good standing and the photographs in order.

No objection.

In application No. V-197-71, application by Bryant Nicholson, Inc., under Section 30-6.6 of the Zoning Ordinance, to permit corner lot with less frontage than required, Proffitt Subdivision, on property located at Stuart Mill & Fox Mill Roads, Lot 4, also known as tax map 36-3((1))36, County of Fairfax, 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 18th day of October and deferred to November 9, 1971; and

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

1. That the owner of the subject property is the applicant as amended in the application.
2. That the present zoning is RE-1.
3. That the area of the property is 7.613 acres of land.
4. That compliance with county codes is required.
5. This request is for a minimum variance.
6. The Planning Staff has reviewed the plat.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved.
(a) unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific lots indicated in the plats included with this application only, and is not transferable to other land or to other lots on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. The subdivision plat must be recorded within one year.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion. The motion passed unanimously.

391

FAIRFAX FARMS CITIZENS ASSOCATION, app. under Sec. 30-6.5 of Ord. for appeal from decision of Zoning Adm.'s issuance of Bldg. Permit No. P73800, for parsonage for Chinese Christian Mission, Inc., 3621 Highland Place, Fairfax Farms 46-4((2))38, Centreville District, (RE-1) V-174-71 (Deferred from 9-28-71)

Mr. Smith says the Zoning Administrator states that there is no limit to the number of kitchens in residences and apparently this is a change from the past.

Mr. Smith: Mr. Woodson, is it your thought that this is to be used as a single family dwelling and for single family uses only?

Mr. Woodson: Yes sir, not anything other than single family uses.

Mr. Smith said that the mere fact that he is a minister does not necessarily make it a parsonage. The parties involved in this case have indicated that they were willing to restrict their activities to nothing other than single family resident. The Zoning Administrator has indicated that this was given as a single residence and that is the only use it could be used for.

Mr. Baker said he was in agreement with this.

Mr. Long said that he felt that as long as the user utilizes the property for the uses that are stated as single family then he is not in violation, but he thought that it was a very unusual dwelling and doesn't appear to be a single family residence, but they have stipulated that it is what they plan and all they plan.

Mr. Smith said that it was not a parsonage as such and he feels this is the general feeling of theBoard that just because it is a minister's residence does not make it a parsonage as it has no church connected with it. This is a corporation set up to sollicit funds and is not under the sponsorship of any church. The activities apparently are in a very religious concept, but just because there is a minister living there does not necessarily afford them the priviledges set forth as having been connected with the church itself. This is not a parsonage.

Mr. Long suggested to the Zoning Administrator that the ordinance be rewritten, or that portion thereof, be rewritten to put in some method of limiting the number of kitchens in a single family residence.

Mr. Woodson said that he had talked with the County Attorney on this. There are quite a few homes in Fairfax County with two kitchens.

Mr. Long said the average family does not require two kitchens.

Mr. Smith said he knew there was an interpretation of the ordinance that there be only one kitchen in a single family residence, one complete kitchen and one could have a wet bar and anything more than that would not be considered a single family residence. He said he remembers when a team of inspectors went into a home in the County near his residence to check to see if there were two kitchens because they suspected two families living there.

Mr. Smith also said the neighbors adjoining the area will have to keep an eye on these premises to watch for any deviations from the single family definition and notify the Zoning Administrator of any suspected violations. He said he would like to hold up decision for another 30 days so they could come up with a formal resolution because each of the Board members were having some more thoughts on this subject. He said he agreed with Mr. Long that there should be a limit on the kitchens in order to alleviate the possibility that a residence might be used for something else other than single family. Anything other than single family would have to come under Site Plan Control because it would put more impact upon the single family facilities in the neighborhood.

Therefore, the case was deferred for thirty days until December 7, 1971.

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SANTMYER & HARPER & MINI-THEATRE CORP., app. under Sec. 30-7.2.10.3.4 of Ordinance to allow an enclosed theatre within shopping center and overlapping parking for 20 cars, 6651 Old Dominion Drive, 300 seats, 30-2((1))59, Dranesville District, (C-D), S-203-71 Deferred from October 26, 1971)

Mr. Douglas Mackall, attorney, represented the applicant and testified before the Board.

He stated that the Board now has in the file a new plan in conformity with the McLean Master Plan and also this is the plan that has been approved by the McLean Planning Committee.

Mr. Mackall submitted a copy of a survey that had been taken some time ago in McLean of citizens in the area of McLean and how they felt about a theatre and the need for a theatre in that area. He said he did not believe this theatre would have a great impact on traffic conditions in this area as some of the citizens feared. He said because it is a family theatre, more people would come in one car. The parking requirement have been met.

The past president of the McLean Planning Committee was present and testified in favor of the theatre. He said they would be able to use side street to get to the theatre and everyone would not be using Dolly Madison Blvd. He said he hoped this shopping center so centrally located would help promote pedestrian traffic.

Mr. Smith asked him if their committee had considered the traffic impact. Mr. Sawmill stated that they did consider it, but they do not have a way to come to gripes with the extent of the problem and after they considered the impact, they decided not to oppose the Use Permit.

Mr. Long asked Mr. James A. Smith, Engineer and Architect, 1419 Dolly Madison Blvd. McLean, Virginia, what provisions they have made for the pedestrian walkways?

He said the plan was in conformity with what the McLean Planning Committee had suggested. The only pedestrian walkway is the brick sidewalk across the front of the property.

Mr. Long asked if they had made provisions for the sidewalk up the side of the property. Mr. James Smith said they had not.

Mr. Long asked him if he could do this and Mr. James Smith said they would have to consult with the owner of theproperty.

Mr. Smith said we have a situation in Annandale where the theatre traffic impedes the normal flow of traffic through the area. He wouldn't want this to repeat itself.

In opposition, Mr. Beverly Quinn, 6647 Chilton Court, McLean spoke before the Board. She address her opposition to the traffic problem. She read from a study that was done by a professional group for the Board of Supervisors and the McLean Planning Committee back in 1966. This report stated in 1966 that this road needed to be widened to 4 lanes. Now, in 1971, the road is still two lanes. This road is used for people who lives in Arlington and elsewhere, not just McLean citizens. She stated that all the streets that were mentioned as side streets that could be used, Tennison, Longfellow and Engleside were all residential streets.

In opposition, Mrs. Huber, 6655 Chilton Court, McLean spoke before theBoard. She said she wanted to answer three things that were mentioned by the developer.
(1) The survey that was made in McLean was made in 1964 and in the meantime there have come to their vacinity three theatres. (2) As far as four people coming in one car, that has not proving to be a worthwhile argument. At the Kennedy center they estimated 3.6 people in one car and charged $2.00 for parking, but now after it has been built people have an awful time trying to find a place to park. (3) The bikerack they mentioned. They is no crossing facilities for pedestrians on Old Dominion therefore, it would be impossible for children to safely try to cross that highway with the traffic situation the way it is. She read a letter giving additonal information on traffic, parking etc. (Letter in the file)

In application S-203-71, Mr. Long moved the case be recessed until after the lunch period for decision.

392A

November 9, 1971
SANTMYER & HARPER & MINI-THEATRE CORP. (continued)

In application No. S-203-71, application by Santmyer & Harper & Mini Theatre Corp. under Section 30-7.2.10.3.4 of the Zoning Ordinance, to allow an enclosed theatre within shopping center on property located at 6651 Old Dominion Drive, also known as tax map 30-2((1))59, County of Fairfax, Virginia, Mr.Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 26th day of October, 1971 and deferred to November 9, 1971; and

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

1. That the owner of the subject property is Santmyer and Harper.
2. That the present zoning is C-D.
3. That the area of the lot is 3.23 acres of land.
4. The plan has been approved by the McLean Planning Commission.
5. Compliance with Article XI, Site Plan Ordinance, is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 in the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings, landscaping and uses indicated on plats submitted with this application.

4. The Theater seating shall not exceed 300.

5. There will not be any showing of "x" rated films as stipulated by the applicant.

6. There must be a pedestrian walk from Route 309 to the theatre.

Mr. Long seconded the motion.

The motion passed 4 to 0, with Mr. Smith voting No.

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AFTER
AGENDA ITEM : JOHN PIPER, Request for Real Estate Office. A letter was received from Mr. Piper's attorney, Mr. Bennett, stating that Mr. Piper did wish to have his case brought up and he was still in the process of determining the Realtor who would go into this house and would be contacting theBoard further regarding scheduling.

Mrs. Kelsey told the Board the Agenda was quite full for November 23 and would it be all right to delay this case further.

The Board agreed that this would be all right to delay this case until Mr. Piper had the correct information.

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NATIONAL MEMORIAL PARK, INC., app. under Sec. 30-7.2.3 of Ord. to permit cemetery for human interment, near intersection of Lee Highway & West Street, Falls Church, Virginia (R-12.5) 50-1((1))30, S-159-71 (Deferred from 8-3-71)(Deferred for additional information)

393

Mr. Hansbarger, attorney, represented the applicant before the Board.

Mr. Hansbarger stated that he was not able to find in the records where a Use Permit had been granted to the original section of the cemetery where the mauseleum is to go, therefore he feels there will be no need for a Use Permit and wishes to withdraw the case.

Mr. Baker moved that the case be withdrawn without prejudice as requested.

Mr. Kelley seconded the motion.

The motion passed 4 to 0. Mr. Long abstained. His firm had drawn the plats for the cemetery.

Mr. Smith asked Mr. Hansbarger if this was an indication that they would not proceed and Mr. Hansbarger said, No, that was not the indication at all, it was just that they feel they do not need the use permit because one had never been granted on that piece of property. Mr. Smith said that he knew one had been granted for the entire 96 acres.

Mr. Woodson said that he had been unable to find it also.

Mr. Smith then asked Mr. Woodson how they could possibly construct a mauseleum under a nonconforming use. Mr. Woodson answered that it has been determined that a mauseleum is a part of a cemetery.

Mr. Smith said if Mr. Woodson was going to allow a mauseleum to be constructed the Board should know about it = and not go through another one of the deals like they had just went through on the Chinese Christian Mission, Inc. down at Fairfax Farms.

Mr. Smith added that even if it is a nonconforming use it cannot be expanded under our Ordinance. He said he didn't see how it would be possible to come anywhere close to making a decision that they could do this without a use permit and also under the State Code you can't expand cemetery uses in certain areas and this is one of them because that question came up when the Board extended the cemetery across the road.

(Verbatim transcript in folder for S-159-71)

// The Board approved the minutes of September 14, 21 and 28, October 12, 19 and 26, 1972.

Mr. Baker moved that the meeting adjourn. Mr. Long seconded the motion.

The meeting adjourned at 3:00 P.M.

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By Jane C. Kelsey
Clerk

Daniel Smith, Chairman

Dec 7, 1972
Date Approved: December 7, 1971

The Regular Meeting of the Board of Zoning Appeals was Held on Tuesday, November 16, 1971, at 10:00 A.M. in the Board Room of the Massey Bldg., Fairfax County Administration Building; Members Present: Daniel Smith, Chairman; George Barnes, Loy Kelley, Richard Long and Joseph Baker.

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

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MOUNT VERNON LODGE, #219 A.F. & A.M. app. under Sec. 30-7.2.5.1.4 of Ordinance to permit a Lodge (Masonic), 8717 & 8721 Fort Hunt Road, Plymouth Haven Subd., 111-2((3)) 11 & 12, Mount Vernon Dist., (R-12.5), S-209-71.

Mr. Bernard Fagelson, attorney, represented the application before the Board.

Notices to property owners were in order. Two contiguous owners were Mrs. Rose Lopez, 8729 Fort Hunt Road, Alexandria, Virginia and Mr. G. E. Willis, 8713 Fort Hunt Road, Alexandria, Virginia.

Mr. Fagelson stated that the Lodge has 310 members, 206 of whom are in Virginia and the remainder live in the nearby area of Washington and Maryland. For the past ten years the Lodge has been meeting in this same building. It is their intention to use the top floor as they have for ten years as a meeting room and use the downstairs as a community recreational use. This is a non-profit organization and they cannot charge the neighbors for the use of this Lodge, but the neighbors are free to make a contribution to cover the electricity and heat, etc. He said he felt like the Masonic Lodge brings out the best in people and these people are the highest level of people.

Mr. Fagelson submitted the original of a letter from IRS to their Grand Secretary indicating their non-profit status and this letter was put in the file for the record. He said they had no specific number of parking spaces. They were told that the Board required 85 parking spaces and he is sure there are more than 85 there.

Mr. Smith asked him if this parking had been adequate for the past ten years and Mr. Fagelson said that it had.

Mr. Long asked if they planned to landscape the premises. Mr. Fagelson said they did plan to landscape and make it as attractive as possible.

Mr. Smith read Mr. Fagelson the Staff Report from the Land Planning Engineer's Office.

> " Mount Vernon Lodge, #219 A.F. & A.M., S-209-71, Fort Hunt Road on which this site fronts is proposed to be a 90' R/W as shown on the adopted Mount Vernon Master Plan. This office would suggest the applicant dedicate to a minimum 45' from center line of R/W for future road widening. This site will be under site plan control."

Mr. Smith then asked Mr. Fagelson what the distance is from the building to Fort Hunt Road. Mr. Long answered the question and told Mr. Smith that it was 77.4' from Fort Hunt Road.

Mr. Smith asked if there was any parking in the front area at the present time and Mr. Fagelson said as far as he knew the Fire Department does not use this for parking. Neither has the Lodge used this for parking.

Mr. Baker said that this area was black topped.

Mr. Fagelson said he had not discussed the dedication with his client as he did not know what the Staff Report stated.

Mr. Smith said they would just be required to dedicate and it would remain as is until such time as the road is widened by the State. He said it didn't appear that it would affect the operation itself or the building because it would still be 47 feet from the overhang of the building

Mr. Fagelson then conferred with the other representative were were present from the Lodge. He came back before the Board to state that they would commit to the Board that they would make the dedication along Fort Hunt Road.

Mr. Smith called for those in favor who would like to speak. Several gentleman rose and Mr. Smith said since they were in favor it would not be necessary for them to speak.

No opposition.

In application No. S-209-71, application by Mount Vernon Lodge, #219 A.F. & A.M. under Section 30-7.2.5.1.4 of the Zoning Ordinance, to permit a Masonic Lodge on property located at 8717 & 8721 Fort Hunt Road, Plymouth Haven Subdivision, on tax map 111-2((3)) 11 & 12, County of Fairfax, Virginia, Mr. Kelley moved 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of November, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5
3. That the area of the lot is 67,497 square feet.
4. That compliance with County Codes is required.
5. This site will be under Site Plan Control.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the sameis hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings anduses indicated on 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 use permit to be re-evaluated by this Board.

4. 45' from the existing R/W of Fort Hunt Road is to be dedicated for public street purposes.

5. The perimeters of the property are to be landscaped with fencing and planting of a manner and type as approved by the County Planning Engineer.

6. There is to be a minimum of 85 parking spaces provided for this use.

Mr. Long seconded the motion. The motion passed unanimously.

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COLONIAL ANIMAL HOSPITAL, INC., app. under Sec. 30-7.2.10.3.9 of Ordinance to allow an "out-patient" veterinary clinic, pets will not be allowed on premises overnight, West Spring Plaza Shopping Center, 79-3((1))5, Springfield District, (C-D), S-210-71

Mr. Bernard Fagelson, attorney, represented the applicant and testified before the Board.

Notices to property owners were in order. Two contiguous owners were: Frank Foley, Texaco, Inc. and Burger Chef. He also notified Southland Corp. which was contiguous and CITCO property which was also contiguous.

Mr. Fagelson gave some background history. He said that some years ago Dr. Norman Breslauer, who is one of the two veterinarians who are requesting this application, appeared before this body for a use permit for a full scale animal hospital at its present location which was between McDonald's Hamburger Stand and Howard Johnson Restaurant and Motel. Their old location had been closed by highway construction and therefore they were looking for a new location. At that time, he said he believed it was in 1966, there was considerable discussion about the undesirability of this location. Everyone felt that animal hospital were both dirty and noisy. They received their Use Permit to build this hospital and since that time had not had one complaint from the Motel which is their closest neighbor. The reason for this is the architectural design of the building. No odors escape out of the building and it is so well insulated that no noise escapes out of the building either. What Dr. Breslauer and Dr. Moss are proposing to do today is a new concept. This is the first animal clinic in the area. It will be similar to a Doctor's office. This will be a satellite of the other hospital and will be used for consultations, check-ups. No dogs or other animals will stay overnight. If any major medical work or surgery must be done, the dog will be transported to the other full-scale hospital which is about 5 miles away. There will be no x-ray equipment on the premises.

He asked that Mr. Mintz, the architect, be allowed to explain how he plans to insulate the partitions and ceiling to prevent the noise from penetrating outside the premises and also how they plan to filter the air to prevent odors from escaping outside the premises. He gave the Board the architect's academic background. He said this was for the purpose of letting the Board know that he knows what he is doing. Mr. Mintz also did the architectural work for the hospital and since then, because of the success of his work for that hospital, has designed five more animal hospitals in the area.

Mr. Mintz spoke before the Board. He stated his name was Martin Mintz and his office was in the Executive Building in Springfield. He was not the architect for the shopping center, but was commissioned to study the particular problem of this clinic within the shopping center and to make recommendations before there is a problem.

Mr. Mintz showed the Board a layout of the offices, with a reception room, two examination rooms with a laboratory and pharmacy in the back. In addition, there is a treatment room in the back and four cages to hold animals in while they wait to be seen.

He explained units of sound and the sound range from the first point of hearing to the point of pain, and explained how with his particular method of insulation, the sound would be cut down so much that there would be a transmission loss of 54 decibels. For example, a blasting radio is 75 decibels and when it is cut by 54, it goes down to 23 decibels which would be similar to a whisper.

For the odor problem, they plan to use the same type exhaust system as they did in the original animal hospital, exhaust fans with a chemical charcoal filter.

Mr. Fagelson completed his testimony by saying that they had notified all the people who would be affected or anyplace near the hospital. There is a subdivision here called Hygate and that is beyond the CITCO station. The CITCO station being a buffer.

Mr. Long asked if there were any other hospitals such as this in the area and Mr. Fagelson said there were no clinics such as this in the area now, but he knew of several which were being planned.

Mr. Smith asked if there were any other people in the room who were in favor. Four gentlemen rose and stated that they were in favor of the hospital.

No opposition.

Mr. Long asked what the hours of operation would be. Mr. Fagelson said they planned to only stay open from 9 to 6, but would like the hours to coincide with the shopping center. This extra period would be by appointment only and would be for emergencies.

Mr. Fagelson said the idea of this hospital in this area was brought on by the suggestions of many of the Doctors' clients.

Mr. Long asked Mr. Fagelson if the people who would have the adjoining shops knew about this. Mr. Fagelson said he did not know. But the representative of the builder of the shopping center, H. & F. Development Corporation, came forward and stated that these adjacent operators of these two shops did know about the application and had no objections.

In application No. S-210-71, application by Colonial Animal Hospital, Inc., under Section 30-7.2.10.3.9 of the Zoning Ordinance, to permit out-patient veterinary clinic, on property located at West Spring Plaza Shopping Center, also known as tax map 79-3((1))5, Fairfax County, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

In application No. S-210-71, 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of November, 1971; and

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

1. That the owner of the subject property is H & F Development Corporation. The applicant is the Leasee.

2. That the present zoning is C-D.

3. That the area of the lot is n/a.

4. That compliance with Article XI, Site Plan Ordinance, is required.

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

1.That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 in the Zoning Ordinance, and

2.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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. The hours of operation are from 9:00 A.M. to 9:00 P.M. except for emergency.

5. Compliance with all County Codes for noise level and Health requirements is required.

6. There shall not be any animals kept overnight.

Mr. Barnes seconded the motion.

The motion carried unanimously.

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CHARLES M. REQUARD, app. under Sec. 30-6.6 of Ordinance to permit two car garage within 31.7' from Chatham Street, 5316 Ferndale Street, North Springfield Subdivision, 80-1((2))(22)1, Springfield District, (R-12.5), V-212-71

Mr. Requard spoke before the Board. Notices to property owners were in order. He said he notified only one contiguous owner, Mrs. John Shear, 5314 Ferndale Street. The neighbor who owns the house behind him lives in Hawaii and he was unable to get in touch with him. This is his own home and he has lived there for eleven years and plans to continue to live there. His addition is planned to be 24'x29' and the closest point to Chatham Street will be 31.7 feet. He stated he had a drainage problem in the back and could not put the garage there. On the other side of his house is a storm sewer easement. He has a truck and a car. He said he planned to use the same type material to build this garage as is in his house, brick.

Mr. Long scaled the plat to see how far the distance was from the other corner of the proposed garage and found that the scale was not correct as to the other corner.

Mr. Requard planned to build a 24' garage, but the Board said they could only allow a 22' garage and he would have to bring new plats in showing the setbacks from each corner of the proposed garage.

Mr. Long said the scale was off 4 to 5 feet.

There was no opposition.

Mr. Long moved that application V-212-71 be deferred to allow the applicant to submit new plats to the correct scale showing the garage 20 feet. This would be for decision only. The date for deferment would be November 23rd and he should have the plats in by Nov. 22.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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DEFERRED CASES:

LARRY & NORA YOUNG, app. under Sec. 30-6.6 of Ordinance to allow hedge to remain 8' in height along Magarity Road, 1734 Anderson Road, 30-3((4))181, Dranesville District, (R-10), V-183-71 (Deferred from 10-12-71 for Decision Only)

Mr. Smith called Mrs. Young to come forward and told her the Board had discussed this problem with the Zoning Administrator and the Zoning Administrator and the Board members had viewed the property and it was decided that height was not a factor in the problem. This is a natural growth. The hedge should be shaved back to be within the limits of the yard. He asked her if it would be possible for her to do this. Mrs. Young answered that it would be possible.

Dr. Byrd representing the Pimmit Hills Citizens Association, spoke before the Board. He stated that he saw no reason why they could not trim the hedge and he was sure they would be perfectly happy to do so.

Mr. Smith asked Mrs. Young if they would continue to maintain this hedge in this manner and she said they would.

Mr. Smith said the Board would give them 30 days to trim the hedge back and when this was finished they should report to the Zoning Administrator in order that he might inspect this and then the applicant should come back before the Board and have this case withdrawn. Mr. Smith said he felt that they could comply with the ordinance if they cut the hedge back to the property line. The height is not a factor.

Mr. Baker so moved. Mr. Long seconded the motion. The motion passed unanimously.

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DOERSTLER DEVELOPMENT CORP., app. under Sec. 30-6.6 of Ordinance to request waiver of 35' building setback requirement from center line of outlet road (road not completed or used), Northeast side of Blake Lane, 1000' w. of Lee Highway, 48-3((1))45, Providence District, (RT-10), V-193-71 (Deferred from 10-12-71)

Notices to property owners were in order.

Mr. Doerstler testified before the Board.

Mr. Doerstler told the Board this so-called outlet road leads to two pieces of property in the back. The road is really not needed because on one side of the two pieces of property is Linden Square which has a road which runs directly into one side of the back properties and on the other side is a townhouse development being built called Blake View built by VanMeter Associates, which plans a road through that development running directly into these properties, therefore, giving them an out on each side.

Mr. Smith asked Mr. Woodson if there had been any action to vacate this outlet road.

Mr. Doerstler said he was negotiating to purchase these two pieces of property in the back that now belongs to a Mr. John Sweeny and Mr. Black. He plans to have them rezoned for townhouses as are all the surrounding areas.
Mr. Smith asked him if he had an application for rezoning in with the County and Mr. Doerstler said that the negotiations were not in that stage as yet.

Mr. Heflin, Engineer, 3461 North Washington Boulevard, then spoke on behalf of the applicant. He stated to the Board that this piece of property that has been called an outlet road is a piece of fee simple property running to the parcels in the rear and has never been used.

Mr. Smith asked him if they had made an effort to vacate this then. Mr. Heflin stated that there would be no vacation required because it is not an outlet road.

Mr. Smith said if they planned to purchase the property this would alleviate the problem because then he will not need a variance.

Mr. Heflin said the Development is negotiating, that he has not yet purchased it and it would take over a year to have it rezoned and they would like to start their building now.

Mr. Smith said the Developer was aware of the situation when he purchased the property under discussion.

Mr. Douglas M. Eger, 9683 Lindenbrook Street, Fairfax, Virginia spoke in opposition to the application.

He stated that Mr. Doerstler had already begun work in that area and had cut some of the trees in the outlet road. He had cut all the trees off his property. He said he felt the Planning Commission should look into this a little further, because he feels this is poor planning and the back of the property is very trashy. The road is still there and is developed to the back at an old house that was there and there are two separate pieces of property back there.

Mr. Long said that he needed a permit before he took the stumps off the property. and Mr. Smith asked Mr. Doerstler if he had a permit and Mr. Doerstler said he did not, he didn't know he needed one. Mr. Smith told him he was definitely in violation.

Mr. Smith asked Mr. Doerstler if he had a copy of the preliminary subdivision plans and if they had preliminary approval. Mr. Doerstler said that he did not have any. They were lost just this morning. Mr. Doerstler said he only had 8/10 of an acre and that it was zoned for townhouses and he plans to put in seven townhouses that will face Blake Lane. He had preliminary approval of everything until he got to Zoning and Mr. Covington told him that if this was an outlet road he would need a variance from the setback requirements. He said he felt that he could do a better job and the development would look better if he could get within 10' of the outlet road instead of 35'.

Mr. Art Rose was called from the Planning Engineer's Office to speak regarding this outlet road. Mr. Rose said the Planning Office had made a notation on the preliminary plan that the variance was required or they would have to setback. This is an access to abutting property and is classified as a future outlet road. It is probable that it could become part of a later development plan. Mr. Smith asked Mr. Rose if he knew whether or not the developer had been issued a clearing permit and Mr. Rose said he did not know, but would check.

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In application No. V-193-71, application by Doerstler Development Corporation, under Section 30-6.6 of the Zoning Ordinance, to request waiver of 35' building setback from center line of outlet road, on property located at northeast side of Blake Lane, to allow construction of townhouse 18' from center line of road, also known as tax map 48-3((1))45, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of November, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RT-10.
3. That the area of the lot is .82537 acres.
4. That compliance with Site Plan Ordinance is required.
5. The outlet road serves two properties and could be required for development of these properties as testified to by the Planning Engineer's Staff.

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

1. That the applicant has not satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

(a) exceptionally irregular shape of the lot and unusual condition of the location of existing road.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby denied.

Mr. Baker seconded the motion.

The motion passed unanimously to deny.

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CHERRYDALE CHRISTIAN SCHOOL, INC., app. under Sec. 30-7.2.6.1.3 of Ord. to allow private school, 7th through 12th grades, 500 students, Monday through Friday, 8:30 a.m. to 4:00 p.m. and occasional weekend activities, 2043 Kirby Road, 40-2((1))28, Dranesville District (RE-1), S-202-71 (Deferred from 10-26-71 for complete hearing)

Mr. Robertson, 2321 Military Road, Arlington, Virginia testified before the Board on behalf of the applicant. He stated that this Cherrydale School in Arlington was started in 1962 with twelve students and three teachers. Now they have approximately 130 students, Kindergarten through Ninth grade and a staff of twenty-six. They have many more applicants than they are able to accept and there is a great demand for a high school, hence their efforts to expand. They have found a location they feel is desirable. They did want to amend their application from 500 students to 300 students.

Mr. Robertson stated that the main objection seems to be the traffic problems and the drainage problems. He said the Board should consider this traffic problem in relation to what it would be if developed some other way. The difference, he felt, in the amount of traffic is very minor. The time of the traffic will be at a time that will not coincide with the other traffic rush. They feel there will be more safety because of the effective control of traffic in school zones.

The drainage problem is under study by their engineers, he said, and they will take care of that problem as they develop under the site plan ordinance.

He said the recommendation by the Planning Commission to deny was in direct contrast to the Staff's recommendation that this private school is consistent with the institutional character of the area and recommended approval.

Opposition:

Col. Culmer, 1907 Foxhall Road, McLean, Virginia spoke in opposition to the application.

Col. Culmer read into the record their Petition from the Foxhall Citizens Association recommending to the Board that they deny this application. They believed the school to cause hazardous traffic conditions and would be detrimental to the character of the adjacent land.

Mr. Charles Kraus, 1913 Fox Hall Road, McLean, Virginia, President of the Camp Garden Recreation Club. He indicated on the map that their club was located very near the proposed school. He stated that their Club makes it a point to keep informed of the proposed development of land in their community and their Club has unanimously recommended denial of this application. He gave several reasons, 1) There is existing in the area an overwhelming institutional use as had already been mentioned and this additional school would only compound this use. There are too many schools in this particular area. 2) There is no need for another school in their community and there are at least four elementary schools and one high school.3 and 4) He restressed the traffic and drainage problem and 5) There is a requirement that all parking facilities must be on the property and he said he did not see how there would be enough room for 300 families to park their cars during a P.T.A. meeting on the 6.9 acres when 2 of those acres are on flood plain.

Mr. Smith told him that the parking had to be adequate for all the uses.

Mr. James P. Davis, 2053 Kirby Road, McLean, spoke in opposition.

He stated that he wished to point out the adverse affect the granting of this use permit would have on his personal property as a resident and as a possible future asset. He said that in all the area surrounding the school, Kirby Road, Westmoreland Street, and Haycock Road encompasses 185 acres of which the residences number only 61.

The Board of Supervisors and the Planning Commission have always taken a firm position that this land is for single family residences, he said. He has no objection to children, but when you have 300 teenagers going to school everyday in your backyard, you immediately find yourselves in a noman's land, between two schools.

Mr. J. C. Ezell, 1910 Virginia Avenue, McLean spoke in opposition.

He stated he was building a house on property that is contiguous to the school and he feels if this school is granted a use permit, it will adversely affect the price and saleability of the house.

Mr. Smith asked him if he knew of an actual case where property values had been devalued because of a school. Mr. Ezell stated that he did know of an actual case and that is the case of Mrs. Barrick who had told him that after her prospective buyer heard of the school, they broke the contract.

REBUTTAL: Mr. Robertson stated in rebuttal that he had not expected that the need would be questioned. They were in the process of implementing one of the most needed processes in the United Stated and that is education. He said he did not believe this was a competitive item as there was an overlapping need. The current figures for educating a high school student is $1,081 per student and they plan to have 300. He said they feel there is and will be no parking problem. They do not plan to have basketball games for public viewing and/neither did they plan to have football games either for public view.

Mr. Kelley asked Mr. Robertson if he was aware of the Staff Comments on this case and Mr. Robertson said Yes, he was aware of the comments and they were prepared to relocate the entrances.

Mr. Kelley read the Staff Report.

Mr. Long said the recreation area they have planned is insufficient for a baseball field or a football field. Mr. Robertson said that he might be right, but he was not sure of this.

Mr. Robertson said they planned no night activities, therefore there would be no lights on the field.

Mr. Smith asked him what the material of the school would be and Mr. Robertson stated that it would be masonry with a colonial brick design.

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Mr. Smith also stated that the Planning Commission had recommended denial and he read the memorandum from them.

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In application No. S-202-71, application by Cherrydale Christian School, Inc., under Section 30-7.2.6.1.3 of the Zoning Ordinance, to allow private school, 500 students, on property located at 2043 Kirby Road, Dranesville District, also known as tax map 40-2 ((1))28, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 16th day of November, 1971; and

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

1. That the owner of the subject property is Gladys E. Bohrer.
2. That the present zoning is RE-1.
3. That the area of the lot is 6.992 acres.
4. That compliance with state and county codes is required.
5. That compliance with Site Plan Ordinance is required.
6. That the Planning Commission at its meeting of November 11, 1971 unanimously recommended denial due to the following reasons: a) Site too small, b) adverse traffic conditions and c) serious drainage problems.

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

1. That the applicant has not presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. That the use will not be harmonious with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance and will be detrimental to the character and development of the adjacent land.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby denied.

Mr. Baker seconded the motion.

The motion passed 4 to 1 with Mr. Smith voting No.

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MITCHELL J. BUKZIN, app. under Sec. 30-7.2.6.1.10 of Ordinance to permit dentist professional office, 8430 Bauer Drive or 6208 Rolling Road, 79-3((4))36E, Springfield District (RE-1), S-208-71 (Deferred from October 26, 1971) For Decision Only.

Mr. Rosenfeld, attorney representing the applicant, spoke before the Board.

Mr. Smith said this was very unusual to allow the applicant to speak and they would have to allow the opposition to speak too.

Mr. Rosenfeld passed to the Board two documents, 1) the Staff Recommendation and Report from Land Use Administration, the Staff recommended approval, and 2) a copy of Section 30-7 of the Fairfax County Zoning Ordinance.

Mr. Rosenfeld stressed to the Board that the Ordinance does permit this Use in a residential zone and that the Staff had recommended approval in spite of the fact that the Planning Commission recommended denial. He said this decision must be made within the framework of the ordinance.

Mrs. O'Connell, 8533 Tulley Road, spoke in opposition. She stated that she had gone before the County Staff herself in order to try and get a Doctor in one of her private schools, but was unable to do so as the Doctor would not be residing in the school. The Staff had told her that this would be establishing a precedent that would be undesirable.

Mrs. Robert Fisher from the West Springfield Citizens Association spoke in opposition. She said their Association has over 700 dues paying members of the West Springfield Community. Mrs. Fisher read a letter from the West Springfield Citizens Association signed by Mr. Edward R. Gramp, President, which set forth their main objections (1) the commercial nature of the proposed use, and (2) the undesirable precedent that this would set for the County as this area is zoned RE-1 and a dental office outside the home is a commercial use, in their opinion. She stressed the fact that the Planning Commission recommended denial.

Mr. Smith said there is a provision in the ordinance would allows this. He said he did agree with the Commission that when this is allowed separate from a residence we are infringing on the rights of others. He said it would be well to recommend to the Board of Supervisors that this provision in the Ordinance that does allow a dentist to maintain an office and live off the premises be stricken.

In application No. S-208-71, application by Mitchell J. Bukzin, under Section 30-7.2.6.1.10 of the Zoning Ordinance, to permit dentist professional office, on property located at 6208 Rolling Road, also known as tax map 79-3((14))36E, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of November, 1971; and deferred until November 16, 1971 for decision only.

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

1. That the applicant is the contract purchaser of the property.
2. That the present zoning is residential, RE-1.
3. That the area of the lot is 1.3072 acres of land.
4. That compliance with Article XI, Site Plan Ordinance, is required.
5. The Planning Commission recommended denial of this application at its regular meeting of November 8, 1971.

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

1. That the applicant has not presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. That the use will be detrimental to the character and development of the adjacent land and will not be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby denied.

Mr. Barnes seconded the motion.

The motion carried unanimously.

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OAKTON LIMITED PARTNERSHIP & MOBIL OIL CORP., app. under Sec. 30-7.2.10.3.1 of Ordinance to allow service station east right-of-way Hunter Mill Road, 900' from intersection with Route 123, 47-2((1))pt. parcel 99, Centreville (C-D), S-205-71 (For Decision Only)

Mr. John Hazel, attorney for the applicant, spoke before the Board.

Mr. Smith read a letter from the Land Use Administration which stated:

"The Staff Report of November 1, 1971, directed to the Planning Commission several items which we felt were either unknown or deficient in theplans submitted at that time. Prior to and during the meeting before the Planning Commission on November 1, 1971, the applicant had submitted additional drawings and additional information satisfying all of the Staff's questions. This fact wasmade known to the Planning Commission.

The resultant action of the Planning Commission on November 1, 1971, was with the full concurrance of this agency in light of all of the materials which are now before the Board of Zoning Appeals."

Mr. Hazel said he had with him a Site Plan with areas for landscaping shown on it. It is a copy of the County approved grading plan for the project.

Mr. Hazel said in answer to one of the Board's requests that there was no reason or need for a free standing sign. Another thing the Board requested is a solution to the trash storage problem. The trash storage will be in a brick enclosure which would not be visible at eye level.

Mr. Hazel said there is an entrance which terminates at the circumferencial road and at such time that the Highway Department plans of Hunter Mill Road are completed, it may be that the entrance can be on the circumferencial road, but he said he just did not know how it would be affected as they were unable to get a final design at the Highway Department meeting.

The plan was not complete as far as the underground storage tanks and Mr. Smith asked him to furnish the Board with a copy of that as soon as he could. Mr. Hazel said that he would do so.

Mr. Smith then read a letter from Raymond M. Meekins, 1706 Vale Road, Oakton, Virginia dated November 16, 1971. This letter was in opposition to the application.

Mr. Smith said this is one of the first applications that has been received by the Board showing the service station at the time it was zoned. This concept has been followed throughout the planning of the shopping center. It was approved in the orginal rezoning by the Board of Supervisors. This is a procedure that the Board of Supervisors, the Staff and everyone on this Board has been trying to arrive at for a number of years. There has been quite a bit of opposition to this application, but, Mr. Smith continued, he feels that they are opposing the entire rezoning.

Mr. Smith also stated that the use was established at the time of the rezoning and this Board is charged with the responsibility of setting forth safeguards and landscaping and the architectural design to bring about harmony to the entire center and it appears that this station is harmonious with the rest of the center.

In application No. S-205-71, application by Oakton Limited Partnership and Mobil Oil Corporation under Section 30-7.2.10.3.1 of the Zoning Ordinance, to permit gasoline station, on property located at Hunter Mill Road, 900' from Route 123, also known as tax map 47-2((1)) part of parcel 99, County of Fairfax, Virginia Mr. Kelley moved 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 9th and 16th day of November, 1971; and

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

1. That the owner of the subject property is Oakton Limited Partnership. Mobil Oil Corporation is the Leasee.
2. That the present zoning is C-D.
3. That the area of the lot is 12.2767 acres.
4. A gasoline station was shown at this location on the rezoning application.
5. The Planning Commission approved this application at its regular meeting November 1, 1971.
6. Compliance with County Codes and Site Plan Ordinance is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C District as contained in Section 30-7.1.2 in the Zoning Ordinance); and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, thatthe subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. The architectural design and construction of the gasoline station shall be similar to the proposed shopping center.

5. There shall not be any free standing sign in connection with this use.

6. Landscaping shall generally conform to the plan submitted with this application and be as approved by the Planning Engineer.

7. There shall not be any storing, renting, leasing or selling of trucks, automobiles, trailers and recreational equipment on this property.

8. The westerly entrance on Hunter Mill Road shall be eliminated when the proposed road along the westerly property line is constructed.

9. Trash is to be stored in brick enclosure.

10. This is to be a 4 bay, 2 pump island service station.

11. There is not to be any additional service station on this site as stated by applicant.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes abstained.

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TEXACO, INC. & J. C. PATTERSON, SR., V-191-71, app. under Sec. 30-6.6 of Ord. to permit variance of 15' to allow erection of pump island canopy within 7.8' of Richmond Highway, U.S. Route 1, & Memorial Street, 93-1((18))1,2,3,4, Lee District, (C-G) formerly V-29-70, V-191-71 (For decision only)

Mr. Smith read a letter from the applicant requesting deferral until after the first of the year in order to work out their problems.

Mr. Long moved that this application V-191-71, be rescheduled for the second meeting in January, January 18, 1972.

Mr. Barnes seconded the motion.

Themotion carried unanimously.

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AFTER AGENDA ITEMS:

ANNANDALE CHRISTIAN COMMUNITY FOR ACTION SCHOOL, located in the John Calvin Presbyterian Church, S-109-65. Request to change age of 2 1/2to 8; TO 2 to 8.

Mr. Smith read the letter of request of age change. Mr. Baker moved the request be granted.

Mr. Long seconded the motion. The motion carried unanimously to grant the request.

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FRANCONIA LODGE NO. 646 -- Loyal Order of Moose, S-155-70

Mr. Smith read a letter from the applicants requesting an extension. The original permit will expire on November 23, 1971.

Mr. Baker moved the request be granted for an extension of 180 from November 10, 1971 as that was the day the Board granted the Use Permit.
Mr. Long seconded the motion.

The motion passed unanimously.

(Mr. Barnes was out of the room for this hearing of this item only)

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CENTREVILLE HOSPITAL MEDICAL CENTER, INC., S-106-71

Mr. Barnes Lawson was present. Mr. Smith read a letter from Mr. Lawson to the Board requesting a second extension because due to the hold-up on hooking up sewer taps by the County, they were unable to continue to obtain financing until the taps were finalized and they plan to commence soon.

Mr. Lawson is the attorney for the applicant.

Mr. Baker moved that in view of the fact that it is the County's fault, it is moved that the Board grant the extension.

Mr. Barnes seconded the motion.

Mr. Smith said he did not agree with the wording of the resolution. There is no evidence to the effect that it is the County's fault.

Mr. Long said he could not go against the by-laws. The Board could amend the by-laws.

Mr. Smith said the sewer taps were allocated in June and they have had 6 months after that time to start construction. He said that the sewer tap problem is what the Board granted the original extension on. Mr. Smith said the Staff had given the information that the Site Plan was filed on April 2, 1971 and sent back to the applicant's engineer on April 14, 1971 and was Site Plan No. 339 and the Site Plan Office had had no further word from them.

Mr. Barnes Lawson spoke before the Board. He said they had submitted the site plan and they had worked with Mrs. Pennino and the County Staff and Mr. Liedl and they were allocated sewer taps around July 1st. He said they could not do anything on arranging the financing until they could get the sewer taps. After that, they began working on the financing and they are just about there in getting it. They couldn't do the final site plan and take it back to the County until they got the financing. He said their permit expires the 23rd of December and it has been his experience to come early to the Board to make this request so the Board would have time to evaluate it. He said he hoped to get financing settled by December and then they could get back with revised corrected site plan and get it approved and then go from there. He said they really couldn't do a thing until the taps were allocated and they did not know how they would be allocated. After that they had to get financing and that wasn't easy. He said he knew that wasn't the Board's concern and they asked for no consideration for that, but it is a fact. They now want to do these things in an orderly fashion. They do need some extra time.

Mr. Smith said the Board by the By-Laws, are limited to give only 180 days extension. Unless they had resubmitted the Site Plan, there was no reason except for financing that they have been held up.

Mr. Lawson said their big problem and the reason they couldn't move, was because they couldn't get the taps. Therefore, in reality they were shifted in their time schedule for a period of 6 months by the time they would have had their taps normally, when they would be able to go. Each of these things bear a relationship one to another, and they could not even go into the financing until they got approval from Mr. Liedl and had the taps assigned to them and in that sense perhaps it would qualify for the exception that might be in the by-laws.

Mr. Long said he wasn't against the extension, but he felt that the motion must be worded to make it conform with the Board's by-laws. He said he would like to move that the by-laws be reworded.
Mr. Smith said he would like the resolution rephrased too. He could not vote on it as it was with the fault on the County, because he felt this was not absolutely true, since there has been some problem, but they have had since July to correct the problem and make amends.

Mr. Baker restated his motion that the extension be granted due to the fact that the applicant has done everything possible and that there were conditions preventing the applicant from complying with the original permit; this constitues a hardship not of his own doing.

Mr. Smith and Mr. Long said that was the reason for the first extension.

Mr. Smith asked how the Board could go beyond 180 days. Mr. Long said they would have to find this was a hardship created by the Staff.

Mr. Smith told Mr. Lawson if they would file a new application, the Board would try to hear it before December 15, unless the Board has objection to hearing it prior to December 23rd, prior to the expiration of the application. This would give the applicant continuity./ Mr. Long said he felt the Chairman has been doing an excellent job and as long as he had authority to interpret the hardship reason for extension he withdrew his motion to Mr. Baker withdrew his motion. (amend the by-laws.

Mr. Baker then moved that the applicant be granted an out-of-turn hearing for December 7, 1971. Mr. Long seconded the motion. The motion passed unanimously.

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SUN OIL COMPANY, V-41-69; The Board was in receipt of a letter from Mr. E. E. Lingle the District Manager for Sun Oil. The letter stated that due to a series of events preceding the present service station moritorium now known as Route #1 Corridor, they had not been able to begin their remodeling process on their property at 5928 Richmond Highway. They requested an out-of-turn hearing.

Mr. Baker moved they be granted an out-of-turn hearing.

Mr. Long seconded the motion.

The motion passed unanimously and the case was scheduled for December 7, 1971.

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Mr. Barnes moved the meeting adjourn at 3:20 P.M. Mr. Long seconded the motion

The meeting adjourned at 3:20 P.M.

By
Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

DATE APPROVED: December 7, 1971

The Regular Meeting of the Board of Zoning Appeals was Held on Tuesday, November 23, 1971, at 10:00 A.M. in the Board Room of the Massey Building, Fairfax County Administration Building; Members Present: Daniel Smith, Chairman; George Barnes, Loy Kelley, Richard Long and Joseph Baker.

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

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FRANCONIA GRAVEL CORPORATION, app. under Sec. 30-7.2.1.1 of Ordinance to permit gravel extraction, Beulah Road & Fleet Drive, 91-1 & 91-2((1)) part of Lot 80, Lee District (RE-1), NR-23

Mr. Thorpe Richards, attorney, represented the applicant before the Board. His address is 128 South Royal Street, Alexandria.

Notices to property owners were in order.

Mr. Albert Pettit and Mr. W. P. Beard were contiguous owners and the owners of the land with whom they have the contract.

The contract covers 2.134 acres of land, and is for the excavation area. The excavation area consists is an extension of the gravel operation by Franconia Gravel Corporation. Mr. Richards said that Mr. Pettitt's house is just below the area outlinedon the map as the excavation area. Mr. Pettitt and Mr. Beard both executed a waiver of setback from their property.

Mr. Richards shows the Board which areas have been mined and said that 20 acres have been mined and 9 acres of that have already been reclaimed and approved by the County and the bond has been released. The remaining 11 acres has all been prepared except for the seeding which will take place next spring. He said to his knowledge there have been no complaints from the adjoining neighborhood. Mr. Gorham who is Franconia Gravel has actually gone down below this property on the old existing gravel area that was in effect before the ordinance came into effect and has done restoration down there. He is trying to upgrade and bring the entire area to one equal place as far as restoration is concerned. They proposed to be in and out of this area within one year. He feels this will be the final application for this particular area.

Mr. Smith asked him if he would consent to a one year permit. Mr. Richards said they would. Mr. Long asked him if this would be for the extraction only. Mr. Richards said they hoped they could do the extraction and the restoration within one year, but he didn't want to limit it because they might get through with the extraction and would have to wait until spring to reseed.

Mr. Smith read a memorandum from the Planning Commission stating that on November 18, 1971 they unanimously approved this application and recommended approval to the Board of Zoning Appeals.

No opposition.

Mr. Smith said that the report of the Restoration Board should be made a part of the resolution for granting should this be the Board's desire. This should note the Restoration Board's restrictions.

In application No. NR-23, application by Franconia Gravel Corporation, under Section 30-7.2.1.1 of the Zoning Ordinance, to permit gravel extraction, on property located at Beulah Road and Fleet Drive, also known as tax map 91-1 & 91-2((1)) part of parcel 80, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of November, 1971; and

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

1. That the owner of the subject property is Albert Pettitt, et als., the applicant is the Leasee.
2. That the present zoning is RE-1.

3. That the area of the lot is 2.134 acres, part of 12 acres of land.
4. That compliance with Restoration and Siltation controls is required.
5. The Restoration Board recommended approval of this application at its October 22, 1971, meeting subject to the limitations noted.
6. The Planning Commission recommended approval of this application at its regular meeting of November 18, 1971 in compliance with Restoration Board's recommendations.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the uses indicated on 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 use permit to be re-evaluated by this Board.

4. This permit is for 1 and 1/2 years with all gravel being extracted within one year and restoration being completed within 1 and 1/2 years.

5. Egress is limited to the privately owned company road to Beulah Road.

6. A bond of $2,000 per acre shall be posted with the county to insure compliance with restoration plan.

7. Hours of operation shall be 5 and 1/2 days per week, excluding Sundays and Holidays, approximately from 7:00 A.M. to 6:00 P.M. and 7:00 A.M. to 12:00 on Saturday.

8. Equipment shall be limited to:
   1 - Bulldozer, pan and scraper
   1 - Drag Line
   4 - Dump trucks
   1 - Portable crusher plant
   1 - Rubber tired front end loader
   1 - Set scales

Mr. Barnes seconded the motion.

The motion passed unanimously.

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RIVERSIDE GARDENS RECREATION ASSOCIATION, application under Sec. 30-7.2.6.1.1 of the Ordinance to permit two double tennis courts 1930 Elkins Street, 102-3((1))43, Mount Vernon District (R-12.5), S-216-71

Mr. Richard Hobson, attorney for the applicant, testified before the Board.

Notices to property owners were in order. There were three contiguous owners: Mr. Noel A. Prentiss, 3607 Derwood Street, Alexandria, Virginia; Mr. Strickland, 8627 Buckboard Street, Alexandria, Virginia; and Mr. Allen E. Dillard, 8629 Buckboard Street, Alexandria, Virginia.

Mr. Hobson stated that Riverside had been before the Board for their original use permit in 1965 and again in 1970 to permit construction of an addition to building in connection with the facility. This property for the proposed tennis courts adjoins the original property. Across the street from this pool is a 7-11 and a gasoline station and it is zoned C-N. The association owned the property it is now on and is the contract purchaser for the land where they purpose to build the tennis courts. He submitted the Articles of Incorporation and the Certificate of Good Standing from the State Corporation Commission.

Mr. Hobson said this facility would be used by the people in the community immediately surrounding the location. He stated he had several people there to testify on the facility's behalf.

Mr. William E. Mathas, President of the Association, who lives at 8421 Sulkie Court which is approximately two blocks from the location, spoke before the Board.

He gave the Board a brief history of their association. He said they had conducted a survey of their members in 1969 and inquired as to whether they were interested in improving the general facilities. The results were that a covered area be provided over the deck area, which they have done by coming back before the Board, and they also extended the bath house at the same time. They also have improved on the general landscaping, planting shrubbery, grass and cleaned up the general area. The next item of priority noted in the survey were tennis courts. This fall they became aware that the property in question was for sale. They appointed a special committee to look into the possibility of purchasing this property. They went before the membership and got approval for the initial contract and also to come before the Board.

Mr. Smith asked what the present membership is now? Mr. Mathas said they have 217 on the rolls and they have a waiting list, but they are holding. Their by-laws authorize 225 members and they have never been at that level. They are holding it down to 210 active members with 220 on the rolls.

Mr. Smith said the granting of the original permit limited their association to 210 family members with the parking facilities which were planned at that time which were 68 parking spaces. Mr. Smith asked if they had expanded the parking lot.

Mr. Mathas said No, they had not expanded, but they did have additional space where they could expand if the need occurred. He said he had never seen the lot full. A couple of time per year when they have teenage parties, sometimes there is parking on the street out in the neighborhood, but this is not due to the overcrowded condition of the parking lot, but the teenagers prefer not to park as they are in and out constantly.

Mr. Smith asked him if he was aware of the fact that the ordinance prohibits parking on the streets for this use. They would have to either cut out the teenage parties, which Mr. Smith said, he hoped they did not do, but he felt the teenagers should be aware of the fact that there are certain regulations which govern these civic organization and they have to adhere to them when they are using the facilities.

Mr. Mathas said a high percentage of the families live within the community and walk or ride bikes to the pool.

Mr. Lawrence F. Meade, 2003 Stirrup Lane, which is one block from the facility, spoke before the Board. He stated he is a Board member and a former president.

He stated that he had been a member of this association for 13 years and they had been first concerned with the day to day activities and second, to provide a long range recreational environment for the community which meets the community's needs and desires. He said he felt this would, perhaps be their last opportunity to purchase a piece of property that was vacant and adjacent to their facility. Also that piece of property has been unkept and an eyesore to the neighborhood.

Mrs. Elizabeth Hardy, 8631 Buckboard, spoke in favor of the application. SHe said she lived immediately in front of the pool and bath house. She said she would testify that the only time that the parking is ever on the street is during these teenage parties and that is when they are coming and going and does not mean that the parking lot is full.

Mr. Smith asked her if the parking lot was in fact full. She said she had never looked.

Mr. Smith said the teenagers would have to adhere to the rules or dispense with the parties.

Mrs. Hardy stated that there is always a policeman there during the parties and this inhibits the teenagers from using the parking facilities.

Page 411
November 23, 1971
Riverside Gardens (continued)

Mrs. Hardy continued by stating that the only noise from the pool is the children laughing, but it is nothing objectionable.

They submitted a Petition signed by persons in the neighborhood to the Board. They also furnished a map showing where each party lived who had signed the Petition.

Mr. Long asked when the tennis court would be uses and Mr. Hobson answered from 7:00 A.M. until sundown.

OPPOSITION:

Mr. Allen E. Dillard, 8629 BuckboardDRive, spoke before the Board. He said the people who had raised their hands in opposition were there as individuals and they were coordinated in order that they would not repeat themselves. He stated that part of his lot is common with that land which the pool is on and the north boundary line is common with the property that they purpose to put the tennis courts on. He said he feels that this association is an entity and should be treated as an individual. He said his greivances does not deal with the association, but only with the action of that association. He said he had lived there since April of 1967 and lived through five seasons of that swimming pool and last year he dropped his membership. He said he feels there should be no further infringement of his property rights and enjoyment of his own property. He showed photographs of his property and the pool property. The photographs he stated showed the litter and the alleyway that is between his fence and the pool fence, and the weeds that had not been cut. The children climb his fence and use it as an entrance way. He said the ten foot strip between his fence and the association's fence has not seen a lawn mower. This indicates poor management. These conditions have existed at least 4 years that he knows of and the neighbors on both sides have been fighting it. The last photograph shows the trailer parked on the parking lot of the pool and has been parked there over the last fall and is parked there again this fall.and winter months.

Mr. Smith asked if anyone was living in the trailer and Mr. Dillard said No.and he did not know who owns it. The license number is 44-362. It has been parked there since the beginning of September.

Mr. Smith said even if they were not accepting a fee, storing a trailer is a violation of the use permit.

Mr. Dillard said the area where they want to put the tennis courts only needs homes to put it in a good condition.

Mr. Dillard suggested that 1. they be given a citation pertaining to the vehicle storage, 2. action should be taken to assure the county that these type organizations be taxed in such a manner so the county realizes the full income commensurate with the comprehensive plans of zoning, 3. recommends a tax return comparable to the number of residents that could be built on that property, 4, recommends that action be taken to establish ground maintenance standards and controls of real property under control of associations of this type, and 5. revoke the association's use permit.

Mr. Dillard said that he had a comment regarding the teenage parties and that is that the amplification of the music is so loud that they find they must find their evening's entertainment elsewhere.

Mr. Smith said that this association is providing recreation for the family that would normally be provided by the state, national, or local government.

Mr. A. T. Strickland, owner of Lot 21, spoke in opposition of this case. He said the entire South side of his lot is adjacent to this property in question. His house is about 50' from the property in question. He understands that the tennis courts will be 25' from the property line, and that put them practically in his bedroom. He said the reason he is opposing the tennis courts is that it will disturb his family, no. 1,and the second reason is that the association has been incapable of proper maintanance of the present pool area. This is a raven for rats and other pests. He said he himself had killed rats in the weeds around the pool, and the third reason is that the developer had given the land on which the pool is located for the use of the residents of Riverside Gardens as this area is large enough for this purpose. This includes room enough for tennis courts. The association, however, is extending membership to residents of other areas, which causing new residents

to have to wait on a waiting list while residents of the other areas far away from the pool and not residents of Riverside Gardens were using the pool, 4. Residents of Riverside Gardens have not been informed as to what the acquisition of this real estate will mean to the community. He said he for one had not been offered a chance to sign any Petition for this.

He said he understood from some of the people who had signed this Petition, that scare tactics had been used to obtain some of these signatures.

There are ten already available to Riverside Gardens on county owned land.

Mr. Smith asked him if he had at any time reported any of this to the Zoning Administrator regarding the violations. Mr. Strickland said that he had not as he liked to get along with the neighbors.

The Board members discussed with Mr. Dillard and Mr. Hobson points regarding the fence area.

Mrs. Thomas Denny, 8618 Buckboard, spoke in opposition to the application.

She said that Mr. Printiss does not own the property. They purchased it from him in March of 1970. She showed the Board the deed to this property.

Mr. Smith said that he had notified three contiguous owners and two was sufficient.

Mrs. Denny read a letter from Mrs. Catherine Newman dated November 22, 1971 stating that due to an illness in her family she is unable to attend the hearing today. She stated in her letter that she was opposed to the construction of the tennis courts next door to her house as it would interfere with the privacy and enjoyment of her home. she

This letter was witnessed by Katherine J. Bothwell. This letter was submitted to the Board for the file.

Mrs. Denny stated that her husband is a heart patient and that was the reason they purchased this home. She submitted a Petition to the Board in opposition to this application. Her house is a small house with a small yard. She said she contacted a real estate broker, Mr. Henry E. Mackall and he sent her in a letter of October 26, 1971 stating that he had checked with top flight appraisers regarding this and he felt and the other appraisers felt that public tennis courts 54' from a house would devalue the property.

Mr. Smith said this is an opinion, not a fact. This is a semi-private tennis court.

Mrs. Denny also stated that this property was given to Riverside Gardens by Mr. Gosnell and there is a restriction in the deed that stated that it should be used solely for recreational purposes of the Riverside Gardens residents. She said out of the 217 members of this club, 88 members live outside the subdivision, one of whom lives three miles away in Waynewood and Stratford Landing. These subdivisions have their own swimming pools. This prevents new members of their subdivision from becoming a member of the Riverside Gardens swim club and have to be put on a waiting list.

Ollie H. Lackey, 8617 Fort Hunt Road, and a resident of the Plymouth Haven which fronts on Fort Hunt Road, approximately two blocks from this area spoke in opposition. He stated that he is against the addition as it will only increase the noise which is generated from the rock bands and the P.A. system. He said he was not a member of the organization. He said the noise is very annoying at times and a person just feels like he has to get away from it.

Mr. Smith asked if this had been reported to the Zoning Administrator and Mr. Lackey said that he had not.

Mr. Smith said the P.A. system should not be heard off the premises nor any of the other activities. He advised Mr. Lackey, in the future, to call the Zoning Administrator.

Mr. Smith gave Mr. Hobson three minutes for rebuttal. Mr. Hobson wanted an appraiser to speak with regard to property values, but Mr. Smith said they would accept no more testimony. Ann McDowell spoke for Mr. Hobson for the rebuttal. She lives at 2005 Stirrup Lane. Mrs. McDowell said regarding the other tennis courts in the area, there is always a wait and the High School tennis courts are not standard size.

Page 413
November 23, 1971
Riverside Gardens

Mr. Hobson said there would be no increase in membership, nor no more traffic. He said Mrs. Denny was at the meeting of the association that she had complained that she had had no notice. The President had personally delivered a notice to her. With regard to Mr. Strickland's comment about the noise, the noise will be less at the tennis court than the pool area. This is also true for Mr. Lacky's statement about the noise. There will be no rock bands at the tennis courts.

Mr. Smith asked Mr. Hobson if the association was aware that they must obtain permission from the Zoning Administrator's office before they could have pool parties. Mr. Hobson said No, there were not aware of that.

Mr. Smith advised him to do so in the future.

Mr. Kelley asked if they planned lights for the tennis courts. Mr. Hobson answered No.

Mr. Long asked if they planned landscaping and fencing for the entire property and Mr. Hobson answered Yes.

Mr. Smith asked how soon the trailer could be moved. They said immediately.

In application No. S-216-71, application by Riverside Gardens Recreation Association under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit two double tennis courts, on property located at 1930 Elkins Street, also known as tax map 102-3((1))43, County of Fairfax, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of November, 1971; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Stephen & Helen Leo, Riverside Gardens Recreation Association is contract purchaser.
2. That the present zoning is R-12.5.
3. That the area of the lot is .959 acres.
4. That compliance with site plan ordinance is required.
5. That compliance with all county codes is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on 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, shallbe cause forthis use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operation or of the operator, changes in signs, and changes in screening or fencing.

4. Landscaping shall be in the areas designated by the Planning Engineer on plats submitted with this application and as approved by the Planning Engineer.

5. A 6' chain link fence interlaced with a screening material as approved by the Planning Engineer shall be provided to the rear of all abutting residential lots.

6. There will be a maximum of 225 family memberships.

7. There shall be a minimum of 75 parking spaces.

8. All lighting shall be directed onto site.

9. All noise from loud speakers shall be confined to the site.

10. Hours of operation for all facilities shall be 9 A.M. to 9 P.M.

11. There shall be No lights for tennis courts.

Mr. Baker seconded the motion.

Mr. Smith asked Mr. Kelley if he was incorporating the existing use permit of the swimming pool as far as the lights and noise.

Mr. Kelley said that he was.

Mr. Long asked if the landscaping included the total site. Mr. Kelley said that it did.

The vote on the resolution was 4 to 1 in favor of the resolution with Mr. Smith abstaining as he felt they should have waited until they were sure all violations were cleared.

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VINCENT R. CHARLTON, app. under Sec. 30-6.6 of Ord. to permit construction of dwelling 17' from proposed 20' outlet road, 9714 Braddock Road, 69-1((1))17 Annandale (RE-1), V-214-71

Mr. Charlton, the applicant, testified before the Board. He said he lived at 9710 Braddock Road. The application is made for 9714 Braddock Road. Notices to property owners were in order. The contiguous owners were Calvary Memorial Park, Kay Carston, Nealon and Francis Clarke.

He said he was the owner of two parcels of land with a total area of just over 4 acres. The property is zoned RE-1 which permits its division into four one acre lots. The application is to permit construction of a dwelling with less than required setback from a 20' outlet road, approved by the County Executive. The owner is faced with an unnecessary hardship that would deprive him of a reasonable use of the lot 1 as shown on the plats submitted with this application. Lot 3 and 3 were recorded as one parcel of land in February 1949, at which time a lot with frontage of 107.8' on Braddock Road was permitted by County Zoning Ordinance, therefore the width of this parcel is buildable as a nonconforming use. However, the ordinance requires that a house built on the lot be located 75' from the center line of a 20' outlet road, which is approved by the County Executive. A setback of 65' together with a 20' sideyard on the opposite side of the lot, this total of 85' added to the 20' road is 105', and since the lot is otherwise legally a buildable lot, all of these restrictions combined permits construction of absolutely nothing on an attractive residential lot with 107' frontage. It seems further unreasonable, he said, to require the same setback from a road serving only two lots as would be required by one serving 50 or 100 or 1000 lots. The 20' outlet road, he further stated, is reasonable access to the two lots as recognized by the County Executive. The lot is exceptionally narrow when compared with the present requirement for the lot width in an RE-1 zone and is, but for strict application of requirements, is a nonconforming buildable lot.

Mr. Smith asked if the County Executive aware of the fact that there was a variance needed at the time the waiver to subdivide was received. Actually, this has not been divided as yet, but it is only a proposal, he asked Mr. Charlton. Mr. Charlton said this came up after the County Executive made his approval and he was notified that a variance would have to be received before he could build.

Mr. Smith asked him if he lived on property contiguous to this lot. Mr. Charlton said he lives at 9710, which is Lot 18. Lot 17 which is west of his lot is the question.

Mr. Smith read a letter from Jack Chilton to Mr. Charlton stating that the waiver had been approved by the County Executive.

Mr. Long asked if the road could go up through the middle of the property rather than along the sideline. Mr. Charlton said that he guessed that it could. Mr. Smith said that it seemed the most logical place. Mr. Long said it would give a better appearance.

Mr. Smith said then all of the variance would be on this particular property. The person on the opposite side would be restricted toowith the road going down the side of the property. He said he felt it should be redrawn.

Mr. Charlton said that it had been redrawn several times trying to get the least amount of variance possible.

Mr. Smith said he was now infringing on the rights to the other property owner on the other side of the road. They would also have to set back from that easement. Mr. Smith said if he moved it to the middle, they would need a variance from both lots, but at least it would be all on his property.

Mr. Smith asked who owned the property opposite the road.

In opposition Kay Carston, 9718 Braddock Road,spoke before the Board.

She said she would like to see the road down the middle. She said they try to keep a hedge for privacy along that property line. She said she had two acres of land.

Mr. Long moved that V-214-71 be deferred to December 7, 1971, for decision only to allow the applicant to redraw the proposed subdivision showing the outlet road in the middle of the property and this resubmitted to the Planning Engineer's office for approval.

Mr. Kelley seconded the motion.

Mr. Smith said this road in the middle would serve four properties instead of two.

The motion passed unanimously.

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END OF REGULAR AGENDA

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Mr. Long asked if he could bring up another item prior to Mr. Kelley's leaving the meeting, as Mr. Kelley had to leave early.

Mr. Smith told him that the Chair would now hear any resolutions the Board members might have.

Mr. Long: "We are all very appreciative of the efforts of our Secretary and I would like to move that the Chairman of the Board of Zoning Appeals write a letter to the Fairfax County Executive, Dr. Kelley, commending our Secretary, Mrs. Jane Kelsey, for her outstanding contributions for the Board. Mrs. Kelsey has been Secretary to this Board since June 7, 1971 and her dedication and performance in her job warrants that her position be reevaluated and upgraded."

Mr. Kelley: Second the motion.

Mr. Smith: It has been moved and seconded that the Chair prepare a letter to the County Executive appraising him of the outstanding services of Mrs. Kelsey, Clerk to the Board of Zoning Appeals.

No discussion.

The motion unanimously.

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DEFERRED CASES:

SIDNEY J. SILVER, app. under Sec. 30-7.2.7 & Sec. 30-7.2.8 of the Ordinance to permit golf driving range, miniature golf courses, pony riding stable and related facilities for period of 5 years, 10417 Leesburg Pike (36.776 acres), 12-4 & 18-2((1))60 (RE-1) Dranesville District, S-168-71 (Deferred from 9-21-71)

Mr. L. Lee Bean, 2045 North 15th Street, Arlington, Virginia, attorney for the applicant, represented the applicant and spoke before the Board.

Notices to property owners were in order. Mr. Irving Adler owns the property as Trustee, on either side. Miss Bird is directly across the street. Mr. Adler is the only contiguous property owner.

Mr. Bean said Mr. Newkirk, who was present, owns a substantial portion of this property.

The property, he said, begins at Route 7 and goes back to a line of trees in the rear of the property.

Mr. Newkirk has owned this property for a good many years, ten years or more. They have sold off some shares of the property, but still own the major portion of it under this Trusteeship. The purpose of the application is to provide a golf driving range, miniature golf courses, pony riding ring and stable and is one of an interim type basis. This land has been lying fallow and he said he believed it would continue to remain that way for sometime because of the development of Reston which is nearby. With respect to the development of the property along here, the property across the road is a cemetary and on down a little further is a commercial strip and next to that is an industrial. There has been no development of the property that is contiguous with Mr. Newkirk's property. All of this property through here has been affected by the development of Reston, both commercial and residential and has caused owners to sit and wait. This is what Mr. Newkirk is doing and they want an interim use for it, and therefore, Mr. Bean, said is why they are before the Board asking for this use permit. There is no permanent building to be built on the property. There will be a stable for these ponies.

Mr. Barnes asked Mr. Bean if the stable was located on the plat. Mr. Bean said the stable has not been precisely located, but it has to be located near the pony ring.

Mr. Smith said he saw on the plat a "riding area" but it looks as if it is right on the property line and there is no indication of how far the setbacks are or anything. Mr. Smith said if the Board should grant this application it would require proper setbacks and a 50' setback for parking.

Mr. Bean said they planned to set back as far as required by the ordinance and with regard for the parking facilities, he hoped that it could be used for that purpose and he thought that the Board could grant with the application, a variance with respect to the use of that setback for parking.

Mr. Smith said the Board does require a 50' setback on this type of parking, or it has in the past,from the road.

Mr. Smith said no distances were given on any of this, it shows the pro shop, 104' but there is not shown the size of this pro shop and there is no setback shown as to what the proposed main course, the riding area and the barn will be.

Mr. Bean said the only problem they see that has been voiced by the opposition is with respect to spot zoning. The traffic should be no problem. The best hours for a golf driving range is in the evening and normally when you have a golf driving range you also have related family facilities which would only be in the evening from 7 to 11. These are the hours when the business is generated and the rush hour traffic on Route 7 is from 4:30 to 6:00 P.M. He said he believed this could be demonstrated to be true by any traffic count the State Highway Department has done.

Mr. Bean said it was obvious that the reason the Board is here is, on an application of this kind, not to rezone the property and normally with a use permit, such as the one they suggest, the Board would grant it for a specific period of time, subject to renewal and as he sees it, the very essence of a use permit is to give the owner an opportunity to have an interim use of the land and to give the County some tax money from the interim use of the land until such time as it can be developed in the way that it is zoned. People do not want to build residential one-acre sites along Route 7 in this area, with Reston developing nearby. They have to sit just as the contiguous owner, Mr.Adler has to sit, until the financial world decides this is the place to put 1-acre residential property and to use it as homes as it is now zoned. During this period, it is natural for the Board to say,"we want to grant a special use permit to the owner in order to allow him to wait until such time as he can use the land in the way it is zoned. The fear

is that this will go into commercial development and,Mr. Bean continued, the Board is here to protect them against that.

Mr. Smith said that a use permit was permitted in certain areas under certain conditions but not necessarily an interim use.

Mr. Bean said the only reason he mentioned that is because they were asking for this use only for a limited time. They intend to try to get the money out of this project. It costs around $60,000 to develop one-half of the project. The entire project is over $100,000. They do not intend to make application for a rezoning. Looking at the other facilities, which they have done, that have been developed in this area and elsewhere, they have found that they can pay out taxes and maintanance costs and, therefore, it is a commercial venture and that is why they are here. They would like to use this property and certainly make some profit out of it. He indicated on a slide that they had prepared,the closest facilities surrounding their area with respect to miniature golf and driving ranges. He said there were none within a five mile area.

Mr. Bean said that they had a Petition signed by 52 people, some of whom are in the Reston area and some scattered throughout the County. They did go before the Reston Planning Committee and the Board of that organization voted last night to continue to oppose this application.

Mr. Smith said they certainly had not done a very good job of preparing the plats. The intensity of the use and the many uses is the factor most people would object to.

Mr. Bean said they only intend to put in 25 tees at first.

Mr. Smith asked him why they couldn't reduce the request to 25 tees.

Mr. Long said what concerns him is the plat does not comply with the ordinance. The setbacks are inadequate.

Mr. Bean said the old barn was going to be torn down to make way for the parking. The barn is very delapadated and is ready to fall down.

Mr. Smith said he would suggest that they come back in with everything they propose to do on this property.

Mr. Long said that the plat is very far from county compliance and he would like to see them resolve the setbacks.

Mr. Smith said they would not be able to get near the number of uses if they comply with setback requirements.

Mr. Bean said he would be willing to come back to the Board with a conforming plat which would give the initial 25 tees and the club house and stop right there as it is all they can afford at the present time.

Mr. Smith said they should come in with everything they propose to do on this property. The Board and the citizens want to know what is going to be put there

Mr. Bean said they want to show them the phasing, but they would like to get the specific 25 tees.

<u>In Opposition</u>, Mr. John Dockery, Chairman of the Reston Community Association, Planning and Zoning Committee, spoke before the Board. He said he appreciated the Board continuing the public hearing. He said his association wanted to go on record as opposing the application. He said he wondered why this was not the object of a summary denial.

Mr. Smith told him this Board does not act on applications for summary denials. They hear the cases, get the facts and make the decision.

Mr. Dockery stated that this piece of land is strategically located. The property is in the hands of a single owner who has been approached by the people on both sides of him. He feels the applicant's intent is to hold this land and prevent consolidation into a sizable block of land for planned unit development. He said the people who ignore the lessons of history are bound to repeat them. He continued by stating, that low grade commercial facilities makes residential use unlikely in the five years time

418

frame they had mentioned. Five years time is sufficient to set the character of the area. The uses the applicant has indicated do not bear a relationship to residential or agricultural uses.

Mr. Smith reminded Mr. Dockery that this is a use permitted by use permit in this zone.

Mr. Dockery stated further that there was a traffic harzard involved by virtue of the fact that this is a four lane highway. There is a traffic median in front of this proposed facility and it is impossible to avoid making a "u" turn in this zone where the speed is 60 miles per hour and also in an area where traffic backs up. The Washington rush hour extends into the surburbs to 7:30 P.M. and later. The peak use for this facility is on weekends and on weekends, Route 7 is very heavily travelled. As far as the temporary use, the testimony indicated that they plan to invest from $60,000 to $100,000 and he does not feel they will be able to go in there and amortize it for five years and be able to get out then. He feels they will come back before the five years are up and ask for an extension to renew, as it seems very unlikely that the return on this capital investment will be realized in five years. The Board will then be faced with the problem of allowing them to renew or to cause them to face bankrupcy and he doesn't feel the Board would do that. History would not bear this out.

Mr. Smith said they are aware of this fact.

Mr. Dockery said he has heard before that Special Use Permit have traditionally caused problems in planning. He reminded the Board that the Planning Commission recommended denial. As far as the matter of need, he stated that there were four driving ranges in the area and what would be a better use in the area is a permanent recreational facility. He said he feels that the conditions that are necessary for granting a use permit do not exist. He stated that their association heard this case two times and voted to oppose it unanimously after the second open hearing.

In opposition David Edwards, 2403 Paddock Lane, Reston, Virginia, spoke before the Board. He said he lived in Hunters Woods section of Reston and he uses the Route 7 corridor to get to and from the place where he works. He said he had two points to make. No. 1 would be the accidents that are frequent on Route 7 along this two mile stretch of road. According to the Police Department from January 1 through October 24, there were 24 accidents, 10 injuries and 1 fatality. This should demonstrate to the Board that there is a hazard along this area of road. The traffic backs up in the evening beyond 7 P.M. almost to the site and the same is often true on Saturdays. There is a traffic back up of 30 or 40 cars in the turning lane, which forces all the traffic into one lane. This coupled with the "U" turn creates a definite hazard, he stated. It is not possible to get to or from this site without making a "U" turn. He said that last night at the meeting in Reston that Mr. Newkirk had advertised in the paper, at least 40 people showed up just in response to that ad and they all turned up at the meeting to oppose this.

In opposition Ann Shreve, 10918 Bonnie View Drive, Great Falls. She stated that the Great Falls Citizens Association is directly affected by this and is concerned about the development along this highway as it serves as the primary ingress and egress to their area. She said they feel that along with the traffic bottleneck that this would cause, it would also cause a traffic hazard. She said that all of the existing commercial sites near the applicant's proposed facility existed prior to the present zoning ordinance and should not be considered as justification for an expansion of commercial uses.
The commercial property, which Mr. Bean mentioned,in his testimony supporting this, on Colvin Run Road is not visible from the applicant's property, she said. She also said she wanted to advise the Board that the County will have the opportunity to acquire at no cost two microwave sites both of which are visible from this site, one is north of 606 which could be developed into a recreational area and the other on Otterback Road. Both sites have permanent buildings on them. She said her association plans to persue this. The last thing she said she wanted to advise the Board of is that Mr. Newkirk distributed leaflets to the students at Herndon Highschool which is contrary to regulations. The Great Falls Citizens Association strongly recommends denial of this application.

Mrs. Trickett , 1318 Hunter Mill Road, spoke in opposition. She stated that she lives directly behind this facility and they have been having problems now with the traffic from Reston and this will not help matters any. They have had problems with Fairfax Lake with the extra people it has brought in. There is a new house also going in directly in the back of where this club is proposed. They would like to have a peaceful neighborhood without being up all night with lights bothering them. She said they have lived there for 53 years.
In opposition Mrs. Ramsay, 1335 Hunter Mill Road spoke before the Board agreeing with Mrs. Trickett.
In rebuttal, Mr. Bean stated that there were trees behind the area where the facility is proposed and they intend to leave these trees. Their facility will come out on Route 7 and not Hunter Mill Road. He said Mr. Adler had offered to purchase Mr. Newkirk's land.

Mr. Smith said obviously Mr. Adler didn't offer enough money. He said with the development of Reston they have been available. They are having difficulty finding anyone who wants to finance one acre houses on Route 7 and they are simply waiting for the time when financing may be available to them and they figure about 5 years but they may be wrong, it may be 10 or 15 years. This is why all the land is lying vacant this way.

Mr. Long moved that application S-168-71 be deferred for decision only until December 14, 1971 to allow the Board the opportunity to view the property.

Mr. Barnes seconded the motion.

Mr. Smith read the report from the Health Department and the Planning Commission's memorandum recommending denial.

Mr. Smith said he didn't believe the Board intends to take any additional information at the time of deferral.

Mr. Long said his motion does not request any additions and that he is going to vote on what the applicant proposes to do and has outlined at this hearing today.

Mr. Long further stated that this is a point of order, there will be no new plats accepted.

The motion passed unanimously.

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TEMPLE RODEF SHALOM NURSERY SCHOOL, app. under Sec. 30-7.2.6.1.3 to permit nursery school 2100 Westmoreland Street, Falls Church, Virginia, 40-2((1))19, Dranesville District, (RE-1), S-188-71 (Deferred from 9-28-71 for decision only, after applicant has received Occupancy Permit)

The occupancy permit had been received November 11, 1971

In application No. S-188-71, application by Temple Rodef Shalom Nursery School, under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit nursery school, on property located at 2100 Westmoreland Street, Falls Church, Virginia, also known as tax map 40-2 ((1))19, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of September, 1971 and deferred for decision only until November 23, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 321,388 square feet.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all county, state and health department regulations is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.
2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

420

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. The maximum number of children shall be fifteen (15).

5. The ages of the children shall be from 2 to 4 years.

6. The hours of operation shall be from 9:15 A.M. to 12:15 P.M., five days per week.

7. Separate toilet facilities shall be provided for male and females.

8. All transportation of students is to be provided by their parents.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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McLEAN MONTESSORI SCHOOL, app. under Sec. 30-7.2.6.1.3 of Ordinance to permit Montessori Nursery and Kindergarten (3 year permit) 100 children, ages 2-6, (not a day care facility) 2 sessions daily 9:00 - 4:00, 5 days a week, 2100 Westmoreland Street, Falls Church, in the Temple Rhodef Shalom, 40-2((1))19, Dranesville District, (RE-1), S-198-71 (Deferred from 9-28-71 for decision only after Temple has received Occupancy Permit.

The Occupancy Permit was received November 11, 1971.

In application No. S-198-71, as stated above, 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-law 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 28th day of September, 1971 and deferred until Occupancy Permit could be obtained which was obtained November 11, 1971, this case heard again on 11-23-71 for decision only.

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

1. That the owner of the subject property is Temple Rodef Shalom.
2. That the present zoning is (RE-1).
3. That the area of the lot is 321,388 square feet.
4. That compliance with Article XI, Site Plan Ordinance, is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.
2. 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 the Zoning Ordinance.

See insert--(at bottom of page)

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. The maximum student enrollment is to be 100 students at any session, ages 2 through 6, 2 sessions daily, hours 9:00 A.M. to 4:00 P.M., 5 days per week.
5. Separate toilet facilities shall be provided for male and female.
6. All transportation of students is to be provided by parents.

Mr. Barnes seconded the motion. The motion passed unanimously.

* NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

Page 421
November 23, 1971

CHARLES M. REQUARD, app. under Sec. 30-6.6 of Ordinance to permit two car garage within 31.7' of front property line, 5316 Ferndale Street, Crestwood Park Subdivision, 80-1 ((2))(22)1, Mount Vernon District, (R-12.5), Deferred from 11-16-71.

This case was deferred to allow applicant to obtain new plats to proper scale showing a 20' garage.

In application No. V-212-71, as stated above, 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of November, 1971;and deferred from November 16, 1971.
WHEREAS, the Board of Zoning Appeals has made the following findings of fact:

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5
3. That the area of the lot is 17,376 square feet of land.
4. That the amended request is for a minimum variance, a 20' garage.
5.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) exceptional topographic problems of the land, storm sewer easement.
(b) unusual condition of the location of existing dwelling.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:

1. This approval is granted for the location and the specific structure indicated in the plats (20' garage), included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. The architecture of the structure and materials of the garage shall be similar to the existing dwelling.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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The meeting adjourned at 3:10 P.M.

By Jane C. Kelsey
Clerk

DANIEL SMITH, CHAIRMAN

DATE APPROVED: December 7, 1971

The Regular Meeting of the Board of Zoning Appeals was Held on Tuesday, December 7, 1971, at 10:00 A.M. in the Board Room of The Massey Building; Members Present: Daniel Smith, Chairman; George Barnes, Loy Kelley, Richard Long and Joseph Baker.

CENTREVILLE HOSPITAL MEDICAL CENTER, INC., app. under Sec. 30-7.2.5.1.1 of the Ord. to permit the construction and operation of hospital and related facilities (ext. of original use permit expires Dec. 23 '71) Braddock Road (Route 620), 54-1((1)) Parcel of 94 and pt. of parcel 96, Centreville District, (RE-1), S-228-71

Mr. Barnes Lawson, attorney for the applicant, testified before the Board.

Notices to property owners were in order. The two contiguous property owners were, Lester C. Leonard, Jr. and T. G. Crouch, Trustees, 504 Arlington Trust Building, 1515 North Courthouse Road, Arlington, Virginia, and Margaret and James M. Frame, 13801 Braddock Road, Centreville, Virginia 22020. He had notified seven nearby property owners.

Mr. Smith read a letter from Howard G. Borgstrom, of the Administrative Response Staff, which stated that the Fairfax County Hospital and Health Center Commission, at its meeting of November 23, 1971, passed a motion to request the Board of Zoning Appeals to defer for thirty days, action of this application, to give their Commission the opportunity to discuss this case at its meeting of December 21, 1971.

Mr. Smith suggested that this application be heard today as it has been advertised and posted and defer the decision until after the Commission has heard the case as is the Board's usual position, after a case has been advertised. This deferral should be no more than 45 days and this Board should extend the use permit 60 days beyond the expiration date in order to give the applicant an opportunity to be heard by the Hospital Commission.

Mr. Baker: I so move.

Mr. Kelley: I second the motion.

The motion passed unanimously.

Mr. Barnes said they were before the Board today asking for a new permit for the hospital which is identical to that which was previously passed. The exhibits are the same, the commitments are the same and they would say that if the Board sees their way clear at the proper time, to grant the new use permit, they would accept it subject to all of the conditions that were included in the motion that this Board made and passed when they were originally granted the use permit. He said he had been in contact with Mr. Borgstrom and Mr. Hazel from the Fairfax County Hospital and Health Center Commission and after talking with them it became apparent that what they really wanted to do was simply talk with them and see what was going on and Mr. Barnes said that he advised them that whether the Board granted the permit or not they were available to the Commission and would be pleased to talk with them. As a result they have an appointment in the Board Room at the regular meeting of December 21. They plan to meet with them, tell them what they are doing and go over their plans and proposals. Therefore, Mr. Barnes, said they have no problem with the motion of the Board today and are willing to accept the motion. He said they appeared before the Board of Supervisors last Wednesday and they agreed to give the hospital a building permit limited to foundations in order to get started as Mr. Baker had suggested, and they are doing that as well. As far as the merits of the case, they wish to incorporate the same testimony, the same exhibits and the same commitments that were made originally.

Mr. Smith said if the Board has no objection, this will be permitted.

No opposition.

Mr. Smith stated that this case will be deferred as the motion of Mr. Baker stated and this case will be put back on the agenda as soon as the Hospital Commission has heard it and made recommendations, but not to exceed 45 days from December 23, 1971.

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RONALD VOLLSTEDT & URSULA VOLLSTEDT, T/A CONTINENTAL AUTO REPAIR, app. under Sec. 30-7.2.10.5.4 of Ord. to permit Sales Lot for automobiles, located at Beddo St., 93-1((1))21, Mount Vernon District, (C-G), S-172-71

Mr. David A. Sutherland, 1420 Prince Street, Alexandria, attorney representing the applicant, testified before the Board.

Notices to property owners were not in order. The two contiguous owners, the Fairfax County Fire Department on the east and the Esso Standard Oil Company on the west side were not notified. He did notify some of the owners in the back, but they were not contiguous. Mr. Smith told him that the hearing could not be held as the notices were not in order and suggested that he notify the contiguous property owners and the other nearby property owners at least 10 days before the hearing and by registered mail.

Mr. Long said before we act on this case, the Board should hear from the Zoning Administrator on the report on the property to see if there are any violations that should be cleared up.

Mr. Smith said this should not be a factor, however, if the Zoning Administrator does have violations on this property and wants to appraise the applicant and his attorney of it in order that they can be working toward clearing these violations up prior to the hearing, the Board will hear him.

Mr. Vernon Long, from the Zoning Inspector's Office stated that basically the main violation was that he built the building without a building permit. He has since received that building permit and he is storing vehicles on this property.

Mr. Southerland said that the property Mr. Vernon Long was talking about was not the same property as this that they are requesting the use permit for. The property Mr. Long is talking about is 6621 Richmond Highway.

Mr. Long said he arrived at the property by way of an alley, that there was no entrance on Richmond Highway per se. The Beddo Street address is a vacant lot, unless the building that he just completed faces Beddo Street.

Mr. Southerland said that Mr. Vollstedt has two places, one is where he is currently operating at 6621 Richmond Highway, which is contiguous to the property where he proposes to operate.

Mr. Smith asked Mr. Vollstedt if he was selling cars from his present address. Mr. Vollstedt answered that he was selling no more than allowed by the law, about 5 per year. He said that they do receive a car on consignment occasionally. Mr. Smith told him he was allowed to sell the car individually, but not on a consignment basis.

Mr. Smith asked Mr. Vollstedt what he would do with this present location if he gets a permit for the new location for the repair and sale of used cars. Mr. Vollstedt stated that the existing location would still be needed because they need the space for the storage of parts.

Mr. Smith asked if these parts are housed in a building now. Mr. Vollstedt answered that they were at 6621 Richmond Highway and in a building.

Mr. Smith then asked if he had a use permit to sell and house parts in a building at that location. Mr. Vollstedt said that he had a license to sell parts and an occupancy permit for 6621 Richmond Highway and that he pays taxes and has paid taxes for seven years. He has a three story building. Upstairs is a store which has a wig shop and another store which is a leather shop and the downstairs is occupied by the parts store.

Mr. Smith told him that everything associated with the use applied for in this application would have to be under use permit and included on the plats, and that includes the parts department.

Mr. Southerland stated that the back building on the property where the proposed repair garage and used car sales office which is the front building are both located on the plat that the Board has in front of them. Mr. Vollstedt will not use anything on the property at 6621 Richmond Highway after the completion of the front building that is for the use of the Beddo Street lot.

Mr. Richard Long asked Mr. Vernon Long what the violations were for this particular land which the use permit is requested for. Actually Mr. Vernon Long said the only violation is the storage of vehicles. The inspectors have been working with Mr. Vollstedt hoping he would come in and make application for this use.

Mr. Vollstedt stated that he would use this front office for the records of the sale of the used cars and for the parts department. He is now operating on Lot 24.

Mr. Smith told him he would have to include both properties on the application.

Mr. Vollstedt told the Board that he had wanted to do this, but the Site Plan office said the properties have to have a road connecting them and there waan't enough room.

Mr. Smith suggested he move the front office over so that it would not need a variance; the setback is 50' from residential. Mr. Vollstedt said they would like their building as close as the Fire house is, 30' from the edge. Mr. Woodson stated they did not need a variance (the Fire Station), as they dedicated property and they get consideration for that dedication.

Mr. Long (Richard) asked Mr. Vollstedt if it was his intention to carry out the landscaping and Mr. Vollstedt answered that that was their whole problem. He wanted to bring a car in and keep the car beyond the front area and away from the little monsters that get into them and that is why they built the brick fence around the property. They have a lot of big oak trees and the Department of Agriculture tells him that if they put asphalt in there the trees will die and they want to leave it as it is.

Mr. Smith said that is a question that will have to be answered and that is, is the County going to allow you to park in a lot without the normal treatment. The Board will have to know that before the hearing.

Mr. Vollstedt said he plans to treat the front parking area around the office and the driveway to the back lot, but he does not want to put the asphalt back there.

Mr. Kelley said he would like to move that they submit a complete site plan for the land involved in the use permit. "You have one parcel here and another there and a complete site plan will answer a lot of our questions:"

Mr. Smith said that if this existing operation is going to continue as a parts department this should be done. However, if there is no connection with the businesses on the two lots, then it should not be included. This is what the Board is now trying to find out. Just what is going on.

Mr. Smith"the parts use then will be terminated in the three story building and there will be no connection, is that correct?"

Mr. Vollstedt: That is correct.

Mr. Smith asked if the garage is just sitting there now. Mr. Vollstedt said it was just sitting there.

Mr. Long said he would second the motion Mr. Kelley made, just for the sake for being able to continue discussing this matter.

Mr. Smith reminded Mr. Long that the statement had been made that there will be no connection between the uses on the two lots. But, Mr. Smith said, this brings up the question of,was this building built without a building permit? Mr. Vollstedt said yes, but now it has been issued.

Mr. Smith asked Mr. Woodson how they could build a building that is in violation?

Mr. Vernon Long said he did not know if they had a valid building permit on it, that he only knew they had had a violation and that he had a copy of that.

Mr. Smith asked Mr. Woodson to find out how they got a building permit on the building. It should have been 50' back.

Mr. Vollstedt said that he asked for a building permit to repair an existing structure, which structure was three times the size of the building that he built. He said the building permit that was issued was not for this building on this lot. They do not have a building permit on this building. He said he did not realize that the Fire House could be considered a residence and when he realized it it was too late.

Mr. Smith said the only way they can do this now, is under the mistake clause in the ordinance.

Col. Ray Shocks, 6621 Hollin Terrace, one of the closest residents to the property spoke in favor of the application, as he might be out of town at the next hearing date. He stated he had no interest in this property or in the business.

Mr. William Allen, 6627 Beddo Street, spoke in opposition to the application. He wanted to know whether Mr. Vollstedt will be permitted to build in the meantime while the case is being deferred. Mr. Smith told him that not as far as the Board is concerned. This is not a hearing today, but an informal discussion to clarify what needs to be done before the Board can formally hear the case.

Mr. Vollstedt said that he had received a permit to remodel.

Mr. Kelley said his point is he wants the Board to know what the applicant plans to do and he said he felt his motion requiring a site plan for the entire area as to what he intends to do will clarify things.

Mr. Long said that he supports this motion because he has to have site plans anyway, so it would not be that much extra work to provide it for the Board.

The motion passed unanimously. Mr. Smith requested the applicant to try to meet all the setback requirements.
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BYRON TOLSON, app. under Sec. 30-6.6 of Ord. to permit carport 7.5' from side property line, 7021 Beulah Street, Alexandria, 91-3((9))2, Lee District, (RE-1), V-218-71

Mr. Tolson testified before the Board.

Notices to property owners were in order. Mr. Herbert Fitzgerald and Loran A. Pace were the two contiguous property owners.

Mr. Tolson stated that this is an acre lot, but it is an irregular shaped long and narrow lot, which does not leave much room to add on to the existing dwelling. He said they wanted the carport connected to the house as this point as there is a sliding glass door connecting to the house.

Mr. Smith asked about the other side of the house. Mr. Tolson stated that they were putting an addition on that side of the house 24x26, but it does not include any garage facilities. There is no basement in the house. They have lived at this house for 3 1/2 years and they plan to continue to live there. They need a larger house and could not find one for the same price as they are getting this new addition. They have an acre of land here which allows plenty of room for the children to play.

Mr. Smith said that this is quite a variance and he asked Mr. Tolson if he could cut the carport down. Mr. Smith said the Board must concern itself with a minimum variance and that a 10' to 11' is the largest carport the Board will allow.

Mr. Long asked if there would be any type of enclosure on the side and Mr. Tolson said No.

He asked if it would be of the same material and Mr. Tolson said Yes.

Mr. Barnes said this would be 80' from the nearest house.

No opposition.

Mr. Barnes asked what the level is on the back yard and Mr. Tolson said that the back yard slants down. It is an old gravel pit.

Mr. Kelley said that he noted that the owner of the property is listed as Feliz B and Mary Ellen Tolson.

Mr. Tolson said that under it VA loan, that is the way his name is carried.

Mr. Smith said the permit should be listed the same way.

In application No. V-218-71, application by Felix B. (Byron) Tolson, under Section 30-6.6 of the Zoning Ordinance, to permit a carport 7.5' from side property line, on property located at 7021 Beulah Street, Alexandria, Virginia, also known as tax map 91-3((9))2, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 7th day of December, 1971; and

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

1. That the owner of the subject property is Felix B and Mary Ellen Tolson.

2. That the present zoning is RE-1.

3. That the area of the lot is 42,767 square feet.

4. That compliance with all County codes is required.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) exceptionally irregular shape of the lot,
(b) exceptionally narrow lot,
(c) exceptionally shallow lot,
(d) exceptional topographic problems of the land,
(e) unusual condition of the location of existing building.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. Materials used in proposed structure are to be compatible with the existing dwelling.

Mr. Baker seconded the motion.

The motion passed 4 to 1, with Mr. Smith Voting No.

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B.P. OIL CORP. & VINCENT WELCH, JANICE SWALES & ANNE WILKINS, app. under Section 30-7.2 10.2.1 of Ord. to permit service station, northeast corner of Pohick & Hooes Roads, 97((1))69, Springfield District, (C-N), S-213-71

Mr. Guy Farley, attorney for the applicant, testified before the Board.

Notices to property owners were in order.

(See insert for verbatim transcript)

B. P. OIL CORPORATION AND VINCENT WELCH, JANICE SWALES AND ANNE WILKINS, application under Section 30-6.6 of Ordinance to permit gas station 21' from residential property northeast corner of Pohick & Hooes Road, 97 ((1)) 69, Springfield District, (C-N), V-226-71.

Mr. Guy Farley, attorney for the applicant, represented them and testified before the Board on their behalf.

Notices to property owners were in order.

(See insert for verbatim transcript).

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SUN OIL COMPANY, application under Section 30-6.6 of Ordinance to permit building 35' from Old Richmond Highway (5928) (renovation of old station) 83-3((1)) 68 & 69, Mount Vernon District, (C-G), V-227-71

Mr. E. E. Lingle, 2608 East Meredith Drive, Vienna, Virginia, represented the applicant before the Board.

Mr. Lingle stated that this is a renovation of a station that was granted earlier and the time expired on it before they could begin construction. This original granting was on October 23, 1969, and it expired due to a set of circumstances which concerned the Route 1 corridor ordinance and the staff's interpretation was that this ordinance excluded service stations and the fact that renovations were permitted was cleared up sometime later.

Mr. Smith said then that due to the fact that Sun Oil Company was unable to process the site plan and get clearances because of a conflict of the interpretation of the corridor district amendment, they were unable to begin construction.

Mr. Smith asked if the plats were similar to those originally submitted. Mr. Lingle stated that they were the exact plats.

Mr. Smith asks if the plats allow for the dedication that was requested by the Staff. Mr. Smith reads the letter from Mr. Chilton, Land Planning Engineer stating: "A site plan was submitted to and reviewed by this office for the proposed renovation. The County Attorney was consulted and it was determined that this plan was not subject to the Route 1 Corridor District Amendment. It is suggested that the applicant dedicate to 81' from the centerline of the right-of-way of Route 1 for roadwidening, curb and gutter, service drive, and sidewalk. Also, it is suggested that the applicant dedicate an additional 22' from centerline for road widening and sidewalk along Old Richmond Highway. This office would have no comment regarding the setback variance."

Mr. Lingle said that on a prior application, this was waived. In lieu of the travel lane in front of the property they permitted Old Route 1 to be the travel lane and the reason being they didn't feel 3 travel lanes were needed at this point. He said he had a letter to that effect.

Mr. Smith received the letter from him and said the letter from from Mr. Chilton to Mr. Massey and this was on the original application, and a memorandum,from Mr. Massey to Mr. Chilton. "The Board of County Supervisors at their meeting on September 21, 1966, waived all site plan requirements in connection with construction of subject conditions to the existing service station, the conditions being that the applicant execute and record an agreement with the County guaranteeing to widen Old Richmond Highway to 22' (centerline to curb), with curb, gutter and sidewalk - at such time as similar improvements are constructed on either adjoining properties, OR across the street.

The Board also stipulated thatthis waiver is granted subject to the necessary setback variance being granted by the Board of Zoning Appeals." /s/ Mr. C. C. Massey.

Mr. Lingle said the Route 1 widening has been completed since the original application. He said this compounded their problems as their service station driveway is now slightly lower than the new road, which makes it more demanding that they try to do something in order to try to straighten out that bad condition.

Mr. Vernon Long, Zoning Inspector, stated that they had inspected the site and Route 1 has been completed as Mr. Lingle stated.

Mr. Lingle said he did not understand why the Staff asked for that when the sidewalk curb and gutter are already in.

Mr. Lingle stated that there would be 4 bays and the architecture would be colonial. Sun Oil Company has owned this property for twenty years and is recorded in Deed Book 2305 on Page 255.

Notices to property owners were in order. The two contiguous property owners were

The following is a verbatim transcript of the Fairfax County Board of Zoning Appeals hearing of December 7, 1971 pertaining to the application of B P OIL CORPORATION AND VINCENT B. WEICH, JANICE M. SWALES AND ANNE A. WILKINS, application under Section 30-7.2.10.2.1 and Section 30-7.2.2.2 of the Ordinance, to permit service station at the northeast corner of Pohick and Hooes Road, 97 ((1)) 69, Springfield District, (C-N) S-213-71.

MR. SMITH: There is another application on this same location on this service station. Is the applicant ready?

MR. GREEN: I gather that the applicant is ready. Before he speaks, however, I have some objections on the grounds of jurisdiction and may have to be heard first in this procedure.

MR. SMITH: Are you the applicant?

MR. GREEN: I am not the applicant.

MR. SMITH: I am speaking to the applicant.

MR. GREEN: Very well, sir.

MR. SMITH: We will listen to your argument after the applicant has stated his position.

MR. GREEN: That's the point I am making.

MR. SMITH: I think you are out of order, sir.

MR. GREEN: May I make my point?

MR. SMITH: No, sir, not until after the applicant has made his presentation.

MR. GREEN: May we argue the merits?

MR. SMITH: I will listen to an argument on the merits after the applicant has answered as to whether he is ready or not.

MR. GREEN: Well, the point that I am making --

MR. SMITH: You are out of order, sir. Will you sit down?

MR. GREEN: Thank you.

MR. SMITH: Is the applicant ready? Could we have your name and address for the record?

MR. FARLEY: My name is Guy Farley and I represent the applicant, British Petroleum, and we are ready.

MR. SMITH: Do you have your notices?

MR. FARLEY: Yes, sir.

MR. SMITH: Could you tell us who the contiguous property owners are? Are they marked? Contiguous property owner is J. Eugene Wills, Trustee and Mrs. Helen Robertson, 8627 Thames Street, Springfield, Virginia.

MR. FARLEY: There's a letter in there from one of the contiguous property owners asking that the application be approved -- Mr. Wills.

MR. SMITH: The Chair will now entertain your comments, sir. Is it in relation to the notification or the procedural requirements of the Board?

MR. GREEN: It is in relation to procedural requirements of the Board and much else. They are summarized.

428A

MR. SMITH: Just procedural requirements is the only thing that the Board will listen to at this point. If you want to question the procedural requirements.

MR. GREEN: Very well. I present you this letter --

MR. SMITH: You want to leave the -- read the letter into the record? I have a copy of it.

MR. GREEN: There's another letter separate because it applies to the jurisdiction of this body.

MR. SMITH: Are you questioning the jurisdiction of the body? Would you tell me exactly what you are questioning? Is it the procedural requirements of the Board as to whether they have been met or is it as to whether this Board has jurisdiction in this matter or not?

MR. GREEN: Same thing under the rules and regulations.

MR. SMITH: Would you be specific as to what you have in mind?

MR. GREEN: First place, with respect to the variance --

MR. SMITH: Now, we haven't called the variance case. All we are considering is the use permit at the present time.

MR. GREEN: With respect to the use permit, however, before I go to that --

MR. SMITH: The only thing we are going to allow is procedural requirements or whether you contest whether this Board has jurisdiction in this matter -- the use permit itself. Nothing more.

MR. GREEN: Very well. However, I want to make my point clear. I ask for a stenographic record of this hearing and there is a check presented to cover that.

MR. SMITH: All right. You may do that at the end of the hearing. You may have this back after the hearing.

MR. GREEN: It's too late then to present it. I ask for a stenographic hearing, that the hearing be taken down in stenography.

MR. SMITH: You want this to be taken verbatim?

MR. GREEN: Verbatim.

MR. SMITH: It's on the record, sir.

MR. GREEN: Very good, sir.

MR. SMITH: And by a secretary. All right, they will be taken verbatim either by record or by secretary.

MR. GREEN: Members of this Board separately filed their affidavits that they are not in any way interested in any of the forty acres on the three other quadrants.

MR. SMITH: What is the basis as far as Code, County or State?

MR. GREEN: The basis of the requirement is elementary and basic.

MR. SMITH: Will you state the County or State Code which requires this?

MR. GREEN: An interested party is entitled to know that the issue is being judged by a Board that has absolutely no financial

financial interest and for this purpose he is entitled to have the affidavit of the members of the Board.

MR. SMITH: This is not a rezoning, sir. This is a use permit. If you will state to me under the State or County Code where this Board is to make such a statement --

MR. GREEN: It doesn't matter what. A board sits. As long as it sits in judgment, a person interested is entitled to know.

MR. SMITH: What is your interest in the matter, may I ask? Are you a property owner?

MR. GREEN: I am the husband and authorized to appear for my wife who owns the thirty-five acres surrounding the five acres at the corner of which the applicant's one acre is --

MR. SMITH: Are you opposed to the use itself?

MR. GREEN: We oppose both the use permit and variance.

MR. SMITH: Then you will be heard in the proper order. We will hear you at the time the opposition is heard in this matter. If you have no other questions on the procedural requirements, I will ask you now to sit down.

MR. GREEN: If you will recollect, I have stated that I have objections on the grounds of jurisdiction.

MR. SMITH: You have not stated the jurisdictional question involved, sir. I asked you to state the jurisdictional question and you have not stated it.

MR. GREEN: We got off on another point, the point being

preliminary to this one and the Chairman has not been good enough to give me an answer. I request that the members of this Board file their affidavits as requested in the letter that I delivered to you.

MR. SMITH: This would have to be up to each individual member of the Board. The Chair will state to you that I will file an affidavit with you before a Notary Public within the next twenty-four hours.

MR. GREEN: I request that affidavits also from the individual --

MR. SMITH: We'll make the request and it's up to each individual member whether he wants to comply or not. We have stated to you that the entire procedure will be taken verbatim either by record or by secretary.

MR. GREEN: I want a copy of it as soon as possible.

MR. SMITH: You may request a copy from the Land Use Department and it will be available to you as soon as the records are completed.

MR. GREEN: Section 30 with respect to this permit, Section 30-6.12 requires (inaudible) and exact information in the application for Special Permit.

MR. SMITH: If you have a jurisdictional question I want you to ask it.

MR. GREEN: These defects are jurisdictional.

MR. SMITH: Would you be specific as to what you are angling at? What is not in order then?

MR. SMITH: Tell us what part of this application is not in order. The proper procedure has not been followed?

MR. GREEN: The failure to give the interested parties information. I know nothing. All that I know, all that my wife knows, and I want you to understand, Mr. Chairman, that the interests here amount to hundreds of thousands of dollars.

MR. SMITH: We are only discussing a jurisdictional question or procedural matter, we are not going to go into anything else. If you don't have a specific question on the procedural requirement or jurisdictional matter, I would ask you to remain seated until we hear the applicant and you will be given ample time to oppose the case.

MR. GREEN: Very well, Section 30-6.12 requires full and exact information. There is none whatsoever in the application except the words "service station".

MR. SMITH: What other information do you think we should require prior to a hearing on it?

MR. GREEN: You should require in accordance with Section 30-6.12 information that will enable a person interested to protect his interest, to know what --

MR. SMITH: If you would have a seat then we could get on with the hearing and maybe we could arrive at -- I am going to call you out of order and ask you to have a seat. I will call you back in due time for the opposition.

MR. GREEN: That information is to be given prior to the

hearing so that the interested parties may prepare to combat what the applicant says, otherwise --

MR. SMITH: Will you have a seat, sir?

MR. GREEN: Very well.

MR. SMITH: Would the applicant proceed. Do we have a certification on B P Oil Company? Is it registered in the State?

MR. FARLEY: There should be one in the file. If not, I have an extra copy of it. There also should be in the file a letter from the three property owners indicating that they join in the application. If not, I have another copy.

MR. SMITH: We have not located a certification on B P Oil Corporation. All right, we have a copy of the contract to purchase.

MR. FARLEY: There's a letter dated November eighth, 1971 from the property owners. I've got a copy of it.

MR. SMITH: The present applicants are Vincent B. Welch, Janice M. Swales and Anne A. Wilkins.

MR. SMITH: All right, then, we have not gotten to the variance application. All right, I have a copy of the Certificate, you may have this back. The application is in order. Would you proceed to explain to the Board your request?

MR. FARLEY: Mr. Chairman, Members of the Board, this property contains approximately forty three thousand square feet and it is located at the northeast corner of Pohick and Hooes Road. This is very similar to an application for a Use Permit which was previously approved by this Board for

Cities Service Oil Company, I believe it was in June of 1970.

MR. SMITH: Is it the same?

MR. FARLEY: It's the same as far as the Use Permit is concerned. I only address my remarks at this time to the Use Permit and not to the Variance.

MR. SMITH: Was there a variance in the other application?

MR. FARLEY: No, sir, there was no variance. A Use Permit was granted but apparently the applicant for some reason did not purchase the property and did not use it. The property is under the Pohick Restudy. This corner is designated as a community center. The sewer is approximately three thousand feet away from the property but the applicant has been working with the property owners between the designated property and sewer in order to get sewer to the property. The application, I think, and you have a paragraph of the proposed type of service station to be erected, I have a copy of that if a copy would be helpful.

MR. SMITH: Is it a three bay, canopy, with only one pump island, two product pump?

MR. FARLEY: It really will be identical to this with the exception of the other pump island.

MR. SMITH: Three pump islands or two pump islands?

MR. FARLEY: (Inaudible). The picture shows two pump islands.

MR. SMITH: What is this? Is this another pump island?

MR. BACKUS: Yes, that is a pump island.

MR. SMITH: In other words you have three pump islands?

MR. BACKUS: (Inaudible).

MR. SMITH: In other words, the canopy would be over the two pump islands in front and you propose another pump island on the side?

MR. BACKUS: With a canopy.

MR. SMITH: Freestanding canopy. The front canopy is attached to the building?

MR. BACKUS: (Inaudible).

MR. SMITH: Step back to the mike. Could you give us your name?

MR. BACKUS: Paul Backus, a representative of B P Oil Corporation.

MR. FARLEY: I asked him to come along.

MR. SMITH: What is your address?

MR. BACKUS: 401 Farragut Street.

MR. SMITH: And that's the office of B P? You may proceed.

MR. FARLEY: The plan would require Fairfax County screening to the rear of the property which would be to the east. To the north of the property you have a letter from Mr. Wills in support of the application, and their property is presently zoned C-N. The property to the southeast on the other side of Pohick Road is zoned R-12.5 and according to my understanding if you are going to have curb cuts on that particular road, it would be necessary for the applicant to construct a building with an architectural facade on the Pohick Road side. We have made an attempt

428 A

to try to get some kind of understanding of what is meant by "architectural facade" and have not been able to but I think that would probably arise at the time of site plan approval. The major difference between this building and the one that was presented in the Cities Service application is that Cities Service had the entrance to their bays in the rear and so far as I have been able to determine from Mr. Backus, this is the only oil company that does that. They do not have any service station building in which they are able to enter the bays from the rear. For that reason the variance was also requested at the time the Use Permit was applied for. This is one of the applications that has been pulled by the Planning Commission for consideration and it is my understanding that the Board will hear this application today but defer a decision on it until after the Planning Commission has had an opportunity to hear it which is at a subsequent date.

MR. SMITH: The sixth of January is the proposed hearing date by the Planning Commission. The lot area here is 1.008 acres of land?

MR. FARLEY: I have it here, forty three thousand square feet, yes, sir.

MR. SMITH: In answer to the rear bay requirement, I think this was required by the Board in the previous application and was also required in a number of other applications.

428A

MR. FARLEY: I am not that knowledgeable about the oil companies.

MR. SMITH: The Board has required rear bay entrances on many of the service station locations if they feel it enhances the locations as far as the impact is concerned. This may not be true in this particular instance, I am not sure, but also there is a safety factor involved here. Backing out and cars going in and out, there is a safety factor.

MR. FARLEY: I don't know of -- what the exact setback is from Pohick and from Hooes Road but there's a considerable setback there so I don't think as far as safety is concerned that that will be a problem here. This entire corner on the Pohick Restudy is circled for a community center so I would assume that the plan is ultimately for the whole area to be commercial and this would fit in with the proposed future use of the entire area.

MR. SMITH: This was a requirement in the last use permit -- Number four, in the resolution granting it, bays shall be open to the rear of the station and a six foot brick wall shall be erected along the easterly property line and so on and so forth. This was apparently in conformity with the resolution.

MR. FARLEY: Mr. Chairman, I am not familiar with the architectural plans for their building. But if you look at the architectural photograph there, it is an attractive building, the

428A

front of the building is an attractive one and --

MR. SMITH: Here was the proposed Citgo and as a matter of fact it's similar in a lot of ways.

MR. FARLEY: Our roof is a pitch roof and there's more brick on the front. On the side there's been an indication that in order to have the curb cut you would have to have an architectural facade. It does show an attractive entrance on the side, with shrubbery, and the rear of the property would have to comply with the County screening requirements.

MR. SMITH: This is the original motion and the original plat. Also pictures of the original station similar to this in some respects. They had only two pump islands there, one in front and one on the side. One on Pohick and one on Hooes. They had two requested instead of three proposed by this applicant.

MR. FARLEY: Both of these front pump islands are connected with the main structure and would be under roof as pointed out.

MR. SMITH: The two pump islands are connected -- the canopy is connected but the canopy on the third one would be freestanding?

MR. FARLEY: On Pohick Road, but the two on Hooes Road, I think, that iswhere when the applicant would be going to site plan, I think that's where the architectural facade on that side would come into play.

MR. SMITH: The Board requires an architectural facade on all of these service stations in any C-N and C-D districts anyway.

428 A

The Ordinance requires it also, but the Board requires them.

MR. LONG: Do you plan on having trailers stored on the property?

MR. FARLEY: No, sir. It is my understanding, you mean trailer rentals and that type of thing? I will ask Mr. Backus.

MR. BACKUS: We intend to have a company operate the station (inaudible).

MR. LONG: What's the purpose of the ten parking spaces?

MR. BACKUS: For employees (inaudible).

MR. SMITH: Does the Board have any additional questions of the applicant at this time? If not, is there anyone else to speak in favor of the application that is now under consideration? Is there anyone to speak in opposition? All right, sir, would you give us your name and address for the record, please?

MR. GREEN: A. Lincoln Green, 1305 Key Drive, Alexandria.

MR. SMITH: You stated earlier, sir, that you represent your wife. Do you have any interest in the property yourself or the contiguous property yourself?

MR. GREEN: No, not personally. I checked indirectly and I am on the mortgage note in this case.

MR. SMITH: But you own no equity in the property itself?

MR. GREEN: No.

428A

MR. SMITH: You stated you were representing your wife? Do you have a letter authorizing you to act on her behalf?

MR. GREEN: Yes, the letter of December sixth that you have there states at the end thereof "My husband, A. Lincoln Green, will represent me at the hearing."

MR. SMITH: This is signed by Virginia Lee Green. I have just been handed this letter. You may proceed.

MR. GREEN: I am somewhat in difficulty here. You confined me to the -- to a separate argument on the two applications.

MR. SMITH: We are only arguing the use itself now, so there is no argument so far on the variance. We have not called that case.

MR. GREEN: I see, Your Honor.

MR. SMITH: The argument now is on the use itself, the permit.

MR. GREEN: Now, I will talk about the jurisdictional question first. Under Section 30-6.12 of the Fairfax Code, full and exact information are required in the application itself, otherwise the (inaudible) is not to receive the application and the appeal Board may not consider it.

MR. SMITH: Here's the plat filed with the application, sir, photographs and all of the requirements, procedural requirements, have been met. The Clerk ascertained that prior to placing this application on the agenda.

MR. GREEN: These circumstances and (inaudible) exact information

428 A

apply not only to information in the plat but apply particularly especially if interested parties are to know the grounds for the Special Permit and the plat is entirely irrelevant to that issue if you apply to the statement of facts and grounds and they state the word "grounds". You will note in 30-6.12 , and nowhere in this application does there appear a single statement of grounds. The justification in the variance includes statements with respect to the permit that is for instance that they cannot use --

MR. SMITH: You are speaking of the variance, sir, and not to the use itself?

MR. GREEN: Not exactly, I am trying to clear up a confusion, apparently in the minds of the applicants, because they have stated in their application certain statements, the one that I wish to remark when you suggested that I speak to the variance --

MR. SMITH: Only on the permit itself. Number three, the use for which a Special Permit is sought, the Clerk of the Board shall not receive nor shall the Board consider any appeal or application which does not fully contain the information required therein. The Board in its rules may prescribe further requirements with respect to the form and content of appeals and applications. Now, the Board has ascertained earlier that all of these procedural requirements have been met in the case of the use permit by the proper filing of plats showing the location of the structures

involved, the pump islands, the canopies for the use itself, and the other pertinent factors. They have also filed with the Board, and it is under special requirements, certification that the B P Oil Corporation is certified to do business in the State of Virginia. We have that, we also have a copy of the contract to purchase the property from the existing deedholders. All of these formalities have been met. Now, if you have any statement pertaining to any requirement that has not been met, I would like you to speak to it so we could clarify it.

MR. GREEN: Mr. Smith, you must realize that none of the matters that you have stated are at all material to the issue that I am talking about with respect to 30-6.12 which goes beyond these statements of the filing of plans, they are meaningless to a person like me. In combatting this thing, I am interested in the reasons and grounds and circumstances that show justification for the special permit and these plans do not show that at all. They are no more than the plans you file for a permit that would ordinarily be granted.

MR. SMITH: I think you'd better use your time if you would, refer to the section of the ordinance under which these use permits are heard and (inaudible) which we have to make a decision. In other words, the impact, harmonious development, comprehensive land use and this type of thing. The Board made a decision that the applications are in order, they do meet all of the requirements both as to the ordinance and as to special requirements of the Board. I think we should move on from there.

428A

MR. GREEN: What you are saying, Mr. Smith, is that you have made a decision and that you are not going to overturn that decision even if you read Section 30-6.12, that's all you are saying.

MR. SMITH: I just read the pertinent part of that to you, sir, that part pertaining to use permits, it's number three. The first part of it "all appeals and allegations made to the Board of Zoning Appeals shall be in writing, on forms prescribed by the Board and approved by the County Executive." This is true, the forms that are used in this application have been approved by the County Executive. Each appeal or application shall fully set forth circumstances of the case. It shall refer to the specific provisions of this Chapter that is involved and shall exactly set forth asthe case may be: (1) which is interpreted, that is one thing; (2) which is a variance, which we do not have under discussion; (3) the use for which a special permit is sought. The Clerk of the Board shall not receive nor shall the Board consider any appeal or application that does not fully contain the information required therein. The Board in its rules may prescribe further requirements with respect to the form and content of the appeals and application and we do and they have been met.

MR. GREEN: Well, I want the record to show -- what Section is that?

MR. SMITH: 30-6.12, the section on page 530 of the Ordinance which you were reading from, sir.

428A

MR. GREEN: Did you suggest that I read it?

MR. SMITH: No, I didn't suggest that you read it. You read it to me earlier, part of it, but you didn't read the part pertaining to use permits, you read only the very general context. I read both the forms for appeal and application and number three pertaining to use permits as such and --

MR. GREEN: And do you rule that if this application with words in it only "service station" gives full and complete information to an interested party on the grounds and reasons and circumstances of this application?

MR. SMITH: Yes, we could go further to the definition of "service station" in the Ordinance and it is defined in the Ordinance.

MR. GREEN: That I submit.

MR. SMITH: We work under the definition of a service station as defined in the existing County Ordinance.

MR. GREEN: We know the definition of a service station, but I am asking for the grounds and the reasons for a special permit in the application, in here, when an interested party in my situation would be surprised but in time to object and to present a case against it.

MR. SMITH: They have only to prove conformity with the Ordinance and a comprehensive land use plan. It is your privilege to oppose this and state the facts of opposition in conformity

428 A

with the Ordinance and basically this is impact, hazard, lights, pollution or anything you want to speak to. The Board would have to consider this in view of the context of your statement.

MR. GREEN: Is not your statement irreconcileable? In Section 30-6.12 it states that in the application the grounds, circumstances and reasons and what's more it says "fully" and "exactly" should appear.

MR. SMITH: The Board has established the fact that the procedural requirements have been met and you are opposed to the service station and I would suggest that you work on the basis of why you feel that the service station should not be allowed here, in other words, what impact would it have? What adverse conditions would it create and this type of thing?

MR. GREEN: I ask first for a precise ruling that this Board has jurisdiction and that there's no defect in the application for a special permit and I will then proceed to argue on the merits.

MR. SMITH: We ascertained this earlier under your original protest. We ascertained that the application was in order and that the hearing should proceed earlier, at your request, we did make that decision.

MR. GREEN: I make my objection to that. I shall proceed now with my argument on the merits. Let me state the situation. As you have been told, my wife owns the thirty-five acres surrounding the five acres at the corner of which the lot of Anne

428A

A. Wilkins and the others is at the very apex. One of these quadrants in the Pohick Restudy is designated as a shopping center of from twenty to fourty plus acres. It is reasonable to conclude from the facts that this northeast shopping center, all things being equal, will be the quadrant in which a shopping center will be located. First, the two quadrants south of Pohick are in the South Run which is to be held back from development for years and which is not sewered. One of these quadrants has already been divided into smaller lots with a great many owners and I think we've a great many houses on them. The northwest quadrant has a -- has no owner with thirty-five acres so that it will be much more difficult to assemble but the most important thing is that the Pohick Restudy sets down a policy that the community shopping center shall be located in only one quadrant and inasmuch as the five acres or so or the greater part of the five acres already is zoned commercial, that corner, if the policies are to be followed, will be the shopping center because otherwise if you chose another quadrant, you would have two shopping centers and the advantages that the Pohick Restudy points out would be completely lost and they are to achieve orderly development, permit one stop shopping, minimize traffic congestion, and provide safe and unimpeded pedestrian movement. Even if the shopping center is located in another quadrant, my wife stands to lose because what will happen to her may be seen on the older roads in Fairfax and that's the reason for a restudy and the importance of

428 A

adhering to it. The instant a gas station is established around it will mushroom a number of stores attracted by the people who frequent the gasoline station. We see it all around Fairfax on the older roads, planless, disordered, these little areas are nondescript collections of cheap restaurants, drive ins, cut rates selling cheap trinkets, speakeasies and beer joints and even pornographic book stores. To these centers gravitate the idle and dissolute members of society, a menace to the citizens. This is not speculation. I repeat, you see it everywhere, not in Fairfax, everywhere else and the very purpose of the Pohick Restudy is to prevent this spot zoning at increased expense also for Fairfax. My wife's land close to this undesirable development will fetch but a fraction of its price near an attractive shopping center and that is true, even if the shopping center is eventually located across the street. In short, my wife stands to lose, reasonably lose, hundreds of thousands of dollars on this application, many times more in the contract of purchase of Anne A. Wilkins and her company. It is not surprising therefore, that the owners of the adjoining small lots have submitted signed statements as they did in the former application that they have no objection and also that there is a need for a gasoline station here. There is no need for that gasoline station at all and the oil company is not offering two dollars a foot as they did in the old contract, for the present use at all. At this corner the Pohick Restudy

plans two arterial roads one hundred and sixty feet in right of way. From this acre on either side must be taken sixty to sixty-five feet on Pohick and on Hooes. Now the objects of zoning, I don't have to tell you people, is to promote health, morals, safety and welfare but the granting of this application as I have indicated eventually will do the very reverse. Commercial slums generate residential slums around them, they downgrade and bring down the property. My wife will not be able to obtain the reasonable, price that she would gain if her land were next to a community shopping center, a credit to Fairfax. Once this station is built you may put it out of your mind any thought that a community shopping center can be built there. Now you kind gentlemen are aware that in all planning today, especially on arterial roads, shopping centers are not to be allowed, gas stations are not to be placed, and indeed the Board of Supervisors has indicated that. When the amendment to the Code of this year, April twenty-first, 1971, it set forth the bases, really the principle structure, which prohibited (inaudible) and structures of gasoline stations in the Highway Corridor District and gave the reasons therefor.

Mr. SMITH: May I point out, Mr. Green that you have exceeded your time by at least five minutes, you have exceeded the time that I allowed the applicants and I will have to call your attention to this because I will have to cut off your testimony in about three more minutes. This is not in the Highway Corridor as set

forth in that particular amendment to the Ordinance, this has not been designated a Highway Corridor as to gasoline stations and drive-in restaurants.

MR. GREEN: No, but the principles that were stated there on which it acted apply doubly to this area.

MR. SMITH: Well, the Board has not seen fit to cover this area or bring this area under this corridor requirement or amendment to the ordinance.

MR. GREEN: I have indicated that they have not. But the reasons therefor apply doubly here. That is all. I may make an answering remark to the one with respect to time. I was here when a prior application was made and you spent considerable time on it.

MR. SMITH: We spent forty minutes on it, that is what was allocated to it, sir, and you have had about twenty minutes so far now.

MR. GREEN: This application may create damage in the amounts of hundreds of thousands of dollars, yet, Mr. Chairman, you pull the stopwatch on me.

MR. SMITH: No, I have not pulled the stopwatch on you. Mr. Baker?

MR. BAKER: I don't think it is our perogative to enter into the financial benefit of anyone. What we have to consider is what it does to the health and welfare and so on.

MR. SMITH: I have not pointed it out to Mr. Green but I'm

sure that he is aware of it. I have allowed him time to continue his testimony rather than try to point out any of these factors to him. I will have to ask youto relinquish the podium in about two minutes, Mr. Green. You may continue for two minutes.

MR. GREEN: The Restudy lays down the policy that landowners should cooperate but it is obvious that if you make this ruling there will be no cooperation. There is and I still am mystified what aside from gain to Mrs. Wilkins and company is the basis for this application? What are the reasons and grounds and circumstances, what makes it necessary for her to have only a gas station there?

MR. SMITH: The landowners here could develop this land in many uses that do not require a use permit, sir. The only reason the owners are before this Board with the Oil Company is the fact that the Ordinance requires a use permit in the case of gasoline stations in C-N zoning if they meet the requirements set forth in the Ordinance. They can make many uses of it such as drive-in restaurants and this type of thing by right, without a use permit.

MR. GREEN: But they still have to show that there is no detriment to the neighboring land owners and they - that it is in harmony with planned development of that area and they make that assessment in the justification. It is quite obvious that it is not

428 A

in harmony, that great detriment will occur to the principal land owner who has the paramount interest in this project. What single fact or reason has the applicant stated to show that there is no detriment when a glance at the Pohick Restudy shows that there is?

MR. SMITH: Thank you very much, Mr. Green. You will be allowed additional time to speak on the variance application when that is called, under the opposition. Is there anyone else to speak in opposition to the application now pending before the Board? If not, Mr. Farley, you will have approximately two minutes to answer in rebuttal. I will give you five if you need it but I would hope you could hold it to two or three minutes.

MR. FARLEY: I am not real certain that I followed all of the arguments of the opposition to the application. I am sure that they are sincere, it's not clear to me which thirty-five acres the gentleman's wife owns, but I think it is important to know that the restudy circles this northeast corner but I think it is known that the shopping center could be located at any of the four corners at that intersection and that is not before this Board at this time to make a determination of the best location for the community center but regardless, assuming the gentleman is correct, that it is most likely that it will be located at the northeast section, I think that lends itself to this fact that the service station would be compatible with the type of shopping

428 A

center that would be located there. I think he is appearing on the presumption or asking the Board to presume that there is something basically harmful or detrimental about a service station. We all know that gasoline is a necessary commodity for our way of living and that people regardless of where the shopping center is located in that area, people are going to be driving back and forth to the shopping center and in order to do that they are going to need gasoline. I think the County site plan requirements, the architectural facade requirements and screening requirements will make a service station much more attractive at that area than some of the uses that the applicant could have as a matter of right, some of which I believe the gentleman enumerated in his opposition, so I dont think that a service station at this corner does any harm to future planning for this area but it lends itself to the future plans and would become a part of the commercial area which is bound to come at this area. I think the application itself shows - he spoke of the widening of the road and so on, there is some sixty feet that will be taken off along Pohick and Hooes Road for sidewalk and travel lane all of which the applicant is giving up of this little over forty thousand square feet, about half of it is being given up as travel lanes and sidewalk with the remaining 23,000 square feet which, of course, would come in under the subject request for variance which I am not addressing myself to now.

MR. SMITH: The variance comes later.

MR. FARLEY: The Board will want to wait and hear from the Planning Commission on this but I hope at the proper time you will see fit to grant the application.

MR. LONG: Do the applicants own any of the adjoining property next to this site?

MR. FARLEY: Mrs. Wilkins is here, I'll have to ask her. Do any of the three applicants own any adjoining property to this site?

MRS. WILKINS: Not to my knowledge. (Inaudible).

MR. FARLEY: How about any property that adjoins this site?

MRS. WILKINS: No.

MR. SMITH: No contiguous property is owned by any of the applicants in this case? There is no additional contiguous property owned by the named applicants in this case?

MRS. WILKINS: I have an interest as Trustee in property on the other side of the road.

MR. SMITH: But it is not contiguous? It is across the road. That answers that question. Unless the Board has additional questions of Mr. Farley, it's been previously stated that the Fairfax County Planning Commission wishes to have the opportunity to review the subject application pursuant to Section 30-6.13 of the County Ordinance. "We regret that our tight schedule will not permit us to conduct a hearing on the subject application

until January 6, 1972." In view of the normal procedure of the Board then I would assume that the Board would defer final action on this until after the sixth which will be the first meeting in January.

MR. GREEN: May I ask a question?

MR. SMITH: Mr. Green, I will have to ask you to refrain from any further interruptions. The discussion is at Board level and no one will be allowed to enter into the discussion at this point.

MR. LONG: I move that application S-213-71 be deferred thirty days for decision only to allow the Planning Commission an opportunity to consider this application and that the secretary send to the Chairman of the Planning Commission a copy of the Resolution dated June 9, 1970 for use permit application S-96-70 on this same property.

MR. BARNES: Second the motion.

MR. SMITH: Thirty days, let's make this sixty days in order to give ample time on it. Our first meeting is the eleventh of January.

MR. LONG: I'll amend it to sixty days.

MR. BARNES: Second the motion.

CARRIED UNANIMOUSLY.

THE CHAIRMAN CALLED THE NEXT CASE:

428 A

B P OIL CORPORATION AND VINCENT B. WEICH, JANICE M. SWALES AND ANNE A. WILKINS, application under Section 30-6.6 of the Ordinance, to permit gasoline station twenty-one feet from residential property, northeast corner of Pohick Road and Hooes Road, 97 ((1)) 69, Springfield District, (C-N)

MR. SMITH: We are going to set a time on this application since we went into a thorough discussion of this use in the previous application. I am going to allow the opposition, if there is opposition, the same amount of time that we allow the applicant, so this would be whatever time the applicant takes the opposition will be allowed the same amount of time. This is a request for a variance. State your name and address for the record.

MR. FARLEY: My name is Guy Farley and I am an attorney in Fairfax. I represent the applicant.

MR. SMITH: Do you have separate notices on this?

MR. FARLEY: No, sir, the notices for the variance were contained in the letter and it was addressed to the same parties.

MR. SMITH: Contiguous property owners are J. Eugene Wills, Trustee and Helen Robertson?

MR. FARLEY: Yes, sir. Mr. Chairman, I might say that I incorrectly, Mrs. Wilkins called my attention to it, I indicated that the property owners to the north of this property, Mr.

Wills, that is Mrs. Robertson, and the one to the rear is Mr. Wills. They are both contiguous. I believe I told you that the one to the north was Wills and the -- it should be the Robertsons.

MR. SMITH: Who is the property owner who would be most affected if the variance were granted?

MR. FARLEY; The request is for a variance from the building restriction line twenty-nine feet toward the rear and five feet from the other end of the building. The rear property owner would be most affected, however, we have talked over the telephone to the Robertsons and if we could, we would ask leave to mail a letter to the Board from them indicating their interest of the application also. That's the property owner to the north.

MR. SMITH: In other words, the Robertsons own the property that would be closest to the requested variance? You speak now - the request is for twenty-one feet from residential property, apparently on the rear --

MR. FARLEY: The rear of the station which would be to the east, I incorrectly told you before that that was Mr. Robertson. Mr. Wills is to the rear according to Mrs. Wilkins so Mr. Wills would be the one that would be affected.

MR. SMITH: In other words, it would only be one property owner affected?

MR. FARLEY: Yes, sir.

MR. SMITH: You are not requesting a side yard variance? It is only the rear yard at one point?

428 A

MR. FARLEY: Actually, from the building restriction line it is twenty-nine feet on the northeast corner of the building and then it would only be five feet. In other words it makes a triangle out of the building. It would only be about five feet from the south. I have taken a plat and marked it in red.

MR. SMITH: I think you'd better because your request is for twenty-one feet at one point; there is no indication that it is to be closer than twenty-one feet from a property line.

MR. FARLEY: It is twenty-nine feet from the building restriction line to this corner here and it is twenty-one feet from the building to the property line. I was referring to the twenty-nine feet here. This is a fifty feet requirement and the variance that we are asking --

MR. SMITH: You are asking to place the building within five feet of a property line?

MR. FARLEY: No.

MR. SMITH: How far is this?

MR. FARLEY: Twenty-one feet.

MR. SMITH: The closest point will be twenty-one feet?

MR. FARLEY: Twenty-nine feet from the restriction line to the corner of the building and here we are five feet from the restriction line to the corner of the building which gives you a triangle of approximately thirteen hundred and fifty feet that would be over what is required under the Ordinance.

428 A

MR. SMITH: Why could you not cut down the size of the building and delete one of these pump islands and meet the setback requirements?

MR. FARLEY: I have computed down here somewhere what the County (inaudible) for travel lane and side walk, the County requires approximately 21,450 feet that will be taken off which leaves a balance of 22,000 sq. ft. you are working with, so it's just impossible to get the building in the remaining 22,000 sq. ft. By giving up the travel lane and sidewalk we could probably get it on there without the variance. I am not sure what area that circle covers but it is presently under the Pohick Plan, I would think it covers (inaudible).

MR. SMITH: Is there any more C-N zoned land in this area? How much is in that area, do you know?

MR. FARLEY: I'm not sure.

MR. SMITH: Why could you not move that over in that direction and alleviate your need for a variance from the rear?

MR. FARLEY: The contract calls for the purchase of this much.

MR. SMITH: I mean relocate the building so that you could get closer to the C-N zone and stay further away from residential property?

MR. FARLEY: Then you would be asking for a variance on that side.

MR. SMITH: Why not put it closer to the C-N rather than

428A

the residential? Could you rearrange the building?

MR. FARLEY: I am not prepared to say that isn't possible. That -- I think the applicant probably felt that it was less detrimental to ask for the variance to the rear since you would have required screening back there and Mr. Wills had indicated earlier that he had no objection.

MR. SMITH: Robertson owns this land then?

MR. FARLEY: Yes, sir. Originally I told you that Wills owned it.

MR. SMITH: Then we will disregard the letter from Wills because he does not own the property.

MR. FARLEY: Oh, he does. Originally I incorrectly stated that he owned the property on the side but Wills owns the property in the rear.

MR. SMITH: There is a letter indicating that he has no objection?

MR. BARNES: Yes, I have it here.

MR. SMITH: The original applicant only had one pump island, that's why that building could be put on without a variance, I believe. If you eliminate that pump island and re-arrange that building, you could --

MR. FARLEY: I don't think the Company would take (inaudible).

MR. SMITH: You could move the building over that way and build within twenty-five feet of the C-N zone. Can he build within twenty-five feet of C-N?

428A

MR. SMITH: Apparently somebody thought that was residential. It is fifty feet from residential, you should see if you can cut down on the request.

MR. FARLEY: Would that have to be readvertised?

MR. SMITH: No, as long as it is a lesser request. As a matter of fact, we are trying to eliminate the need for a variance.

MR. FARLEY: Well, that might be a possibility.

MR. SMITH: You have a good point in the amount of land here you are dedicating for that right of way. (Inaudible). We will have to defer this anyway for -- I think you should revise your plan and see if this is a minimum variance with the knowledge that you can move it within twenty-five feet of the C-N property line and rearrange your building so the variance would not be as great. They could both be considered at the same time. Does the Board have any additional questions of the applicant? Is there any opposition? If not, this deferral request by the Planning Commission refers to this application as well as the other one. What is the pleasure of the Board?

MR. LONG: I move that application V-226-71 be deferred sixty days to allow the Planning Commission an opportunity to consider this application. Seconded by Mr. Barnes. Carried unanimously.

I HEREBY CERTIFY that this is a true and correct verbatim transcript of the Board of Zoning Appeals hearing of December 7, 1971 taken from the recording of that meeting.

Betty Shaw

The Hawbrook, Inc. and the letter was addressed to:
Mr. Hollenback, 455 Parkway, Bromall, Pennsylvania 19008, who owns the lot to the south, lot 70, and the owner of Lot 2, which is Travellers Motel, Inc., 5916 Richmond Hwy. Alexandria, Virginia 22303.

Mr. Smith said that the Board needed to get someone from the Land Planning Office to make sure of the status of their report. Mr. Lingle stated that he had dealt with Mr. Rose and Mr. Chilton on this matter, and he is amazed that they came up with this. Mr. Steve Reynolds, from the Land Planning Office, spoke before the Board. He said he was familiar with the Staff request and according to the site plan that was submitted the reconsideration is that a service drive should be provided. He said that the standard median between the roadway on Route 1 and the service drive would be 20', and it has been reduced by the Staff to 8', there is also a rear curb or a rear island that was supposed to provide a sidewalk, the standard for this is 5' and this has been reduced to 2' to allow Sun Oil as much room on the site as possible.

Mr. Lingle said this reduces the station to a one-island service station which is what they have now and they would not gain anything except a modern look, but as far as serving the public they would be as limited as they are now with a 1948 installation. All modern stations today, he continued, are built with 2 service islands.

Mr. Smith asked Mr. Lingle if they had discussed this with Mr. Chilton. Mr. Lingle said that he had discussed this with Mr. Chilton and Mr. Rose.

Mr. Smith said the Board granted two islands originally. Mr. Long said at the time they had a waiver on the service road, which is no longer in effect.

Mr. Smith said the Board of Zoning Appeals has no right to waive this service road requirement.
Mr. Kelley asked if this was covered under the Site Plan Ordinance. Mr. Reynolds stated that this is not under Site Plan Ordinance, it is not required under Site Plan Ordinance but it is a suggestion to the applicant that this amount of dedication would be necessary to include all construction of roadways within the right-of-way.

Mr. Long moved that Application V-227-71 be deferred for 30 days to allow the applicant to request a variance from the construction of the service road on U.S. Route 1 or to revise his plats and show the service road as required by the County. Mr. Kelley seconded the motion.

Mr. Smith said that it had been moved and seconded that this case be deferred for final action for 30 days to allow the Sun Oil Company to request a waiver of the dedication on Route 1, or revise the plats to meet the requirements as suggested by the Staff.from Mr. Chilton's office.

The motion passed unanimously.

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WESLEY F. ROBERTS, app. under Sec. 30-7.2.6.1.7 of Ordinance to permit antique shop in home, 6719 Curran Street, McLean, 30-2((11))3, 2B & 4A, Dranesville District, (R-12.5) S-119-71

Mrs. W. T. Roberts, mother of the applicant, spoke before the Board.

Notices to property owners were in order. The two contiguous property owners are Dr. O'Meara and Dr. Patton.

Dr. O Meara is the owner of the property,she said,and he owns Pleasureland Corp. which the Staff indicated to be the owner. Mr. Roberts has a one year lease with the option to renew for another one year period. Mr. Roberts plans to live in the house as soon as the present renters vacate the property. He plans to do this on the side, she continued, to make money to go to law school.

Mr. Smith called her attention to the Staff report which stated that there are two junk vehicles on the property. Mrs. Roberts stated that these were owned by the present renter and he will remove them. She has had a team inspection and she plans to begin work tomorrow to correct the faults in the house.

Mr. Smith asked her if they were familiar with the Staff recommendation concerning the dedication of land on Curran Street. She said she was not in a position to say what the owner of the property would do. She said at the present time, one could drive all the way around the building. There would probably only be six cars per day as he would only be operating this part-time.

Mr. Roberts plans to sell antiques and no used furniture. There would be no debris around the house and all the antiques would be inside the house, she said.

Mr. Long asked about the Alley in the back of the house. She said she did not know about the Alley, except that it backs up to McDonald's and McDonald's use it as an exit way. She said there was adequate parking. There is room enough for four cars in the driveway and Dr. O'Meara has given permission for them to park in his lot next door and there would be about 10 or 12 spaces there.

Mr. Kelley said that in view of the fact that the owner will be back in the near future, he moved that the owner read the Staff Report and come in and answer the questions that the Board has raised, such as,would he dedicate to 25' from the centerline of Curran Street for future road widening for the full frontage of the property, and the question regarding the status of the alley in the back. The staff said that the Board of Supervisors denied the request for vacation of the alley shown on the plat submitted by the applicant.

Mr. Smith said if they limited the application to two years, then they would be entitled to a waiver on the Site Plan. He asked Mr. Woodson if this was correct. Mr. Woodson answered that it was correct.

We have a resolution to defer this case until De c ember 14, 1971, Mr. Smith reminded the Board.

Mr. Long seconded the motion.

The motion passed unanimously.

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DEFERRED CASES:

FAIRFAX FARMS COMMUNITY ASSOCIATION, app. under Sec. 30-6.5 of Ordinance for appeal from decision of Zoning Administrator's issuance of Building Permit No. P73800 for parsonage for Chinese Christian Mission, Inc., 3621 Highland Place, Fairfax Farms, 46-4((2))38, Centreville Distrit (RE-1) V-174-71 (For Decision Only)

In application V-174-71, appeal from the decision of the Zoning Administrator's issuance of Building Permit No. P73800, for parsonage for Chinese Christian Mission, Inc., 3621 Highland Place, Fairfax Farms Subdivision, 46-4((2))38, Centreville District, (RE-1) Mr. Long made the following resolution:

WHEREAS a public hearing was held on September 14, 1971 and the Board of Zoning Appeals heard testimony from the Fairfax Farms Community Association, the Chinese Christian Mission, Inc.; and the hearing was deferred until September 28, 1971, then November 9, 1971 for additional information and for decision; and

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

1. The owner of the subject property is the Chinese Overseas Christian Mission, Inc.
2. The present zoning is RE-1.
3. The area of the lot is 3.9 acres of land.
4. Building Permit No. P73800 was issued on April 20, 1971.
5. The E xecutive Secretary of the Chinese Overseas Christian Mission, Inc. stated orally and in writing that the uses intended at this location were:
   A. Only those uses allowed by right in a residential area by the occupants of a single family dwelling.
   B. The Director of the Chinese Overseas Christian Mission, Inc. is an ordained minister; however, he is not a pastor to an organized, established church in the community.

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

1. The intended use does not constitute a parsonage.
2. The stated intended use would comply with the uses allowed in an RE-1 zone.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator's decision is hereby upheld.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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VINCENT R. CHARLTON, app. under Section 30-6.6 of Ordinance to permit construction of dwelling 17' from proposed 20' outlet road, 9714 Braddock Road, 69-1((1))17, Annandale (RE-1), V-215-71 (deferred from 11/23/71 to allow applicant to submit new plans to Planning Engineer, moving outlet road to middle of property).

-- Mr. Charlton submitted the plats to the Board

Mr. Long asked Mr. Charlton if there were any other curb cuts on this property other than the proposed outlet road.

Mr. Charlton said yes, he had a driveway off Braddock Road to his house.

Mr. Smith said because of the heavy traffic on Braddock Road, they could only have one road coming out onto Braddock.

In application No. V-215-71, application by Vincent R. Charlton, under Section 30-6.6 of the Zoning Ordinance, to permit construction of dwelling 17' from proposed 20' outlet road, on property located at 9714 Braddock Road, also known as tax map 69-1((1)) 17, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of November, 1971 and deferred for decision only until December 7, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is one acre on each lot.
4. That compliance with subdivision ordinance is required.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved:

a. exceptionally narrow lot.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted as amended with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless the subdivision plat is recorded within one year, or unless renewed by action of this Board prior to date of expiration.

3. The only entrance for these four (4) lots onto Braddock Road is to be the 20' outlet Road.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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AFTER AGENDA ITEMS:

WASHINGTON GAS LIGHT COMPANY, North side of Gunston Road.

Mr. Smith read a letter from Randolph W. Church, attorney,requesting an extension of six months, as they had had numerous difficulties, including a shortage of natural gas and had been unable to begin construction within the year limit.

Mr. Barnes so moved that they be granted the 6 month extension.

Mr. Baker seconded the motion.

The motion passed unanimously.

Mr. Randolph Church appeared before the Board to request an explanation from the Board regarding the fencing requirement. There are a lot of trees on the property and they had hoped to put the fence in the middle of the property leaving the trees.

Mr. Long told Mr. Church that in his original motion he stated it in such a way so that the Company and the Site Plan Office could get together and work something out.

Mr. Church said the Site Plan Office has taken the position that they can't approve anything as they don't know what the Board meant, therefore, they haven't taken a position at all.

Mr. Long said that his intention was that the Company's engineer meet with the County Engineer and pick the best location in order to reserve the trees, etc.

Mr. Smith told Mr. Church that when they have arrived at an agreed location, then submit the plan back to the Board for approval, if this is what Site Plan wants.

Mr. Smith said the Board would direct the Clerk, Mrs. Kelsey, to write a letter to the Site Plan Office asking them to meet with the Company and pick out the best location and solution and submit the decision to the Board of Zoning Appeals for approval.

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WESTMINISTER SCHOOL.

Mr. Smith read a letter from Mr. Stephen L. Best, attorney for the applicant, stating that the Occupancy Permit was being held up because they are still using a two story stone building for classrooms and it was originally intended for administrative uses only, and the other item is the driveway leading to the stone building. The site plan indicates that the existing entrance is to be closed and Mrs. Goll would like to continue the use of it in conjunction with the stone building and this driveway would not be used for bringing children to and from school.

Mr. Smith read the original resolution that was passed in 1968.

Mr. Cawley, from the firm of McCandlish, Lillard & Marsh, in which Mr. Best is a partner, represented the applicant and spoke before the Board. Mr. Cawley said the uses planned would be for the Art Room and the Library. He said the minutes did not reflect whether or not the Board intended the driveway to be closed. They had indicated on the plan that they were going to close it. The request for the use permit was for 400 in 1968, but because of finances, it was dropped to 300 in 1970, and this is another factor in the use of the two story stone building.

Mr. Smith asked if this little stone house has been inspected in the last year by a team inspection.

Mr. Cawley answered that he was not sure. He said he did know that it was approved by the Fire Marshall.

Mr. Smith said there should be a team inspection and new plats showing the entire operation.

Mr. Long said that he agreed as there had been several changes since the original permit was granted and he said he also felt there should be a new hearing. He then moved that if they make any deviation except those allowed by the amendments, they must file a new application. Mr. Baker seconded the motion.

Mr. Smith told the applicant that they would have to submit a site plan showing all the uses including the old stone building in conformity with the use that they propose. He said that normally the Board does not amend a resolution more than once. If they amend it continually, then those that come after the present members would not know what had happened.

The motion passed unanimously.

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S. J. BELL, Application S-218-70, Use Permit for a service station at Mitchell Street and Edsall Road, original granting December 15, 1970.

Mr. Smith read a letter from John T. Hazel, Jr. requesting an extension of one year as construction has not yet commenced.

Mr. Barnes moved that they be granted an extension of 180 days.

Mr. Baker seconded the motion.

The motion passed unanimously.

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PROVIDENCE NURSERY SCHOOL, Application S-165-69, issued October 8, 1969.

The Board was in receipt of a letter from Mrs. John R. Eakin, Jr., President of the Providence Nursery School, 4710 Duncan Drive, Annandale, Virginia, asking that they be permitted to move the classes from the existing building to the new building. The two buildings are connected and are under cover, so that you get from one to the other without going outside.

Mr. Woodson said that they had told them that anytime they have an extension of the permit, the application has to be brought back before the Board.

Mr. Barnes said this is not an extension as what they are doing is moving the school from an existing building to the new wing. He said he felt that they should just show the plats on it and not be able to move into the new area until they get the Occupancy Permit.

Mr. Woodson said the Occupancy Permit would be issued when the final inspection was made.

Mr. Smith said that he suggests that they be allowed to move into this area when they have submitted new plats and the Occupancy Permit has been granted and that the Zoning Administrator can allow this at such time as the Occupancy Permit has been issued.

Mr. Barnes so moved.

Mr. Baker seconded the motion.

The motion passed unanimously.

// The Board approved the minutes for November 9, 16 and 23rd, 1971. They also approved the minutes for the extra meeting on November 2, 1971.

The meeting adjourned at 4:43 P.M.

By Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

March 8, 1972
DATE

434

The Regular Meeting of the Board of Zoning Appeals was Held on Tuesday, December 14, 1971, at 10:00 A.M. in the Board Room of The Massey Building; Members Present: Daniel Smith, Chairman; George Barnes, Loy P. Kelley, Richard Long and Joseph Baker.

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

ARTERY, LTD., app. under Sec. 30-7.2.6.1.1 of Ord. to permit swimming pool for community use, Proposed Birch Leaf Court, Proposed Keene Mill Woods Subd., Section 3, 78-4((1))4, Springfield Dist., (RM-2G), S-221-71

Mr. John Aylor, attorney for the applicant, represented them and testified before the Board.

Notices to property owners were in order. The two contiguous owners were West & Millar c/o Weaver Brothers, 1446 N.Y. Avenue, N.W., Washington, D. C. and the Fairfax County Board of Supervisors, 4100 Chain Bridge Road, Fairfax, Virginia.

Mr. Aylor said this is a 30 acre section of proposed townhouses and this pool which they propose to build will be in Section 3 of Kenne Mill Woods Subdivision. This area abutts the VEPCO easement on one side and Section One on the other side.

The engineer spoke before the Board and stated that the pool meets all the setback requirements and they show 43 parking spaces and are able to use 10 additional ones in the townhouse area that are not assigned to individual townhouses. The entire area will be landscaped and there will be sufficient screening around the pool site. There will be 300 families, approximately in the townhouse grouping and these townhouse owners will be the only people who can belong to the pool.

Mr. Smith asked what the distance from the fartherest development is and the Engineer answered that it is Rolling Valley West. It is 27' away from the boundary of their townhouse development. All the people belonging to this pool will be within Keene Mill Woods and there is only 30 acres of land in the entire tract. There will be no outside membership.

Mr. Smith said the reason for the question is the parking and that normally they ask that they provide 1 parking space for every three families, not only is this for everyday pool use, but also for swim metes. The Engineer answered that this is the reason for the 43 parking spaces that they have provided. Mr. Smith reminded him that all pool parking must be on the site and none on the streets.

Mr. Aylor said there is no extra room for any more parking because of the VEPCO easement, but if it became a problem, they could create an area for the two or three times a year when they would have swim metes.

In opposition Eugene Decker, 622 Draco Street, spoke before the Board. He was not familiar with where the pool itself would be located. He said he lived on Lot 94 which he thought to be directly across the street from the swimming pool.

The Engineer showed him where the pool was to be located and showed him that it would not be near his house and it would be 280 townhouses away from him.

In opposition Mrs. Robert Ross, 6216 Draco Street, spoke before the Board. She also was confused as to where the pool would be located. She thought it would be located near Draco Street. The Engineer pointed out the location on the map to her. They gave her a copy of the subdivision plat in order that she might take it back and explain it to the citizen's association.

Mr. Smith reminded Mr. Aylor and the applicants of the rules concerning noise on the pool property. All loudspeakers must be directed toward the pool and the noise must not go off the property. Should they want to have an occasional pool party, they must first get a permit from the Zoning Administrator, and they are limited to three such parties per year.

Mr. Aylor said he would like to point out that he did not know how he could build a pool more remote from the people outside the subdivision than this one is and there will be little traffic generated.

Mrs. Decker spoke before the Board to ask if the pool area would be patrolled as she had a bad experience the last place she lived such as teenagers congregating around the pool after closing time. Mr. Smith said no one was required to patrol the area unless there was a disturbance and the police was called. The Zoning Administrator's Office will inspect the premises from time to time, and if he is called that there is a violation he will go out and inspect the premises. If there are continued violations that are not corrected, there is a possibility that the permit might be revoked.

In application No. S-221-71, application by Artery, Ltd., under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit swimming pool for community use, on property located at 9231 Burke Lake Road, Burke, Virginia, proposed Birch Leaf Court in the Proposed Keene Mill Woods Subdivision, also known as tax map 78-4((1))4, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of December, 1971; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RM-2G.
3. That the area of the lot is 1.5 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with All County Codes is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

Mr. Baker seconded the motion.

The motion passed unanimously.

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BOOTS & SADDLES AND JIMMY WHITE, app. under Sec. 30-7.2.8.1.2 of Ord. to allow riding stable, 9414 Atwood Road, Kenmore Subd., 19-3((1))22, Dranesville District, (RE-1), S-225-71

Mr. Jimmy White spoke before the Board on his own behalf, and Katherine DeRamus also spoke before the Board as the Lessee of the land.

Notices to property owners were in order. The contiguous owners were J. C. Tobin, 9510 Atwood Road;&9439 Leesburg Pike, a Mrs. Dorothy S. Cupp; and Mr. R. T. Griffin, 9434 Atwood Road.

Mr. White stated that he had entered into a lease for a one year period and whether or not it is extended depends on the tax rates and how well the business is doing, etc. Mr. White stated he is from Oklahoma and born and raised on a ranch. He has been in Fairfax County since 1965 and has not been associated with any other riding academy in

Page 437
BOOTS & SADDLES & JIMMY WHITE (continued)
December 14, 1971

Virginia. He said he planned to live on the property. The DeRamus's are moving to Florida. He said he was not married and he also said he had obtained an insurance policy on October 21, 1971 for $3,000 coverage. He plans to have 16 horses and 10 Shetland ponies on this 19 acres. He plans to build the barn if he gets the permit.

Mr. Long asked him if he was aware of the Staff Report suggesting a deceleration land. Mr. White said he was aware of it and knows it will be a considerable amount of money. He said he was sure the business would go across as there are many children in the Beau Ridge school who will be taking riding lessons from him. He said he would have a separate facility for male and female bath facilities. He plans to teach Western riding.

Mr. Barnes said it looked as though his barn would be 50x20 according to scale.

Mr. White said his fence is barb wire, three strand called woven wire. He plans to purchase additional insurance as soon as the permit goes through.

Mr. Smith then asked the property owners, Mr. and Mrs. DeRamus, if there were aware of the need for the deceleration lane where you turn in and the parking lot must be of a dustless surface. Mrs. DeRamus said there were aware of this.

Mr. Baker suggested to him that he hook up with the County Recreation Department. The Recreation Department will get the students for him and pay for teaching lessons. He said there seemed to be a great need for this service in Fairfax County.

Mr. Barnes asked him if he was going to rent these horses for people to ride and Mr. White answered, Yes.

Mr. Smith then reminded him that these horses were not to leave the premises at any time and must be supervised at all times. Mr. White answered that the horses would not leave the premises and would be supervised at all times.

No opposition.

Mr. Long moved that this application be placed at the last of the Agenda for decision only.

Mr. Kelley seconded the motion.

The motion passed unanimously.

At the end of the Agenda the above case was called and the following resolution made.

In application No. S-225-71, application by Boots & Saddles & Jimmy White, under Section 30-7.2.8.1.2 of the Zoning Ordinance, to permit riding stable, on property located at 9414 Atwood Road, also known as tax map 19-3((1))22, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of December, 1971; and

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

1. That the owner of the subject property is C.W. & J.P. DeRamus.
2. That the present zoning is RE-1.
3. That the area of the lot is 19.356 acres of land.
4. That compliance with Article XI, Site Plan Ordinance, is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. This permit is issued for a one-year period and may be extended for five successive one year periods by the Zoning Administrator upon finding the operation in compliance with the requirements of this permit and filing of proper leases and certificate of insurances with the Zoning Administrator.

5. The operator shall provide insurance in the amount of $100/$300 Thousand Dollars to insure this operation and as approved by the Zoning Administrator.

6. The number of horses and ponies maintained on these premises shall be limited to sixteen (16) horses and ten (10) ponies.

7. A deceleration and acceleration lane shall be constructed on Atwood Road as approved by the Planning Engineer.

8. Separate restroom facilities shall be provided for male and female.

9. All riding of animals shall be confined to this site.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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DEFERRED CASES:

CHAIN BRIDGE DEVELOPERS, INC., app. under Sec. 30-6.6 of Ord. to permit erection of dwelling closer to Greenwich Street than allowed, 2332 & 2334 Greenwich Street, Mount Daniel Subdivision, 40-4((15))18, 26 & 25, Dranesville Dist., (R-10), V-192-71 (Deferred from 10-12-71).

Mr. Smith read a letter from Richard Clement of Chain Bridge Developers asking that this case be withdrawn without prejudice.

Mr. Barnes so moved.

Mr. Kelley seconded the motion.

The motion passed unanimously.

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LARRY & NORA YOUNG, app. under Sec. 30-6.6 of Ord. to allow hedge to remain 8' in height along Magarity Road, 1734 Anderson Road, 30-3((4))181, V-183-71, Dranesville Dist., (R-10) Deferred from 11-16-71

439

Mr. Smith asked if the violation had been cleared up.

Mr. Vernon Long stated that he inspected the premises last Friday and the violation had been cleared up and there was no interference with site distance at that intersection. The shrubbery had been trimmed back.

Mrs. Young had called earlier in the morning to say she was sorry she would be unable to attend this meeting today as her child was sick and that she did request withdrawal since it was her understanding from the inspector that the violation had been cleared and the case could be withdrawn.

Mr. Smith said she would have to send in a letter in writing for the file later that week. He suggested that there be a motion of withdrawal since the violation had been cleared up.

Mr. Barnes said that in view of the fact that the violation had been cleared up, he moved that application V-183-71 be withdrawn as requested without prejudice.

Mr. Baker seconded the motion.

The motion passed unanimously.

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SIDNEY J. SILVER, app. under Sec. 30-7.2.7 & Sec. 30-7.2.8 of the Ord. to permit golf driving range, miniature golf courses, pony riding stable and related facilities for period of 5 years, 10417 Leesburg Pike (36.776 acres) 12-4 & 18-2((1))60 (RE-1), Dranesville District, S-168-71 (Deferred from 11-23-71)

Mr. Smith stated that there had new plats submitted in relation to this application and these plats are quite different from the original plats submitted on this application. They apparently meet the setback requirements of the ordinance and some of the uses are deleted. This plat shows parking for 96 cars, picnic area, miniature golf course, driving range for 40 tees and a septic field.

The Board was also in receipt of a letter from Mr. Clayton of the Environmental Health stating that perk tests have been conducted and the Health Department has no objection to this application.

Mr. Smith also read a memorandum from Mr. Robert Jentsch, Director of Planning, regarding a review of Mr. Newkirk's Site Plan (alternate) for this Brown's Chapel Recreational Complex.. He stated that the new site plan represents the following changes from the original submission:

The new site plan represents the following changes from the original submission:

- setback from Rt. 7 (prop line) increased from 25' to 50'
- setback along eastern and western boundaries increased from 10' to 50'
- Number of parking spaces reduced from 184 to 96 spaces
- Number of tees reduced from 50 to 40 (460' to 370')
- Deletion of the following activities:
  - Putting green, target green, and sandtrap
  - Riding area
  - Existing barn
  - Practice area for irons

Staff Position:

- Despite the new changes of the alternate site plan, the proposed use does not negate the potential traffic dangers it may create along Route 7
- The deletion of the riding area and existing barn makes the proposed use even more of a strip commercial activity, totally in opposite to the adopted policies of the Upper Potomac Plan.
- The inherit characteristics of the proposed golf driving range makes it impossible to screen the glare of night lighting and the use in general from residences located along Hunter Mill Road.

Mr. Smith said the Board was not going to allow any more testimony from anyone except the County Staff.

Mr. Long moved that in Application S-168-71, the new plats be referred to the Staff for review and that the Planning Commission be asked to reconsider this application and

make recommendations to this Board within 60 days.

Mr. Kelley seconded the motion.

Mr. Smith said the Board will rehear it as soon as all the appropriate authorities have an opportunity to review them and the Planning Commission has an opportunity to reconsider the revised plats and the Board will rehear it based on this additional information, perhaps in late January.

The motion passed unanimously.

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WESLEY F. ROBERTS, app. under Sec. 30-7.2.6.1.7 of Ord. to permit antique shop in home, 6719 Curran Street, McLean, 30-2((11))3, 2B & 4A, Dranesville District, (R-12.5) S-119-71 (Deferred from December 7, 1971)

Dr. O'Meara spoke before the Board and stated that he had some thoughts on the subject of the dedication of his property on Curran Street that he would like to bring forth. He said he felt the Roberts case should be decided on its merits and not on whether or not he will dedicate some of his property.

Mr. Smith said the question was if it were granted, would this be done. The Board had some concern about granting this unless there is adequate site plan development.

Dr. O'Meara said he didn't see where the future site plan development would have any bearing on the use the Roberts would like to put this house to and as far as the future site plan and development, according to the Master Plan of McLean, Curran Street is to be vacated and dedicated back to the property owners.

Mr. Smith asked if he was aware of the fact that the Board of Supervisors denied the vacation of the alley in the back. Dr. O'Meara said that he was aware of this. The Alleyway has already been dedicated back to the adjacent property owners and they are asking that it be dedicated back to he and Dr. Patton and the Board of Supervisors action is being brought before the Courts.

Dr. O'Meara said that right now the place is being rewired. He is having it done whether the use permit is granted or not. In the Master Plan, this area is planned to be purchased by some big department store, but it is going to be a couple of years before this happens. This particular piece of property is surrounded by C-G zoned property and because of this Master Plan, he can't do a thing with his property until some big store decides to come in and buy, and the future plan says that the road is to be eliminated and if the County wants 250' of his property he wants to know why they don't appraise it and condemn it and buy it just like he had to. There is adequate parking and all the inspection faults are being corrected. The women who browse in antique shops do so during the day and during peak traffic hours, they are home cooking dinner for their husbands. He said when they talk of dedicating 250' of his property, they are talking about $10,000 of his property.

Mr. Smith said the information the Board has came through the County staff and the Board has to make the decision based on the information before them.

Dr. O'Meara showed the Board a copy of the McLean Master Plan.

Mr. Long said if this is to be a temporary use, the site plan could be waived.

Mr. Steve Reynolds from the Land Planning Office came down to speak on this subject.

Mr. Long asked him why they requested the dedication as the Master Plan calls for Curran Street's elimination.

Mr. Reynolds said the wording is a suggestion and not a request and the suggestion was that the applicant dedicate 25' from the center line and that the applicant will be under site plan control and under that construction of curb and gutter 18' from center line is required and the Staff felt that the applicant would not want to maintain the curb and gutter and sidewalk so when we suggested that they dedicate, in so doing the State would have to maintain this.

Mr. Smith said Mr. Chilton and the County Executive have the authority to waive certain temporary uses don't they. Mr. Reynolds answered that they did.

No opposition.

441

In application No. S-219-71, application by Wesley F. Roberts, under Section 30-7.2.6.1.7 of the Zoning Ordinance, to permit doll and antique shop, on property located at 6719 Curran Street, also known as tax map 30-2((11))2B, 3 and 4A, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 7th day of December, 1971; and deferred until December 14, 1971; and

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

1. That the owner of the subject property is Dr. O'Meara.
2. That the present zoning is R-12.5
3. That the area of the lot is 14,000 square feet.
4. That compliance with Article XI, Site Plan Ordinance, is required.
5. This would be an interim use.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

4. This permit is issued for a one year period with the Zoning Administrator being empowered to extend this permit for 1 year with the filing of the proper leases.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this County. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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AFTER AGENDA ITEMS:
Mr. Smith read a letter from Virginia Lee Green, dated December 13, 1971 relating to jurisdiction of an application for a variance. He asked that he be given notice of any further hearings on this application of B.P. OIL, VINCENT B. WELCH, JANICE M. SWALES & ANNE A. WILKINS for a variance and special use permit. He requested that the Board inform them as soon as possible the decision regarding jurisdiction. He said such decision should be made before the Planning Commission and others concerned spend anymore time in preparation for the hearings.

Mr. Smith asked the Clerk to make copies of this letter to give the Board members in order that they might study it between now and the next meeting.

Mr. Smith said there is no question as far as he himself is concerned. The applications were given proper notice, proper advertising, and all of the procedures were fulfilled prior to the hearing.

Mr. Smith said the Clerk,Mrs. Kelsey, had written to the Greens by certified mail returning the check that he had left with the Board for a transcript of the hearing and that he was welcome to the records of thehearing.
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Mr. Smith reminded the Board that the Board of Supervisors have instituted a Court action against the Board of Zoning Appeals in the OAKTON LIMITED PARTNERSHIP AND MOBIL OIL application which the Board of Zoning Appeals granted. The action is in the form of a Restraining Order and this Board is named as Respondent.
Mr. Smith said that the Board of Zoning Appeals will need legal counsel.

Mr.Baker moved that the Board of Zoning Appeals take the necessary steps to obtain legal counsel. Mr. Long said he seconded the motion if he could add that we advise the County Attorney that the Board of Zoning Appeals be represented by counsel at any Court proceeding. Mr. Long changed this to read that the Board of Zoning"request"that they be represented... Mr. Smith said he felt that we needed counsel now as the Board is named as Respondent in this.

Mr.Baker moved to amend his motion to include the change thereby the motion read:

The Board of Zoning Appeals take the necessary steps to obtain legal counsel and that the Board of Zoning Appeals advise the County Attorney that the Board of Zoning Appeals request that they be represented by counsel at any Court proceeding.

The Chairman read the Restraining Order.

The Board asked Mr. Woodson to see if a date certain had been set and to call the County Attorney to find out.

Mr. Smith said that the Board should now take action to request the Board of Supervisors at its regular meeting tomorrow to appropriate funds to acquire legal counsel in its defense.

Mr. Long moved that the Chairman of theBoard of Zoning Appeals prepare a letter to the Board of Supervisors requesting funds for the Board of Zoning Appeals to retain counsel for its defense in its action by the Board of Supervisors and I would like to specify that the counsel be Hansbarger.

Mr. Smith said he felt that we should wait until we get the funds before we specify who we are going to hire.

Mr. Smith asked if Land Use had funds available, but Mr. Knowlton who came down said that Land Use did not have any funds available. Land Use had a contingency fund in its budget for approximately $3,000 for consultant services, but in the Mid-Year review, Land Use had not used these funds, nor did it have plans to use them, therefore, the Budget Department took these funds out of the Budget.

Mr. Smith said it would not be proper to be beggars all the time and under the State and County Codes the Board of Supervisors has to furnish the Board of Zoning Appeals funds to defend its action.
After considerable discussion,
Mr. Long moved to include in the motion that the attorney be designated as either Mr. Hansbarger, Mr. Aylor, Mr. Higgenbothem or Mr. Swayze.

Mr. Kelley seconded the motion.

The motion passed unanimously.

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Mr. Smith asked how much the Board felt would be needed for this. He said probably $2,000 would take care of it. Mr. Higgenbotham was very generous and agreed to handle the appeal on the parking case for $3,000.

Mr. Long said we could request $2,000 and then request more if it was needed.

The Board agreed that $2,000 would be sufficient.

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Mr. Smith asked the Clerk to type up Affadavits regarding the B.P. OIL CORP. Application stating that they had no interest, no monetary interest in this case.

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WASHINGTON GAS LIGHT COMPANY, S-214-70, Northern side of Gunston Road and Richmond Hwy. WASHINGTON GAS LIGHT CO. application. Request for clarification. Mr. Randolph W. Church came before the Board and stated that Mrs. Kelsey had promptly written to Mr. Chilton's office as the Board had directed her to do and asked that Mr. Chilton's office set up a meeting with the gas company representatives regarding the fencing and landscaping.

Mr. Chilton wrote a letter to the Chairman of the Board stating that this meeting had been successful and that on November 10, 1971 they proposed several items. The fence shown is smaller than the previous plans and will not be seen from the road. The trees noted in red on the plan will be removed. This plan only necessitates the removal of three trees over 6" cal. They recommended one 6' evergreen tree near the entrance which is shown on the sketch.

Mr. Church asked if this meets the intent of the original resolution. He presented to the Board the pictures of the property.

Mr. Long moved that in Application S-214-70, Mr. Chilton's recommendations and statements in his letter of December 13, 1971, be accepted.

Mr. Barnes seconded the motion

The motion passed unanimously.

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SCHOOLS IN THE RPC ZONE --

Mr. Vernon Long stated that the Zoning Office has started a program of checking all the schools, riding stables, etc. to see if they are in compliance.

Mrs. Kelsey said the question had arisen as to whether or not these schools in the RPC zone needed a use permit.

Mr. Smith asked if Gulf Reston owned the property where these schools are that are in question. Mrs. Kelsey said in some of the cases they do and in some cases they do not.

Mr. Smith asked if there had been violation notices issued to these schools. Mrs. Kelsey said that in some cases they had. Mr. Vernon Long asked what the locations were and she told him there were several, Reston Plaza, Village Preschool, one that in a Baptist Church. Some of the violations were issued by the Health Department.

Mr. Smith said if the development plan showed the school, then it doesn't need a Use Permit.

Mr. Woodson said that some of the schools were in before the Ordinance was changed two or three years ago. Before the Ordinance was changed, in RPC, the schools were allowed without a Use Permit under the Ordinance.

Mr. Smith said this was inadvertently done and there were some Use Permits granted out there.

Mr. Woodson said there was quite a mix-up.

Mr. Smith asked if there was anything to substantiate the fact that these schools in question were in existence prior to the change in the ordinance.

Mr. Smith said the By-Laws would not mean they were in operation. There would have to be some evidence that they were in operation.

Mr. Smith suggested that Mr. Woodson investigate the matter and make an interpretation as to whether or not they need a use permit and if it is felt that they do, then they should be notified and then the Board will take it from there. Until such time as the Zoning Administrator takes appropriate action, the Board could not take any action, Mr. Smith continued.

Mr. Woodson said that he would check it out and see what date they started operation.

Mr. Smith suggested that the Zoning Administrator's Office should coordinate their efforts with the Health Department to avoid duplication.

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Mr. Long moved that the meeting adjourn. Mr. Baker seconded the motion.
The meeting adjourned at 2:10 P.M.

By Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

March 8, 1972
DATE

The Regular Meeting of the Board of Zoning Appeals was Held on Tuesday, December 21, 1971, at 10:00 A.M. in the Board Room of The Massey Building; Members Present: Daniel Smith, Chairman; George Barnes, Loy P. Kelley, Richard Long and Joseph Baker.

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

ROBERT MEADE PARKER, JR., app. under Sec. 30-6.6 of Ord. to permit garage (detached) within 15' of rear property line, 7309 Dulany Drive, McLean, Elmwood Estates Subd., 30-1((2)) 11, Dranesville Dist. (RE-1), V-217-71

Mr. Robert Meade Parker, Jr. testified before the Board.

Notices to property owners were in order. The contiguous owners were Josephine S. Doller, 7301 Dulany Drive, and Dana F. Gumb, 7401 Dulany Drive and Louise J. Mack in the rear of the property.

Mr. Parker said that the house is on the corner of a two acre lot. It is a small house and he has converted the existing garage to an additional room and now he wishes to construct an additional garage, 12' behind the house and 2' from the rear line. To move the garage up closer to the house would be blocking the main door. Putting the garage to this location allows him to construct the garage without have to excavate. He has several beautiful trees that he does not want to remove.

Mr. Smith said the Board could only grant a minimum variance.

Mr. Parker said he had lived on the property since 1969, and will continue to live there.

Mr. Smith asked Mr. Parker if he could move the garage forward another 5'.

Mr. Parker said that he could.

In application No. V-217-71, application by Robert Meade Parker, Jr., under Section 30-6.6 of the Zoning Ordinance, to permit garage (detached) within 15' of property line, on property located at 7309 Dulany Drive, McLean, Elmwood Estates Subdivision, also known as tax map 30-1((2))11, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st day of December, 1971; and

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

1. That the owner of the subject property is Robert Meade & Yon S. Parker, Jr.
2. That the present zoning is RE-1.
3. That the area of the lot is 2.085 acres.
4. That compliance with all County Codes is required.
5. This request is for a minimum variance of 7'.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall himself be responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Long seconded the motion. The motion passed unanimously.

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isolated cases that when the whole service drive is built that then it would be dedicated.

Mr. Smith told Mr. Fogel that Mr. Long had reference to the memorandum from Mr. Chilton's Office, Land Planning, and asked Mr. Fogel if he was familiar with this.

Mr. Fogel said he was not. He knew he and Mr. Yaremchuk had worked this out, he said.

Mr. Smith read Mr. Chilton's memo regarding this case.

> "This site will be under site plan control. Construction of road widening and service drive will be required for the full frontage of the property along Route 236. A minimum 22' travel lane connection along proposed John Marr Drive will be required to provide access to the property to the north. On December 20, 1971, this office consulted the Zoning Administrator's office and found that this reconstruction would be allowed in the proposed highway corridor district. It is suggested that the applicant dedicate the R/W for road widening and service drive along Route 236, and that portion shown "To Be Dedicated" for the construction of John Marr Drive as shown on the plat submitted."

Mr. Smith said this had to be resolved at the engineering level.

Mr. Fogel said that this is contrary to the entire dedication of the Annandale By-Pass Road. He said his contract should be resolved one way or the other. Mr. Fogel said this is pertinent as the whole By-Pass, Annandale--K-Mart application site plan and their dedication are all contingent on the non-requirement of the service drive at this time and this was the initial understanding that he had in the dedication and he said he was sure Mr. Yaremchuk is unaware of this memorandum.

Mr. Smith said Mr. Chilton's office is responsible for planning.

Mr. Long said the Board of Supervisors is the only one who can waive this.

Mr. Fogel said there is some element here that it is not required based on the fact that it is not a subdivision.

Mr. Fogel said this would create a much greater upheaval than is obvious at this time. They are ready to start construction of the By-Pass now and he said he would get an injunction immediately to stop it. Mr. Fogel asked if this case could be recessed until they could go upstairs and try to get this matter cleared up with the Planning Engineer. Mr. Long moved that this be recessed and placed on the end of the Agenda. Mr. Baker seconded the motion. The motion passed unanimously.

After the Davis case was heard, the Board again took up HESS OIL & ANNANDALE MILLWORK.

In Opposition, Mr. Waters, from American Oil spoke before the Board. He opened his station in '53 and is speaking for himself and the dealers in the Annandale area.
He stated that his only concern is that when he came to Annandale there were three service stations and there are now twenty-four service stations within a one mile area. He said he did not feel the population has moved accordingly. There are several stations that open and close every week or so, business is so bad.

Mr. Smith told Mr. Waters that they understood his concern, but the Board could not take need or product into consideration. /

Mr. Fogel again spoke before the Board. He said"with reference to the 22' travel lane, it is a question of orientation and there is no objection to that, where they want a travel lane to go on the north side connecting the two properties. This is all their property and the back end of it is an easement to us to give access to J.Marr Drive so all the travel lane would do would be to reaffirm what we want already and what Annandale Millwork wants, so there is no objection to the travel lane where it says along John Marr Drive. Now getting to the dedication of the service drive, the memo says, "it is requested that it be dedicated". We never were of the opinion that it had to be dedicated and we are aware of this that the proposition of this particular contract would be in jeparty with the dedication because they are doing it on a square foot basis and we had resolved that it would not be necessary and we would like to compromise this and say that if and when the balance of the property from J. Marr Drive to Backlick Road, when all that service road is put it, then the drive would be dedicated and I think this compromise would affect what all of us in Annandale have wanted, which is is orderly traffic and the Annandale By-Pass, which is very much needed and make possible this deal to go through without any jeparty. If the Board would notice in the last paragraph of the memo it says that 'it is suggested' it doesn't say'to be dedicated!

Mr. Smith said that the Board has indicated support for the Staff recommendations in this matter and Hess would have to have their plats in any event.

Mr. Smith said the whole plat would have to change when you move back the parking.

Mr. Fogel said he didn't know parking was required for a gasoline station.

Mr. Smith told him parking was required for employees.

HESS OIL CO. AND ANNANDALE MILLWORK CORP. app. under Sec. 30-7.2.10.2.1 and Section 30-7.2.10.2.2 of Ord. to permit gas station to be remodeled, 7100 Little River Turnpike, Annandale District, 71-1((1))109, (C-D), S-229-71

Mr. Daniel Shaner, attorney with HAZEL, BECKHORN & HANES, represented the applicant in the absence of Mr. John T. Hazel, who had a trial in the Circuit Court, and testified before the Board.

Mr. Smith said the Board was in receipt of the corporation papers from Hess Oil Co., but they needed the corporation papers from Annandale Millwork Corp.

Mr. Smith suggested the application be amended to read Amerada Hess Corporation which the State Corporation Commission has listed as the corporate name.

Mr. Shaner stated that Mr. Fogel is present from the Hess Oil Company and he is also President of Annandale Millwork Corporation. Mr. Smith said we would need a certificate of good standing on Annandale Millwork Corporation also. It had been overlooked. Mr. Smith said the Board would need a copy of the contract to purchase. Mr. Fogel furnished the Board with a copy of this.

Mr. Smith asked if they planned to remove the existing building entirely. Mr. Fogel said they did. Mr. Fogel stated that there is about 40,000 square feet of land or a little less than one acre of land involved here.

Mr. Fogel stated there would be four pump islands and four 10,000 gas underground storage tanks and a fuel oil tank. This is to be primarily a gasoline distributing operation rather than a car service station.

Mr. Long asked if they had a rendering of the building. Mr. Fogel stated that there was one in the file. It would be of a colonial design. They plan to remove the existing building entirely. They plan to have a brick wall all the way across the back.

Mr. Smith stated that this should have been under Section 30-7.2.10.3.1 as it is in the C-D zone instead of C-N. The other sections should be deleted and this substituted.

Mr. Fogel stated in answer to Mr. Long's inquiry that they did plan to landscape.

Mr. Long said that he believed the service road has to be shown as it can only be waived by the Board of Supervisors.

Mr. Long asked if they planned to have trailers, or other vehicles on the premises. Mr. Fogel stated that they did not. Mr. Long asked why they had so many parking spaces. Mr. Fogel said he believed that the architect and Mr. Hazel were tailoring this according to the usual application.

Mr. Smith told Mr. Fogel it would not be necessary for Annandale Millwork to remain on the application. Mr. Fogel said he would like to leave it jointly with Annandale Millwork and Hess and they will submit the proper corporate papers. He reminded Mr. Smith that the reason was he wanted to leave it jointly was this contract to purchase might not go through. Mr. Smith said if it did not go through, then they would have to come back in on a new application.

Mr. Smith said he felt this would be an improvement from the one that is there now.

Notices to the property owners were in order. The contiguous owners were Mr. Sigmond Goldblatt, 2926 Fessender Street, and Annan, Inc., P.O. Box 1804, Washington, D. C.

Mr. Smith said this looks like a bit more land than previously. Mr. Fogel said that it was and again this is tied in and worked out with the Highway Department and the Planning Department in trying to bring the Annandale By-Pass into being. The reason it involved more ground is that they are deleting a considerable portion on the Annandale By-Pass. It shows 22', but it is a little more than that, as there is a 4 and 1/2' easement for the sidewalk, taking approximately 50% of the eastermost lot. The whole thing is designed to give the whole area a much better appearance than it is now.

No opposition.

Mr. Long said he would like to defer the application in order to allow the applicant to furnish new plats showing the travel lane and the service road and the corporation papers.

Mr. Fogel said they would like to have action on it. According to all the negotiations there would be no necessity for a service drive and the travel lane isn't that much of a contribution. He asked the Board to notice the proximity of this ground to the Annandale Millwork improvement, he said he believed the standard procedure has always been in these

RIP DEVELOPMENT CORP., app. under Sec. 30-6.6 of Ord. to permit building on Lot 42 - 36.3' from front prop. line and on Lot 43 - 36.5' from front prop. line, 2303 and 2305 Creek Drive, Stratford Landing, Section 20B, 111-1((2))42 & 43, Mount Vernon District, (R-12.5) V-230-71

Mr. Robert Swan, 10604 Warwick Avenue, attorney for the applicant testified before the Board.

Notices to property owners were in order. The contiguous property owners were Donald T. Litke, 2312 Creek Drive, Alexandria, Virginia 22308 and Anthony & Hope Colorio, 2319 Creek Drive.

There has been no property sold directly adjacent to these two houses. All the land is still deeded to Rip Development Corp. Mr. Swan stated.

When these houses were in the process of being sold, the buyer, or prospective buyer, wanted the houses reversed in order that they might have a better view and in so turning these houses around, the error occurred. The houses have been constructed up to the 2nd floor. The entire overhang of thehouse is in violation.

Mr. Smith asked if the plat showed 40' at the time they made application for the building permit. Mr. Swan said Yes.

Mr. Smith said that now the plat shows 38.9'. Mr. Swan stated that this does not include the overhang. The overhand is a protrustion of the second floor.

Mr. Long said that it appears to be just one corner of the house that is in violation. Mr. Swan said it was approximately one fourth of the total width of the house that is in violation.

Mr. Smith asked if the purchaser was aware that the house was in violation. Mr. Swan said they were aware and they were present at the hearing.

Mr. Long asked who reversed the dwelling in the field. Mr. Swan answered that it was the Superintendent of the job who did it.

In application No. V-230-71, application by Rip Development Corp., under Section 30-6.6 of the Zoning Ordinance, to permit dwelling on Lot 42, 36.3' from front property line and on Lot 43, 36.5' from front property line on property located at 2303 and 2305 Creek Drive, Stratford Landing, Section 20B, also known as tax map 111-1((2)) 42, and 43, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st day of December, 1971; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is Lot 42 - 10,500 square feet; Lot 43 - 10,500 square feet.
4. The dwellings are up to the second floor.
5. This would be a minimum variance.

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

1. That the Board has found that non-compliance was the result of an error in the location of the building.
2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted.

Mr. Barnes seconded the motion.

The motion passed unanimously.

Mr. Smith said the only way you can do this, is to put the service drives in as you go. When Texaco came in they didn't want to put a service drive in and you have to start somewhere.

Mr. Fogel said they were willing to build the service drive when the whole thing is built which isn't that far away.

Mr. Smith said this is a separate lot and separate development, if this was a complete development under one site plan it would be different situation, but in this case the only way you can do it is to develop each site as you go along.

Mr. Long said normally the Board doesn't require construction of the service road and the County Executive can, on occasions, defer construction, but it isn't done by this Board. The Board does require the plan and then you have to work out some bonding arrangement or something to the County Executive's satisfaction and they have to obtain the waiver before we can issue the permit.

Mr. Fogel said that they do have an existing use and they can live with what they have, but this new application is a better deal and an attempt to clean up the Annandale area. He said he had been very active in working with the Highway Department and the County.

Mr. Smith said that unless American Oil continues to lease they will have to come back before the Board as the permit was granted to American Oil Company.

Mr. Fogel said it was granted to us, American Oil Co. and Annandale Millwork Corp.

Mr. Smith said if any change takes place, he would have to come back in for a new use permit.

Mr. Fogel said that was alright.

Mr. Smith said this could be deferred until January 11, 1972.

Mr. Fogel said he didn't understand the American Oil opposition, as they had the right of first refusal on the lease and Annandale Millwork permitted American Oil to cancel their lease.

Mr. Smith said Mr. Waters had not represented American Oil, he represented himself.

Mr. Long moved that Application S-229-71 be deferred until the first meeting in January for decision only to allow applicant to furnish the following information:

1. Plat showing service road along Route 236 and travel lane along John Marr Drive.
2. Entrances.
3. Proposed Landscaping Plan.
4. Review of new plats by Preliminary Engineering Branch.
5. Certificate of Incorporation and Certificate of Good Standing by applicants where required.

Mr. Barnes seconded the motion.

The motion passed unanimously. Mr. Smith suggested that they get the plat in a week before the hearing to allow the staff to review it. He suggested January 4, 1972 as the date they should have the plat to the staff.

// DEFERRED ITEMS:

JOSETTE A. DAVIS, app. under Sec. 30-7.2.6.1.5 of Ord. to permit beauty shop as home occupation, 7004 Davis Street, Alexandria, Woodlawn Subdivision, 93-1((19))1, Mount Vernon District, (R-12.5), S-179-71 (Deferred from 9-28-71 for decision only).

Mr. Smith read a letter from the Zoning Administrator's Office stating that all violations were taken care of and listed the equipment found in the room Mrs. Davis is using for her beauty shop in her home.

Mr. Koneczny stated that he had submitted pictures for the Board to see the location of the house and the inside of the shop itself. The extension meets all setback requirements.

Mr. Smith asked if theHealth Department had inspected it and Mr. William T. Jernigan, attorney representing the applicant, stated that it was his understanding that all inspections had been made before the first hearing. The Gentleman who had violently opposed to the operation at the original hearing has since moved out of the neighborhood.

In application No. S-179-71, application by Josette A. Davis, under Section 30-7.2.6.1.5 of the Zoning Ordinance, to permit home occupation beauty parlor, on property located at 7004 Davis Street, also known as tax map 93-1((19))1, County of Fairfax, Virginia Mr. Baker 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 27th day of September, 1971 and deferred until violation were cleared up and inspected which date was then set to December 21, 1971 for decision only; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5
3. That the area of the lot is 14,879 square feet of land.
4. That the property is 1/2 mile from the nearest shopping center.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. This changes include but are not limited to, changes of ownership, changes of operator, changes in signs, and changes in screening or fencing.

4. This permit is for a one chair, owner operator beauty shop.

5. This permit is for a three year period with the Zoning Administrator being empowered to extend the permit for 3 one year periods for a total of 6 years.

6. The hours of operation shall be from 9:00 A.M. to 3:30 P.M.

7. There shall <u>not</u> be any outside displaying of signs advertising this use.

Mr. Long seconded the motion.

The motion passed 4 to 1, with Mr. Kelley voting No.

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 AFTER AGENDA ITEMS:

LAKE BARCROFT RECREATION ASSOCIATION

Mr. Smith read a letter from Mr. C. Gordon Furbish, President of the Barcroft Hills-Belvedere Citizens Association, stating that it was his understand that the special use permit issued the the above association was for a period of one year unless construction had started. He stated that validity had expired by more than two months and no construction of the proposed facility had begun and he had been requested by the Barcroft Hills-Belvedere Citizens Association to bring this to the Board's attention. He wanted to be advised as soon as possible whether or not this permit was re-newable.

Mr. Woodson said he wasn't aware of whether or not Lake Barcroft had been given an extension.

Mr. Long moved the request by C. Gordon Furbish be deferred to the first meeting in January and until Mr. Woodson, the Zoning Administrator, could make an investigation to see whether or not construction had started and check to see if theuse permit had been extended.

Mr. Barnes seconded the motion.

The motion passed unanimously.

//

OAKTON LIMITED PARTNERSHIP & MOBIL OIL CORP.

Mr. Smith stated that Judge Keith denied the Motion to withhold the permit and the permit has been granted for construction.

Mr. Woodson stated that this was issued yesterday, December 20, 1971.

Mr. Smith stated that if the Board tomorrow proceeds with the suit on the merits then the Board of Zoning Appeals would have to pursue their request for funds to defend the action.

// Meeting adjourned at 12:20 P.M.

By Jane C. Kelsey
Clerk

Daniel Smith, March 8, 1972
DANIEL SMITH, CHAIRMAN DATE

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Mr. Farley showed the Board a rendering and stated that the only difference in the rendering and this particular operation is the rendering has three pump islands and the one planned has four. The architecture is the same and the design and the general character will be the same. They plan to landscape, putting in plants and grass to make this as attractive as possible. He said there is already considerable traffic in that neighborhood and there is also a general lack of car washes in the area and obviously there is a need for such a facility. He said he feels it is compatible with the neighborhood.

He said they did not know the feeling of Vienna on this plan, but it was obvious that the Town did not desire the entire facility being located there. The number of filling stations and commercial uses on both sides of Maple Avenue are considerable. He said they would go to the Town of Vienna and ask for their approval or whatever is needed. Obviously, if the Town denies this approval, this use permit would be of no avail as it is impossible to locate the entire facility in Fairfax County, even though two-thirds is already in Fairfax County. He said there were seven people notified. Mr. RAney indicated that he could represent to the Board that he concurred with this operation.

Mr. Ron Berry, construction engineer for B.P. Oil from Washington, spoke before the Board with relation to the capacity of the storage tanks. He stated there would be four 6,000 gallon underground storage tanks made of Fiberglas. Therefore, there would be a total of 24,000 gallons of underground storage capacity. The vacuum units would be 5 gallon capacity.

Mr. Smith said he was concerned with the noise factor of the vacuum system and asked the size of the motor they proposed to use.

Mr. Berry said he did not know the motor size.

Mr. Long said to Mr. Farley that he believed that the Planning Commission of Vienna has to hear all site plans and he was wondering if this Board should wait for their recommendation before acting on the use permit.

Mr. Farley said Vienna probably would say the same thing, that they wanted Fairfax County's answer first.

Mr. Ed Raney, 2700 Chain Bridge Road, spoke in favor of the application. He said he favored the gas station from a safety standpoint of view as you can't get gas going north without making a "U" turn at McDonald's and in Fairfax County you have to have an access road and these people have it. In Vienna they don't have that plan. He asked how far in the County of Fairfax does the influence of Vienna go.

Mr. Smith told Mr. Raney that there is a working agreement between the two jurisdictions as they are contiguous to us and the two staff's try to work together.

Mr. Smith asked Mr. Raney if he was connected with this application in any way and Mr. Raney answered that he was not.

No opposition present.

Mr. Smith read a letter from Mr. Curry, Zoning Administrator of the Town of Vienna stating that this was not a use by right in Vienna, nor could it be obtained by a Use Permit, nor was there any possibity of a rezoning.at this time.

Mr. Smith also read a letter from the Fairfax County Attorney, Donald Stevens, stating that he had received a letter from Mr. Gionfriddo, Town Attorney for the Town of Vienna, expressing concern over this application and he wanted to make sure the Board was aware that this is not a permitted use in the Town of Vienna.

Mr. Smith then read a letter from Mayor Spriggs from the Town of Vienna, stating that the Town Council had unanimously requested that he contact the Board of Zoning Appeals for Fairfax County stating their opposition.

Mr. Smith also read the comments from the Staff which stated that the granting of this Use Permit in Fairfax County would be contrary to the Town of Vienna's comprehensive plans for the area and recommended denial of the application.

The Planning Commission's memorandum of January 10, 1972 was read recommending denial for the reasons stated in the staff report and also stated that since there was no application filed for a car wash within the Town of Vienna and because it was not a permitted use on the subject property within the Town as now zoned, the use permit for the service station pumps alone would be premature. In addition, they said the Town Council also expressed strong opposition to the subject request.

Mr. Farley said that they had put the car wash and the four pump islands in Fairfax County and the only thing that is in Vienna is the underground tanks and part of the canopy does extend over the County line. He said it was his understanding from the general tone of the Planning Commission and the Town of Vienna that the concern was that the Town did not look with favor upon the application with the car wash in Vienna and for that reason, they decided to change the plan putting the car wash in Fairfax County. He said now he feels they will not need a use permit from the Town of Vienna.

Mr. Smith said that he disagreed;if they have to place the storage tank in the Town of Vienna it is part of the operation.

Mr. Farley said they did not have an opinion from the Town on that, but the company would also be willing to move those tanks and the canopy so that it is all in Fairfax County. He said he is not saying there is not some type of approval from the Town of Vienna and they want to get that approval. He said this plan was just available to him yesterday. He said he hoped the Board would go ahead and hear the application on the new set of plans and either defer approval, hopefully, or approve on the condition that the Town of Vienna approve the site plan or variance or whatever is needed there.

Mr. Farley said the property immediately adjacent to this is McDonald's which is commercial and to the South. To the North the zoning is commercial.

Mr. Smith asked if it is C-N and Mr. Farley said that it was.

Mr. Long said that he was concerned that the Planning Commission hasn't heard the application on the new plans and if the Board hears this application on this new set of plans, then the Board would have to withhold action until the Planning Commission could rehear it.

Mr. Farley said the reason for the change was because of what the Planning Commission said.

Mr. Smith said it looks to him as though they still had the vacuum station and the underground storage tanks for the gasoline pumps on the land in Vienna and this would still constitute a use on this property and it is related to the action they are asking the Board of Zoning Appeals in Fairfax County to take and the Town of Vienna has to be involved here.

Mr. Farley said he still did not feel they would need a permit from Vienna as there would only be a curb cut, grass and some asphalt and the vacuum station in the Town and the vacuum station is only a little box with a vacuum cleaner on it. The company has said they would remove the underground storage tanks to Fairfax County.

Mr. Smith asked for the decision of the Board as to whether or not they would substitute the plats and continue the hearing.

Mr. Barnes said he felt the Board should go ahead and hear it and they would still have to go to the Town of Vienna. He said he didn't feel the new plats changed things a whole lot as it is still a gas station and a car wash. He said this is his motion.

Mr. Baker seconded the motion.

The motion passed unanimously.

Mr. Farley said that McDonald's Drive-In restaurant is to the South and just to the south of that is a Pizza Hut. Immediately to the North of the property is a house which has been zoned for commercial office building space and is located in the Town of Vienna. Directly across the street and to the west of theproperty is another filling station which he believes to be Shell and adjoining that is a dry cleaners and a 7-11. There is a High's Store also shown in the photographs which are before the Board. To the North is Nutley Street which is a busy intersection. The only car wash in the general area is one well into the Town of Vienna and there is no other car wash between Vienna and Fairfax and there is only one in Fairfax. This area is primarily commercial.
He said the company of B.P. Oil now has only six stations in Fairfax County and they hope to locate two or three car washs in Fairfax County.

Mr. Smith asked if this is a lease or a contract to purchase. Mr. Farley answered that there is a copy of the contract in the file.

Page 455
BP OIL CORP. & JOHN R. HANSON, TR. (continued)
January 11, 1972

Mr. Farley showed the Board a rendering and stated that the only difference in the rendering and this particular operation is the rendering has three pump islands and the one planned has four. The architecture is the same and the design and the general character will be the same. They plan to landscape, putting in plants and grass to make this as attractive as possible. He said there is already considerable traffic in that neighborhood and there is also a general lack of car washes in the area and obviously there is a need for such a facility. He said he feels it is compatible with the neighborhood.

He said they did not know the feeling of Vienna on this plan, but it was obvious that the Town did not desire the entire facility being located there. The number of filling stations and commercial uses on both sides of Maple Avenue are considerable. He said they would go to the Town of Vienna and ask for their approval or whatever is needed. Obviously, if the Town denies this approval, this use permit would be of no avail as it is impossible to locate the entire facility in Fairfax County, even though two-thirds is already in Fairfax County. He said there were seven people notified. Mr. RAney indicated that he could represent to the Board that he concurred with this operation.

Mr. Ron Berry, construction engineer for B.P. Oil from Washington, spoke before the Board with relation to the capacity of the storage tanks. He stated there would be four 6,000 gallon underground storage tanks made of Fiberglas. Therefore, there would be a total of 24,000 gallons of underground storage capacity. The vacuum units would be 5 gallon capacity.

Mr. Smith said he was concerned with the noise factor of the vacuum system and asked the size of the motor they proposed to use.

Mr. Berry said he did not know the motor size.

Mr. Long said to Mr. Farley that he believed that the Planning Commission of Vienna has to hear all site plans and he was wondering if this Board should wait for their recommendation before acting on the use permit.

Mr. Farley said Vienna probably would say the same thing, that they wanted Fairfax County's answer first.

Mr. Ed Raney, 2700 Chain Bridge Road, spoke in favor of the application. He said he favored the gas station from a safety standpoint of view as you can't get gas going north without making a "U" turn at McDonald's and in Fairfax County you have to have an access road and these people have it. In Vienna they don't have that plan. He asked how far in the County of Fairfax does the influence of Vienna go.

Mr. Smith told Mr. Raney that there is a working agreement between the two jurisdictions as they are contiguous to us and the two staff's try to work together.

Mr. Smith asked Mr. Raney if he was connected with this application in any way and Mr. Raney answered that he was not.

No opposition present.

Mr. Smith read a letter from Mr. Curry, Zoning Administrator of the Town of Vienna stating that this was not a use by right in Vienna, nor could it be obtained by a Use Permit, nor was there any possibity of a rezoning at this time.

Mr. Smith also read a letter from the Fairfax County Attorney, Donald Stevens, stating that he had received a letter from Mr. Gionfriddo, Town Attorney for the Town of Vienna, expressing concern over this application and he wanted to make sure the Board was aware that this is not a permitted use in the Town of Vienna.

Mr. Smith then read a letter from Mayor Spriggs from the Town of Vienna, stating that the Town Council had unanimously requested that he contact the Board of Zoning Appeals for Fairfax County stating their opposition.

Mr. Smith also read the comments from the Staff which stated that the granting of this Use Permit in Fairfax County would be contrary to the Town of Vienna's comprehensive plans for the area and recommended denial of the application.

The Planning Commission's memorandum of January 10, 1972 was read recommending denial for the reasons stated in the staff report and also stated that since there was no application filed for a car wash within the Town of Vienna and because it was not a permitted use on the subject property within the Town as now zoned, the use permit for the service station pumps alone would be premature. In addition, they said the Town Council also expressed strong opposition to the subject request.

B.P. OIL CORP. & JOHN HANSON (continued)

Mr. Farley said he would like to rebutt the letters of opposition that were read into the record. He said the Staff made their recommendation based on the assumption that this Board would be hearing this case on the old plats. He said that even if the Board granted this application, they would still have to get approval from Vienna.

Mr. Smith said the entrances to this use will still be in the Town of Vienna and when the Board agreed to hear this application and accepted the new plats, it was with the understanding that this would be deferred back to the Staff and Planning Commission.

Mr. Farley said he wasn't sure they had met all of the objections of the Planning Commission.

Mr. Long moved that the application by B.P. Oil Corp. & John R. Hanson, Tr., No. S-224-71 be deferred for a period not to exceed six months to allow the applicant the opportunity to obtain any necessary rezoning and Planning Commission recommendations by the Town of Vienna and a reevaluation of the revised Plans by the Fairfax County Planning Commission and Staff.

Mr. Kelley seconded the motion.

The motion passed unanimously.

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TENNECO OIL CO., app. under Sec. 30-7.2.10.2.1 & Sec. 30-7.2.10.2.2 of Ord. to permit convenience type food store with gasoline pumps, 7515 Lee Hwy. & Meadowview Road, 50-3 & 50-1 ((18))1. Providence District (C-N), S-231-71

Mr. Hansbarger, 10523 Main Street, Fairfax, Virginia, attorney for the applicant, represented the applicant and testified before the Board.

Notices to property owners were in order. Leary School, 2849 Meadow View Lane, Falls Church, Virginia 22042 and Mr. and Mrs. E. L. Waters Elzberry, Jr., Route 8, Box 28 Frederick, Maryland 21701 and Mr. and Mrs. Waters Elzberry, 2840 Fairmont Street, Falls Church, Virginia 22042 were the contiguous property owners.

Mr. Hansbarger stated that they do have a lease, a copy of which the Board has in the file. The owner of the property is A & C Realty Company, a Virginia Corporation, and is in good standing as of January 4, 1972, a copy of the certificate of good standing is in the Board's file, and the Lessee is Tenneco Oil Company, organized under the State of Delaware and holding a certificate of incorporation issued on the 2nd day of December, and is in full force and effect.

Mr. Hansbarger stated he would like the application amended to read TENNECO OIL CO. AND A & C REALTY.

Mr. Long so moved.

Mr. Baker seconded the motion.

The motion passed unanimously.

Mr. Hansbarger stated that Tenneco is a company with which he doesn't have a great deal of familiarity and he said he would like to give the Board a little background. Its headquarters is in Houston, Texas and as of its financial report of 1970, it is the 16th largest corporation in the United States. It has not operated in this area prior to this application and its closest facility is Charlotte, North Carolina. The Dunn report ranked this company among the 10th best organized and run corporations in the area of corporations and in the class of IT&T. There will be two employees on the site at all times. One in the pump islands and one in the store and never more than three at any one time. There will be no tow trucks, etc.

Mr. Smith asked what the setback is from the property line to the store. He said he felt that the store and the gasoline pumps were together and the store would have to comply as this is an over-all building complex.

Mr. Hansbarger stated that they could comply with a 50' setback as it is more than 50' in every direction.

Mr. Long said he would like to hear his explanation of the plan for the uses as this seems to be an over intensified use. The Board has been trying to obtain more open space and land space.

Mr. Hansbarger said that he didn't agree that this is an over intensified use. He said by doing this this way you eliminate the necessity for providing two facilities as two are provided on the same property. Here they can get gas and food at the same time and eliminate two trips. He said if the Board would examine the uses that could go in a C-N district, a retail store, restaurant, drive-in, ABC store, etc., these are uses permitted by right and he said he feels that many of these uses would cause more traffic congestion than this use would and he said further he feels this will enhance the traffic problem. The topography of the corner is higher than the land at the intersection and since the building will be setback deep on the property, this will be an improvement in site distance as a person will be able to see the highway better. It will also be a well lighted intersection instead of the dark one, as it is now.

Mr. Smith asked the size of the proposed food store. Mr. Hansbarger said it would be 32x60'. There plan to have 13 parking spaces and he thinks the underground storage will be four, ten thousand gallon storage tanks. The tanks will be both fiberglas and metal.

In Favor of the Application -- Mr. Leary from the Leary School on the adjoining property. He stated that he felt that anything would be preferable to what is there now. He said they would like some screening as they would lose some large trees which are 30' to 40' high. They would like the screening to be cedar.

In Opposition. Mr. Kenneth Russell, 7533 Willow Lane, Pine Springs Community, adjoining the property to the south and west, spoke in opposition both as a citizen and as president of the Pine Springs Citizens Association. He said the reason they oppose this use is it serves no benefit to the community. He said he agreed that this present situation is an eyesore, but to put another gasoline station where approximately 50 yards away is another gasoline station and within four blocks to the east there are four more gasoline stations, diagonally across the street is a High's Store and nearby there is also a 7-11 Store,& about four blocks away there is a new Safeway which stays open until midnight six days per week. He says he sees no value to the statement about beautification or any improvement to the community. He said he questioned counsel's statement about increased safety to the intersection. He said they have an elementary school about three blocks away from subject property, the Pine Springs Elementary School, and the school buses use this intersection and the small children walking home and parents picking up students make this a particularly hazardous intersection.

Mr. John Mastenbrook spoke in opposition. He lives at 2922 Pine Springs Road in the Pine Springs Community. He said he felt the Board must consider these two uses the gasoline station and the food service as to conformance to the Master Plan and neighboring properties. He said he was afraid these people would not be bound to the rendering of the station showing what they would do.

Mr. Smith told him that they would be bound by the rendering they gave the Board. It is made a part of the permit. On occasions the Board has set the architectural design and type of construction materials to be used in the oil companies.

Mr. Mastenbrook stated that the rendering did not show the attendant's shelter. He said he would like to stress the traffic hazard in that area.

Mr. Mastenbrook also stated that this definitely does not conform to the Jefferson Plan which shows this property as a multi-family use. He said his other reason for opposition is the over intensified use of this property.

Mr. Mastenbrook presented to the Board a letter from Mr. and Mrs. Derrow, 7601 Woodberry Lane, Falls Church, Virginia, after he had read the letter. They stated in their letter that they were opposing because they felt that such a business venture cannot succeed in that location;and Pine Springs as an entity enhances Fairfax County only so long as Fairfax County continues to support its residents;and Leary School which is immediately adjacent to the property and seems to have need for a larger parking area causes them to feel that there is need for immediate zoning to control traffic and parking and not zoning which will further confuse the area and create a serious safety hazard.

TENNECO OIL (continued)
AMENDED TO TENNECO OIL AND A & C REALTY

Mr. William Woodworth, 7604 Cerrick Court spoke in opposition to the application. He said he felt this permit should be considered on the overall need of the community as a whole and he sees no benefit and therefore opposes. He said they could use another type of use such as drug store, snack bar, dry goods store, florist or garden shop. He said he also felt this would be a traffic hazard. He said it was sad to think that bit by bit of the county is becoming ugly because of bad commercial development. There are oak trees on that property that will have to come down.

Mr. Smith told Mr. Woodworth that this was not relevant to the case.

Mr. Woodworth stated that this is just one more instance of what is going on all over the County and the County authorities need to spend some thinking time about it.

He said if the County does not have the power to handle this, they should ask for enabling legislation, or we will have an asphalt jungle.

Linda Carl, 2909 Wickersham Way, spoke in opposition. She said she was present at the request of the President of the PTA of Pine Spring School. The Board has met and they feel that this intersection does present a hazard to children who are walking in the morning and afternoon to school.

Mr. Smith asked Mrs. Carl if they had had an opportunity to view the plan and see the service drive that will be put in and the curb cut.

Mrs. Carl answered that this information had not been available to them, but from what they had seen and from the information they had they took the position that they were opposing the application.

Mrs. Carl said they had quite a number present who were in opposition from the PTA and requested that they be allowed to stand and be counted.

These residents stood and the count was fifteen.

In rebuttal Mr. Hansbarger said he feels this use will enhance the traffic problem and he would like to state why. The reason being that they plan to add a traffic lane that does not exist now. The improvements in the intersection will help site distance as he stated previously. There will be on-site parking, which some of the other commercial establishments do not have. This will get cars off the street. He said as far as the safety of the children are concerned, have the neighbors thought about the danger of the old dilapidated building that is now vacant there.

Mr. Smith asked Mr. Woodson if the sale of food products is compatible with the sale of gasoline and Mr. Woodson answered "Yes".

Mr. Smith asked Mr. Woodson if it was his opinion that he would have to meet the 50' setback requirement because of the gasoline dispensing pumps, in other words, all buildings on the property would have to meet the 50' setback and because of the restrooms connected with the gasoline station being in the food store it would be part of the gasoline service building.

Mr. Woodson said the Health Department requires the restrooms in all public facilities' and the setback would apply.
The Planning Commission memo was read requesting that they hear this case on January 18.
Mr. Hansbarger said if they went by the letter of the law, the ordinance states that in Section 30-6.13, the language uses the word "shall" and shall is mandatory. "The Planning Commission shall have thirty days within which to make its recommendations to the Board." If they are going to exceed those thirty days then it is not right and proper for this Board to defer action until the Planning Commission can hear it later.

Mr. Smith said he would like to point out that the Board did not stick exactly to the rules as far as this application was concerned. The Board has a rule that the Clerk or Staff is not to accept an application that is not completely complete. The Board accepted this application and allowed the applicant to bring in papers at a later time.

Mr. Long moved that the application by Tenneco Oil Co. & A & C Realty, No. S-231-71, be deferred for decision only for a period n ot to exceed 30 days to allow the Planning Commission to make recommendations on this application. The applicant is to revise the plats to conform with setback requirements prior to any hearing by the Planning Commission.

Mr. Kelley seconded the motion.

The motion passed unanimously.

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MARTIN L. SCHNIDER, app. under Sec. 30-7.2.7.1.4 of Ord. to allow miniature golf course, Chain Bridge Road at Jermantown Road, 47-2 & 47-4((1)). Providence District (CRMH), S-237-71

Mr. Martin L. Schnider was represented by Bernard Fagelson, attorney for the applicant, who testified before the Board.

Notices to property owners were in order. Robert H. Craig, 3101 Jermantown Road, Oakton, Virginia and Donald D. Niklason, 7018 Arbor Lane, McLean, Virginia were the two contiguous property owners.

Mr. Smith said in looking at the plats he noticed that it did not show a 100' setback.

Mr. Woodson said there was no building on this piece of land.

Mr. Smith said in the past they had always required a 100' setback from a golf course when it abutts residential and this does.

Mr. Fagelson submitted two letters in support of the application.

Mr. Smith said he didn't feel there was any question of this being a good use.

Mr. Fagelson said the driving range had been in operation for one season.

Mr. Smith asked if there was enough parking spaces to take car of this. Mr. Fagelson said there was 56 spaces planned.

Mr. Barnes said in order to get the setback just put the parking in front and move the course back.

Mr. Fagelson said it gets complicated if they move it out of that location because of the topography of the land.

Mr. Smith said it looked as though there would be 18 holes. Mr. Fagelson said that was correct.

In opposition, Mr. Hampton Davis, 3029 Chain Bridge Road, spoke before the Board.

He stated that his objection is that this has an amusement park type of atmosphere and is not in keeping with the residential character of the neighborhood. He said when this was originally built, they were told it would be an attractive colonial style building and it certainly doesn't look that way to him.

Mr. Smith said this was a very limited use and at the time of the original granting miniature golf courses were not allowed, but the Board of Supervisors on Wednesday, December 1, 1971, passed a resolution permitting this, but not for more than two years with a two year extension, making a total of no more than four years. There are specific requirements, one of which is it must have access on a major highway and have 100' setbacks.

Mr. Kelley said he did not recall anything in the testimony that called for a colonial type building.

Mr. Smith pulled the old file and after reading the motion said there was nothing in the original resolution which called for a colonial structure.

Mr. Fagelson said that Lowell Keagy, Supervisor of the Administrative Division, advised Mr. Schnider that they should advise the Board that the Department of Recreation was in favor of this type of recreation and this should be brought to the Board's attention.

There were two letters in the file in favor of the application, one from Flint Hill and one from the Town of Vienna's Department of Recreation.

Mr. Long moved that the application by MARTIN L. SCHNIDER, No. S-237-71 be deferred for decision only for a period not to exceed thirty days for revised plats and a report by the Zoning Administrator on the conformity of the current use with the specific requirements of the use permit, and for relocation of the parking.

Mr. Baker seconded the motion.

The motion passed unanimously.

Mr. Fagelson said he would like to get it back by January 18, 1972, if that would be permissible.

The Board indicated that it would be permissible to put it on the January 18, 1972 Agenda.

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PINECREST HEIGHTS COMMUNITY ASSOCIATION, app. under Sec. 30-7.2.6.1.1 of Ord. to permit erection and operation of community swimming pool, wading pool and bath house, Pinecrest Parkway and Little River Turnpike, Pinecrest Heights Subdivision, Section One, 71-2((5)) part of parcel 69, Annandale District, (RT-10), S-235-71

Mr. Grayson Hanes, attorney for the applicant, represented them before the Board.

Notices to property owners were in order. The contiguous property owners were Hall crest Heights Limited Partnership, c/o A. R. Lowstreter, 6819 Elm Street, McLean, Virginia and Henry J. Rolfs, 2846 Hunter Mill Road, Oakton, Virginia.

Mr. Hanes said that this property is now being cleared. This pool would be under the ownership of the homeowner's association, which would be a non-stock, non-profit organization and this pool is provided by the builder in order to comply with the Board of Supervisors' requirement that they meet the obligation as to active open space. The subdivision is under construction. The first lots will be ready in the spring of this year and they would like to get underway with the construction of the pool as well. The pool will be just for the residents in that subdivision only and the maximum membership will be 196. The pool will be 20x40x70'. The site plan has been approved. The size of the bath house is 15x25' and the wading pool is 15' in diameter and these are the only structures proposed on the property. This will be completely fenced with a 6' chain link fence. The structure will be behind the townhouses.

Mr. Smith asked if they planned to use the swimming pool facilities other than just the three month time period in the summer.

Mr. Hanes answered "No". They have no meeting room area and there is no parking except emergency parking&for employees there will be parking spaces.

Mr. Long asked if they were going to provide landscaping. Mr. Hanes answered that he had discussed it with the builder and they say they will work with the County to landscape as they want it to be attractive too. He said also that the Health Department has looked at the site plan and has approved it.

No opposition.

In application No. S-235-71, application by Pinecrest Heights Community Association, under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit erection and operation of community swimming pool, wading pool and bath house, on property located at Pinecrest Parkway and Little River Turnpike, also known as tax map 71-2 ((5))pt. of parcel 69, County of Fairfax, Virginia Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 11th day of January, 1972; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RT-10.
3. That the area of the lot is 3.40 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance of all County codes is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for thelocation indicated in this application and is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

4. The site is to be completely fenced with a 6' fence (chain link) as approved by the Director of County Development.

5. Screening and planting as approved by Director of County Development.

6. Four additional parking spaces are to be provided for employees.

7. The total membership shall not exceed 196 family memberships, which shall be limited to the Pinecrest Heights residents.

8. A 12' emergency lane shall be provided to the pool.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed unanimously.

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MURRAY M. HOLLOWELL, T/A CROSSROADS CLEANERS, app. under Sec. 30-6.6 of Ord. to permit erection of addition 10' from rear prop. line, and 34' from front prop. line, 5800 Seminary Road, 61-4((17))B-1, Mason District (C-G), V-236-71

A letter was read by Mr. Smith from Stanford Parris, attorney representing the applicant, requesting deferral of this case until another date in order that he could comply with the Notice to Property Owners requirement and he, therefore, requested a deferral of 30 days.

Mr. Baker so moved and suggested a date of February 8, 1972.

Mr. Long seconded.

The motion passed unanimously for deferral until February 8, 1972.

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DEFERRED ITEMS:

B.P. OIL CORP. & VINCENT WELCH, JANICE SWALES & ANNE WILKINS, app. under Sec. 30-7.2.10.2.1 & Section 30-7.2.10.2.2 of Ord. to permit service station, northeast corner of Pohick and Hooes Road, 97((1))69, Springfield District, (C-N), S-213-71 (Decision Only)

B.P. OIL CORP. & VINCENT WELCH, JANICE SWALES & ANNE WILKINS, app. under Sec. 30-6.6 of Ord. to permit gas station 21' from residential property northeast corner of Pohick and Hooes Road, 97((1))69, Springfield District, (C-N), V-226-71 (Decision Only)

Mr. Smith read the letter from the Planning Commission recommending denial. They stated they felt that there were significant planning implications involved with these applications, as they relate to the Pohick Watershed Plan and specifically to the Middle Run Policies Re-evaluation. They stated further that it would be a number of years before the development of any community center in this area would be appropriate or desirable from a planning standpoint and that to begin a commercial development here which is, to say the least, premature would be damaging to the further execution of planning in the area.

Mr. Smith read the Staff Report recommending denial of the use permit and that no variance whatever be granted.

Mr. Smith told Mr. Farley that since the property adjoining this property is C-N could they turn the station around so that they would not be asking for as much of a variance.

Mr. Farley said they would still need a variance, but it would be for a lesser amount.

Mr. Long asked if they could come up with any type plan where a variance is not required.

Mr. Farley stated that CITCO is the only company that puts the bays in the rear. He said the building restriction line on this new plan is 20' over the building restriction line and within 30' of the rear property line. He said there was a letter in the file indicating that the owner of the property joins in the application. The station has been moved much closer to the C-N property to lessen the variance.

Mr. Smith said he didn't see how the Board could support a variance when they gave a special use permit to a company at this same location that did not need a variance.

Mr. Farley said that since this had come up, they had tried to revise the plans and still live with it. He said they had given 22,000 square feet to the County which is over one-half of this property to a service lane.

Mr. Smith said the County required the same amount of dedication for CITCO.
Mr. Farley
He said it would not be a more intensive use.

Mr. Green (interposing) asked Mr. Smith if he was going to allow argument without giving him an opportunity to speak.

Mr. Smith reminded Mr. Green that this was for decision only and they were only discussing the plat.

Mr. Green said they were bringing up a new matter.

Mr. Smith asked Mr. Green to be seated so they could get on with their business.

Mr. Green said he wished to speak.

Mr. Smith again asked Mr. Green to be seated and that this discussion was on the new plat only.

Mr. Farley said he was not in a position to say that the engineer may be in a position to try to come up with something that would not require as much of a variance. Mr. Farley said there is a letter in the file indicating they* have no objection to joining in this request for a variance. *(They being the contiguous property owner).

Mr. Smith said they would have to come up with a plan without requesting a variance on it.

Mr. Farley asked if they could have leave to do that and the Board could act on the Use Permit request.

B.P. OIL,ET AL. (continued)

Mr. Smith said they must act on the two applications together at the same time. The Board has authority to grant either one or both, or in part. He said he wanted to be clear as to what direction they were requesting, and asked Mr. Farley if they were requesting additional time to submit new plats.

Mr. Farley said "No" they were not, they would prefer the Board act on the Use Permit and let them work out the variance.

Mr. Long moved that the application by B. P. Oil Corp. & Vincent Welch, Janice Swales and Anne Wilkins, No. S-213-71 be deferred for decision only for a maximum of 30 days to allow the applicant the opportunity to submit revised plats substantially in conformity with the Use Permit granted on this property for a gasoline station June 7, 1970 with the bay in the rear as the CITCO station showed.

Mr. Baker seconded the motion.

Mr. Farley asked for a clarification.

Mr. Long stated that this was to be a rear bay station.

The motion passed unanimously.

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SUN OIL COMPANY, app. under Sec. 30-6.6 of Ord. to permit building 35' from Old Richmond Highway (5928) (renovation of old station) 83-3 ((1))68 & 69, Mount Vernon District, (C-G), V-227-71

Mr. Smith read the staff report on the service drive.

He asked Mr.Lingle if Sun Oil was in agreement.

Mr. Lingle said they were. He said this was the original understanding and it has been shown on the site plan.

In application No. V-227-71, application by Sun Oil Company, under Section 30-6.6 of Ord. to permit building 35' from Old Richmond Highway on property located at 5928 Richmond Highway, also known as tax map 83-3((1))68 & 69, County of Fairfax, Virginia Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 7th of December, 1971 and deferred until January 11, 1972; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is C-G.
3. That the area of the lot is 25,930 square feet in Lot 68 and .5506 acres in lot 69.
4. That compliance with Site Plan Ordinance is required.
5. That a similar variance was granted October 21, 1969.
6. That this is the minimum variance requested to allow the upgrading of the existing station.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:
(a) exceptionally narrow lot, and
(b) exceptionally shallow lot.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

SUN OIL COMPANY (continued)

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

3. Any sign must conform to the Fairfax County sign ordinance.

4. The applicant is to dedicate and construct to 22' from c/l of Old Richmond Highway as recommended by the Staff.

5. There shall not be any display, selling, storing, rental or leasing of automobiles, trucks, trailers, or recreational vehicles on said property.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Long seconded the motion.

The motion passed unanimously, 4 to 0 (Mr. Baker out of the room)

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HESS OIL COMPANY AND ANNANDALE MILLWORK CORP., app. under Section 30-7.2.10.2.1 of the Zoning Ordinance, to permit renoviation of existing gasoline station, on property located at 7100 Little River Turnpike, 71-1((1))109, Annandale Dist. (C-D), S-229-71

Mr. Chuck Majer represented the applicant.

Mr. Smith read a letter from John T. Hazel, Jr. advising the Board that he had withdrew from counsel for the applicants, and that Mr. Majer has entered his appearance in this matter on behalf of the applicants.

Mr. Majer said that he had discussed this with Mr. Chilton, Preliminary Engineering, concerning the revised plat, but this morning Hess Oil requested a slight change in the layout of the service drive and pumps and he indicated he had given a copy of that to Mr. Long. He said the only change is in the position of the pumps. They would be in a north-south direction instead of an east-north direction. In all cases the setbacks would be adequate. There would be 30' instead of 25' from the sidewalk. He said he believed there was some problem with the parking spaces and on the revised plat, it shows that parking can be located at the west and in the back of the building. This property joins the Annandale Millwork on the north and west side of the property.

Mr. Smith again referred to the Staff Comments stating there would have to construct road widening and service drive for the full frontage of the property along Route 236. A minimum 22' travel lane connection along proposed John Marr Drive will be required to provide access to the property to the north. The Staff Report indicated that Mr. Kelley, County Executive, would not waive the dedication and construction of service drive. Mr. Majer said it would not be necessary at this point in time because there is no service drive to the east or west of this station. He said his client was willing to do this when it is needed. He said he didn't believe it is a point for this Board to make.
Mr. Long said Mr. Kelley, the County Executive, is the only one who can waive this.
Mr. Smith asked if they would have objection to dedication at this point.

Mr. Majer said this is a new point that has been raised, because in all previous discussion that he has had with Mr. Chilton on this particular item, the question of dedication or construction was immaterial to him and if they wanted to construct it sometime in the future it was fine. He said that he spoke with Mr. Yaremchuk and it appeared that everybody understood that the timing could be worked out administratively with the County.

Mr. Steve Reynolds from the Preliminary Engineering Branch came down to answer questions on the dedication and construction of the service drive. He stated that under Sec.30-6.7.1.1 the Board of Zoning Appeals can grant conditionally and under the Site Plan Ordinance, they (Preliminary Engineering) could not require dedication, that is why they suggest to the Board that dedication could be and should be one of the conditions for the variance. The State will not take a service drive into the system unless it is dedicated. They will not accept an easement. He said they are not really concerned at this point with whether or not the County will waive the construction of the service drive, they are only concerned with the dedication and it is up to the Board as to whether or not they want to require it. Construction can be handled by the County Executive acting on behalf of the Board of Supervisors. The feelings of the County Executive has already been stated, but, he said he did not want to interpret what he might say if asked again.

Page 465
January 11, 1972

HESS OIL COMPANY AND ANNANDALE MILLWORK CORP. (continued)

Mr. Smith said that in the past the Board has required dedication and whether they want to require construction is up to the Board, or they may wish to leave it to Site Plan Control. He said he felt that the Board would be doing a disservice to the people of Annandale if they did not require dedication at this point where there is a use to be implemented so vast as the use they are proposing. This impact is greater than the existing service station.

Mr. Majer said he had some question as to the legality of the required dedication at this point. Mr. Fogel said he will not object to the dedication at this time at this point in time, reserving, of course, the question under Site Plan Control as to when construction should take place.

Mr. Majer marked the plat that was the revised plat that he submitted to the Board earlier this day.

Mr. Long said that there was a problem with this new plat.

Mr. Smith said as far as he was concerned, he should have a new plat, prior to final action on it, the Board should have plats showing what they intend to do.

Mr. Barnes said that he agreed.

Mr. Majer said he thought he had given new plats and he didn't understand the problem.

Mr. Smith said the parking and the travel lane conflict.

Mr. Barnes showed the plat to Mr. Majer and showed him that if they put the parking in as the current plat showed, there would not be space enough for the travel lane.

Mr. Majer said this wasn't designed for a driveway for the general public, but for the station.

Mr. Smith said there is another question about the setback from the travel lane.

Mr. Majer said this is a driveway for the purpose of this station.

Mr. Barnes said if they moved the parking from where they have it on the plat, they would have plenty of room.

The Board continued to discuss the plats. Mr. Majer was also up with the Board discussing the plat.

In application S-229-71, Mr. Long moved that this be deferred until January 18, 1972, for decision only to allow the applicant time to submit revised plats showing the area to be dedicated for road widening and service road on Route 236 and to allow the Staff an opportunity to review the plat and certify the travel lane along John Marr Drive.

Mr. Baker seconded the motion.

Mr. Majer raised a question about this travel lane and get it clarified so it might be incorporated in the motion. He stated Mr. Fogel has already dedicated 22' on the easterly side of this property for John Marr Drive.

Mr. Barnes said he didn't think the question is on John Marr Drive about the dedication, it is about the parking.

Mr. Majer said there is no problem about the parking, they could get a new plat. He said he thought he understood it before, but apparently he didn't and it was expensive on everybody concerned.

Mr. Smith said he should get together with the Staff and hopefully this could be resolved.

Mr. Majer said he had gotten together with the Staff three times before.

Mr. Smith said there is a conflict with the parking and the travel lane, but basically this resolution is pertaining to the dedication of certain provisions for road widening and service road on Route 236.

The motion passed unanimously.

Mr. Majer said he wanted to be sure what the Board wanted and ask if they were unhappy with the location of the travel lane. Mr. Smith said as long as the Staff approved it. Mr. Majer said they had approved it before.

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AFTER AGENDA ITEMS:

WOODLAKE TOWERS:

Mr. Smith read a letter from Stephen L. Best, attorney representing the applicant, with a request that County Canine Corporation be allowed to lease space in Woodlake Towers for administrative office use in Suite 8 and Suite 10 as shown in an attached plat. They will provide security service for the Woodlake Towers apartment complex, as well as for other commercial and apartment developments in the Washington area.

They are presently leasing space in the Williston Apartments on Arlington Boulevard in Fairfax County.

Mr. Smith said there should be a copy of the Lease for the file.

This case was deferred until January 18, 1972, in order for Mr. Best to furnish a lease.

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FORD LEASING

Mr. Smith read a letter from the Architectural Review Board and the Historic Commission requesting the Board extend this permit in order that these two Board's might review this file.

Mr. Smith said he would like to know when they plan to hear it and since it would not be in jeopordy until February 4, 1972 he suggested they discuss it again on January 25, 1972 and perhaps the Board would then know what length of time would be needed.

The Board agreed and Mr. Smith asked the Clerk to put this on the schedule for the January 25, 1972, meeting.

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LAKE BARCROFT RECREATIONAL ASSOCIATION

At the previous meeting there had been a letter from an interested citizens group inquiring as to whether or not Lake Barcroft Recreational Association's use permit had expired since the year was up.

Mr. Smith read a letter from Mr. Waterval, attorney representing Lake Barcroft Recreation Association stating the events of happening during the past year in relation to the progress of the Lake Barcroft Recreation Association and their status at the present time.

Mr. Smith asked Mr. Waterval if there had been any work on the property at all.

Mr. Waterval stated that there had been soil sampling in July. They had acquired $45,000 in corporate bonds and they had received the building permit before the expiration date.

Mr. Long said they had acquired site plan approved and he felt what they had done constituted starting.

Mr. Woodson said he must start construction or operation. That is the way the Use Permit reads.

Mr. Long said the intent is there.

Mr. Smith said the building permit runs out March 2, 1972.

Mr. Baker said he felt they had done everything possible that they could do.

Mr. Smith said it looked as though the majority of the Board feels they have complied.

Mr. Long moved that the Zoning Administrator write a letter to Mr. Gordon Furbish stating that Lake Barcroft Recreation Center, Incorporated obtained a building permit for the construction of the proposed improvements on this site September 7, 1971 from Fairfax County at which time they had paid one-half of the filing fee for site plan in June 1971, bond for the construction was posted in August 1971 and the remaining one-half filing fee was paid in September 3, 1971. This validates the use permit and complies with the rules and regulations of this Board.

Mr. Barnes seconded the motion. The motion passed 4 to 1, with Mr. Smith voting No.

The Board adjourned at 4:09 P.M.

By Jane C. Kelsey
Clerk

Daniel Smith — March 8, 1972
DANIEL SMITH, CHAIRMAN — DATE

The Regular Meeting of the Board of Zoning Appeals was Held on Tuesday, January 18, 1972, at 10:00 A.M. in the Board Room of The Massey Building. Members Present: Daniel Smith, Chairman; George Barnes, Loy P. Kelley, Richard Long and Joseph Baker.

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

FRANK B. PETERSON, app. under Sec. 30-6.6 of Ord. to permit erection of carport 15' from front property line, 1009 Gelston Circle, McLean, Scott's Run Subdivision, 21-3((12))12, Dranesville District (RE-1), V-240-71

Notices to property owners were in order. Mr. Peterson lives at 2849 Woodlawn, Falls Church. He represented himself before the Board. He said he would like to give some background. Mr. Peterson stated his lot is located on a long cul-de-sac in a wooded area and the street runs along the top of a high ridge. The lot is 180' deep, 92' wide and the drop is 65'. He said that in a conversation with the resident engineer of the Highway Dept. the engineer stated that there was no possibility of the widening of the street or the ditch used for storm drainage. On the North is a 10' storm drainage easement that exists on the property itself. In front of the property there is a culvert that collects the storm water and directs it along the side of the property. He said there were three reasons why he needed this variance and they were all related to the topography of the land. On the north side of his lot is a 20% slope. THe slope at the street is 29% at the storm drainage easement and on the other side is a 20% slope. He said he got this information from the County surveys on the storm drainage easement and the work in laying out the property in the subdivision. The lot itself is relatively narrow for that neighborhood being of 92' width at the street and this is reduced because full access to the lot is not possible with this type of concrete storm drainage box that exists in front of the property, so a driveway could not be at the property line it would have to start some distance from the property line. It is estimated that the driveway will have to start 10 to 12' from the edge of the property unless major changes are made on the street to redirect water. Along the 30' setback line there is an 11' drop in the grading, if one goes from one side of the property line to another and this is one of the factors that makes this lot different from some of the other lots on the same side of the street. These three factors combine to make a driveway perpendicular to the street essentially impossible. This conclusion was drawn after a plot plan had been drawn up for the lot by an architect and a grading plan was made by James Smith & Associates of McLean. After looking at the grading plan and many variations of how the house would fit and what could be done to the house to make it fit, it was concluded that a perpendicular driveway to the street to that lot with the type of topography that is there was not possible. The only real solution is to have a angled driveway. The variance is only for a carport or garage, a covered type of parking facility. Because of the width of the lot, the angle that is required, one would have to make a "U" turn in the street to drive onto the property. If the angled driveway had to go to a parking area which was at least 30' from the public right-of-way, then it would not be a year round usable driveway and it would not be a driveway which would be practical. To do this you would have to have retaining walls 12' high.

Mr. Smith asked how long he had owned the property. Mr. Peterson said he had owned it for nine months and that he plans to live in the house.

Mr. Smith asked if he realized that this problem existed at the time he purchased it?

Mr. Peterson said he realized that the lot was steep, but he did not fully comprehend the difficulties with this particular lot. This factor was not apparent to him, he continued, and it was not apparent to the architect, even after some preliminary survey work had been done because they had gone through the entire process of designing the house and it was much to his surprise that in fact this house would not fit the topography. It wasn't really apparent until they had civil engineers come in. On this property there is a requirement as to the number of minimum square feet per floor and to meet that requirement, they had to have a certain size house. Working with that requirement the original house was designed. The second design which they have now compliments the house very well. The garage is slightly below street level, about 4'. The terrain is wooded.

Mr. Peterson said there is difficulty in backing out of this steep driveway and you would not be able to see oncoming traffic as you have the rear of the car sticking up in the rear.

Mr. Smith asked what the setback is for the other houses.

Mr. Peterson answered that he didn't think there had been a previous variance request in this area.

PETERSON (continued)

Mr. Smith said all of them are over 50' back then.

Mr. Peterson answer "No, they are not". He said he had paced one of them off and it is in the area of 25', but the County said there had been no request for a variance, but he would assume his measurements were somehow incorrect. He said he took the measurements from the covered ditch and possibly the covered ditch is not placed properly.

Mr. Smith said that possibly the covered ditch is on the property itself.

Mr. Peterson said that according to the County's drawings, it should be clearly stated

Mr. Smith asked him if he was requesting a variance on the house.

Mr. Peterson said that he was not, just the covered parking area.

Mr. Smith asked if this is RE-1 as advertised, or RE-1 cluster. Mr. Long requested the zoning administrator check this out.

In opposition.

Col. Baker, 1008 Gelston Circle, spoke in opposition. He said he felt that construction could be accomplished without rezoning action. He said regulations of the zoning ordinance is to preserve the uniformity.

Mr. Smith told Col. Baker that this is not a rezoning action, it is simply a request for a variance from the zoning category.

Mr. Smith asked him how long he had lived in the neighborhood and when this street of houses was developed.

Col. Baker answered that this street is a 50' street and he has lived there since 1969 and this subdivision was started in 1966 and recorded the 14th day of January, 1966. Mr. Smith said that unless the subdivision plan allows a Cluster type development they would have to set back 50'.

Col Baker said they have one-half acre and most of the lots are one-half acre and the normal setback is 30' in this area.

Mr. Smith said that answers their questions regarding the zoning, it is RE-1 cluster.

In rebuttal, Mr. Peterson spoke to a subject that Mr. Smith said was irrelevant to the application.

Mr. Long said it looked as though the house is to close to the side yard.

Mr. Peterson stated that the drawing for the placement of the house is incorrect. It was a mistake made by the civil engineer. He said we were requesting a variance for the garage, not the house.

Mr. Smith said the Board's consideration is based on the plats that are submitted and the location of the house is very important to the Board.

Mr. Kelley said that in view of the fact that Mr. Peterson's plat are incorrect he said he did not feel the Board should act on this application and he moved that this case be deferred until the plats are corrected.

Mr. Baker seconded the motion.

Mr. Long said he would like to clear up the matter of the setback and that according to his figures, the carport would have to be 21' from the side of the property.

Mr. Covington said that there had to be a total of 40' on both sides and he doesn't think by this plat he had the 40' setback.

The motion passed unanimously and the case was deferred until January 25, 1972 for decision only.

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BEN F. HOWARD, RICHARD H. MACATEE, TRS. & KENNETH RUDD & GORDON RUDD, T/A RUDD & RUDD app. under Sec. 30-6.6 of Ord. to permit "bubble" top tennis facility within 20' of south side lot line and to waive screening along adjoining residential property line, S.W. intersection of Fleet Drive & Beulah Street, Lee District, 91-1((1))34, (I-P), V-238-71

Mr. Fagelson, attorney for the applicant, represented the applicant and testified before the Board.

Notices to property owners were in order. The contiguous property owners were Mr. J. Ratcliff, 5805 Cannon Lane, Alexandria and Mr. Thomas A. Clem, 10658 Gunston Road, Lorton, Virginia.

The contract to purchase was presented to the Board.

Mr. Fagelson said for the record he presented the contract to purchase, but he had made the application in the names of the contract purchasers and the present owners.

Mr. Fagelson said that the height of the chain link fence which is going to be used for the bubble is 10'. In effect, there is no permanent structure , but according to Fairfax County's ordinance all of these are structures, but it is not a structure that is heavy or a permanent building and will not be put up in winter months when the weather gets bad. He said they felt this is important for year round use and the impact on what is still zoned residential will be a minimum. The adjoining property has an application on it for rezoning. Mr. Keller authorized him to say this application is for industrial zoning. Of course, there is no way of knowing whether or not it will be successful. They have no objection to this type of use being made of this adjacent property and there is no need for a screen at this time. The area of property adjoining has been used for a Gravel pit and now is in the process of being restored for other uses. Adjoining the property to the west is Gravel Avenue. He said he did not know if it was dedicated or not, but it is entirely on the property of Mr. Gibson. Mr. Gibson said stated that he feels this is a reasonable use at the time he discussed it with him, but he doesn't know what he might think now. They are providing 19 parking spaces which they feel is more than enough for three tennis courts. The Club House portion is 32x16 and will front on Fleet Drive.

Mr. Long asked if he had a sketch and Mr. Fagelson said he did not.

Mr. Smith asked what type of material would be used and if it was air tight.

Mr. Fagelson answered that it would be air tight. The bubble has been changing in the past few years and the design is constantly being improved. It will be solid and you cannot see through it. It will be air inflated.

No opposition.

Mr. Long said he moved that application V-238-71 be deferred until January 25, 1972, for decision only to allow the applicant to furnish the Board with photographs or renderings of the proposed structure and to allow the staff to report on the status of Gravel Avenue.

Mr. Kelley told Mr. Fagelson that one of the Board's specific statements says that approval is granted for the location and the specific structure, therefore, they must have a rendering of the type bubble they were going to put up.

Mr. Kelley seconded Mr. Long's motion.

The motion passed unanimously.

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JANE A. ROGERS, app. under Sec. 30-7.2.6.1.3 of Ord. to allow school of general instruction for 45 children, 8:30 to 12:30; 4 to 5 years of age, 1426 Crowell Road, Vienna, Virginia 18-2((3))4, Dranesville District (RE-2), S-239-71

Mr. Epperly represented the applicant.

Notices to the property owners were in order. Contiguous owners were Bowdoin College, Brunswick, Maine c/o of Mr. and Mrs. Robert Cameron; Mr. and Mrs. John Van Dick.

Mr. Epperly stated that Mrs. Rogers had been living there for ten years and she has not operated a school previously.

ROGERS (CONTINUED)

Mr. Smith read into the record from the Health Department stating that the toilet facilities limits the normal operation of the facility to 25 children at any one time. They further stated that the Board could grant the permit for more children and they would still be limited under the Health Department's regulations until they furnished more toilet facilities.

Mr. Epperly stated that this school consists of two teachers, Mrs. Rogers and his wife, Mrs. Epperly. They feel there is a need for a religious background for children. The mothers in the neighborhood are keenly interested in this school.

His wife has been teaching at Fairfax Christian School for three years and they have three children in Fairfax Christian School.

The Rogers home is very large, located on 6 1/2 acres. The house is situated 300 yards from the road. The rooms that will be used for the school are located at the rear of the Rogers home and are not visible from the neighborhood houses. The inspection from the County indicates that the amount of modification will be minimum. No meals will be served. The recreation area will be behind the house and will be well protected from the driveway. It will not be visible from the neighboring houses. There will be no more than fifteen children outside at any given time. Transportation will be provided by a VW type bus and a station wagon. The Rogers made their home available for church services for 40 to 50 people a couple of years ago and it cause no problem regarding traffic and complaints from the neighbors.

He asked that the people present might stand and be recognized by the Board as being in favor of this application.

The Board permitted this and nine (9) people stood..

Mr. Epperly stated that Mr. Rogers was unable to be here at the meeting, but he realizes that he will be responsible for all activities on this property and he is in favor. This is not a corporation.

Mr. Barnes reminded Mr. Epperly that the transportation bus would have to comply with the State code, painted and the light on them in conformity with the Code. This will have to be done prior to use.

Mr. Smith reminded them of the insurance requirement.

Mr. Epperly said they would.

Mr. Kelley asked if the recreation area is to be enclosed with a fence.

Mr. Epperly said he would do whatever was required.

Mr. Baker said this is under a Health Department requirement.

In opposition, Stewart Bailey, 10201 Brownsmill Road, spoke before the Board. He stated they were in opposition to the purpose and intent of the school, not because it is a school as we need education, but initially they may start out with a small amount of students and gradually they will increase and be like Flint Hill is now and this is a residential neighborhood and they would like to preserve the tranquillity.

He read a letter he had written to the Board into the record.

Mr. Smith asked if he was a contiguous neighbor and Mr. Bailey said he was not.

Mr. Smith reminded Mr. Bailey that this was a permitted use under a use permit in this zoned category.

Mr. Bailey said that if this were to be a neighborhood school only with the children coming from within the immediate neighborhood, it would be different, but these children will be coming,bussed, from outside, and there have been several accidents on Brownsville Road.
Mr. Bosley Crowder Cronth, 1408 Crowell Road, spoke in opposition to the application.

Mr. Conth said he was one of the signers of Mr. Bailey's letter. He stated that this is a cul-de-sac and it deadends and is a different situation than where you have a means of exit and entrance from two directions. He said he was afraid that later this school might go from private for 25 children to a larger one run by something like EDECO or a similar organization which is many cases is a suragate type operation for working mothers. He said he was concerned about theparking. He said this road had been paved at the insistence of the neighborhood, and the Rogers at that time were very concerned about the road, therefore, the road on which they are located was built at the expense of the neighbors Mr. Bailey, and the people across the street.

Mr. Epperly said in rebuttal there are 15 parking spaces and they feel this is more than will be needed.

In application No. S-239-71, application by Jane A. Rogers, under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit a general instruction school, on property located at 1426 Crowell Road, Vienna, Virginia, also known as tax map 18-2((3))4, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 18th day of January, 1972; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 6.52 acres.
4. That compliance with all County and State Codes is required.
5. That compliance with Article XI, Site Plan Ordinance, is required.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.

4. The maximum number of children shall be 25, age 4 to 5 years.

5. The hours of operation shall be 8:30 to 12:30 P.M., 5 days a week, 9 months a year.

6. All buses for transporting students shall comply with State and Fairfax County School Board in color and lights requirements.

7. The minimum number of parking spaces shall be 15.

8. An occupancy permit is required prior to starting of operation.

9. This permit is granted for a period of two years, with the Zoning Administrator being empowered to extend the permit for three, one year periods.

Mr. Baker seconded the motion.

The motion passed unanimously.

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ANNA ANITA FUNDRELLA, app. under Sec. 30-7.2.6.1.5 of Ordinance to permit beauty shop in home, 8008 Ashboro Drive, Fairfield Subdivision, 101-1((3))162A, Lee District, (R-12.5), S-211-71

Notices to property owners were in order. Contiguous owners were Robert Reinsel and Hugh Spoon.

Mrs. Fundrella spoke before the Board. She stated she had a State license and the Board requested that they be able to make a copy of it for the file. She said she had been in this area since the middle of June and had come here from Florida. She owns the property where she lives. She has worked for the last several months at a beauty shop on Russell Road. She stated she would have a one chair operation and would only expect to have one customer every 1 and 1/2 hours and has plenty of parking as she does not own an automobile.

Mr. Smith said it looked as though she had already installed the equipment by looking at the inspection report. She said she had installed some of the equipment. She said when the first inspector came around he said that she should let them know again when she had completed getting the equipment in and that is why she started, she didn't realize that she had to come before this Board.

Mrs. Keith Roberts, 442 Longwood Square spoke for Mrs. Fundrella as Mrs. Fundrella had an English problem. Mrs. Roberts stated that Mrs. Fundrella had not started the operation. She had installed the basin and there are no pipes in there. She plans an outside entrance and a sidewalk and she already has a large driveway.

Mrs. Roberts said the beauty shop was going in where the carport is now. The enclosed carport came with the house. She hopes to operate 6 days a week, from 8:00 A.M. to 5:00 P.M.

Mr. Baker inquired if the closest beauty shop was over by Mount Vernon High School. Mrs. Roberts answered that it was.

In opposition Mrs. Sidney Henry, 4317 Cedar Street, spoke before the Board. He said he was on the Board of Directors, Pinewood Lake Homeowners Association.

Pinewood Lake lies directly south of the Fundrella property. They have a common boundary. They oppose on the ground that it would set a precedent in a total residential area. She stated that there were at least 8 beauty shops up and down Route 1, within a two mile radius that would more than satisfy the needs of the area residents.

Mr. Smith asked how far Cedar Lake is from this operation.

Mrs. Henry said the Pinewood Homeowners Association has common ground which is in the back. They have a playground on part of it .

Mr. Raymond DiVacky spoke in opposition. He spoke on behalf of the Mount Vernon Woods Citizens Association which has 450 families. He said the citizens association felt that this would set a precedent. They had circulated a Petition and they submitted it to the Board.

Mr. Smith asked if these property owners were contiguous to Mrs. Fundrella and he answered "No."

Mr. DiVacky also stated that this variance is contrary to the restrictions in the deeds of all the homeowners in that particular area. This is on file in the County.

Mrs. McClellan, 7827 Martha Washington Street, spoke in opposition stating that they were concerned about the sign and what it will look like.

Mr. Smith told her that signs were not allowed if it is granted and there are other conditions. The ordinance confines this to one person and that is the person living in the house.

Mr. Smith also said that the Board could not get involved in the Restrictions, this was a private civil matter.

FUNDRELLA (continued)

In application No. S-211-71, application by ANNA ANITA FUNDRELLA, under Section 30-7.2.6.1.5 of the Zoning Ordinance, to permit beauty shop in home, on property located at 8008 Ashboro Drive, also known as tax map 101-1((3))162A, 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 the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public by advertisement i n a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 18th day of January, 1972; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 17,385 square feet.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs.

4. This permit is for a three year period with the Zoning Administrator being empowered to extend this permit for two additional one year periods.

5. The operation shall consist of a one-chair owner operated beauty shop.

6. The hours of operation shall be limited to 6 days per week, from *8:00 A.M. to 5:00 P.M.

7. There shall not be any display of outside signs in connection with this use.

Mr. Barnes seconded the motion.

The motion passed 3 to 2, with Mr. Smith and Mr. Kelley voting No.

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DEFERRED CASES:

VULCAN MATERIALS CO., SUCCESSOR OF GRAHAM VIRGINIA QUARRIES, INC., app. under Section 30-7.2.1.3 of Ordinance to permit extension of quarry permit issued by Board of Zoning Appeals in 1956 and last extended October 22, 1968; 10050 Ox Road, 112((1)) Lot 3,4,6 and portion of Lot 8; Springfield District, (RE-1), S-199-71

Mr. Royce Spence, partner of the attorney for the applicant, represented them before the Board.

Mr. Gibson the attorney for the applicant was ill and could not attend. Mr. Rosenblum, attorney for the opposition, The Citizens of the Town of Occoquan, also was ill and requested that the Board defer this case for several weeks until he could attend. This was referred by telephone to the Board.

Mr. Smith read the memorandum dated November 5, 1971, from the Planning Commission stating that at their meeting of November 4, 1971, they recommended to the Board of Zoning Appeals deferral of this application until after the hearing on the new Natural Resources Ordinance.

The Staff also asked for a deferral for an indefinite period.

Mr. Spence said he had talked with Mr. Knowlton, from the Land Use Administration, earlier about when this ordinance would be passed and he had suggested that this case be deferred until 3 weeks after the Board of Supervisors' hears the ordinance, to allow time for advertising.

Mr. Smith said the Board would have to make some type of decision on February 15, 1972 as to when or how they are coming along with the Ordinance and if they have an approximate date when the Board of Supervisors will hear the Ordinance. He said that since the parties are under mutual agreement to extend within a reasonable period of time, the Board of Zoning Appeals cannot continue to extend this use without some decision.

Mr. Carl Lynn, Occoquan,spoke before the Board. He asked for a definite date as they had made four trips up here.

Mr. Smith said this is what he is concerned about. That is why the Board wants to get a definite date on February 15, 1972. The Staff and Planning Commission recommend an indefinite period of deferral, but he doesn't agree with an indefinite period of deferral. He said, he did however feel it is in the best interest of the citizens of Occoquan and the County to have this adoption of this new natural resource ordinance prior to the decision on this use permit. The extension expires about the 22nd of February, 1972.

Mr. Lynn said in the meantime, they were still getting jarred.

Mr. Smith told him that if he would give his name and address that any action the Board takes on the 15th, he would be notified as to when the set time for decision would be.

Mr. Smith said the Clerk has been notifying the Mayor's office and Mr. Rosenblum, attorney for Occoquan.

Mr. Lynn said this was sufficient and they would get it by Mr. Rosenblum.

Mr. Lynn said they came prepared to show their opposition.

Mr. Smith said they were waiting for a recommendation from the Restoration Board Committee and the Zoning Administrator is waiting for a new Ordinance.

He asked Mr. Covington if he was going to continue to wait.

Mr. Covington answered that he had been instructed not to set the Restoration Board Meeting until they have the new Ordinance.

Mr. Long said he would be against giving an extension without a report from the Restoration Board. He said the Board made that clear in their last motion and had included in the Motion that we wanted them to make a report to the Board.

VULCAN (CONTINUED)

Mr. Lynn said he would like for the Board to keep in mind just how close they are to this operation. He said at the hearing of this case, they have pictures they have taken to show the Board just exactly what is going on.

Mr. Smith said the Board has all been on the site.

Mr. Long said the last motion in fact was made on the site, standing up on the highest ridge.

Mr. Lynn said most of them live in Occoquan, some just over in Lake Ridge Subdivision. He said surprisingly this subdivision gets quite a charge also.

Mr. Smith asked Mr. Covington if he had measured down there recently.

Mr. Covington said they had not as they did not have the equipment. The County called consultants in and had it measured the last time.

Mr. Smith asked how the County knows these people are staying within the limits of the Use Permit then.

Mr. Covington said other than their own measurements, they don't.

Mr. Lynn said the people of Occoquan are not asking for a compromise, they are asking that they go.

Mr. Smith said what he was concerned about is that they comply with the existing use permit while they are there. Mr. Smith said further that he did not feel they were complying at the time the Board visited the site. The dust control mechanism was not working properly and some of them were not in place and there were several other factors, one of which was the trucks without tags on them and they were really blowing smoke. They looked like a train coming up the hill. He said he assumed the Environmental Group would be getting into this also.

Mr. Lynn said most of the people in Occoquan have been there all their lives, at least one-half of them. He said that recently the dynamite wasn't as bad, but last February and March, they had terribly hard jolts.

Mr. Smith asked if there had been any noticable damage to the buildings in Occoquan.

Mr. Lynn said that there had been and he wanted the Board, or wished that the Board, would come down and see it and how extensive it is.

Mr. Smith told him he could bring a civil suit against them.

Mr. Lynn said they had planned to bring a nuisance suit, but the way it happens is they are jarred and jarred until sometime you look and see a crack and think, "I didn't see that crack yesterday.", and you did not see that crack come. You have to see it come. You go down to the basement and see a piece of the foundation in the floor but you didn't see it fall and it is pretty hard to win a case like that.

Mrs. Ruth Ann Lawson from the Lake Ridge Subdivision spoke in Opposition. She said they were quite aways from Occoquan, but they are down close to the Reservoir's edge. They feel quite a few jars when these blasts are made. She said she would like to have the County measure to see that they are not exceeding their limits if this is within the Board's power.

Mr. Smith said this is a responsibility of the Zoning Administrator and Mr. Covington indicated they did not have the equipment to take the measurements and the only other alternate is to go back to an outside Consultant and have the measurements made to make sure they are not exceeding the limits set by this use permit

Mr. Smith said they had agreed not to blast in this area closest to Occoquan during this deferral period.

Mrs. Lawson said they were blasting. She said it was around 5:00 to 5:30 in the evening.

Mr. Covington said this is the time they can do their blasting when they are permitted to do it on a normal basis, but they did agree not to blast in the area close to the Town.

VULCAN (continued)

Mr. Barnes asked her if they lived there in the new subdivision.

She said they did.

Mr. Barnes asked her if they were aware of the quarry when they moved there and purchased the property.

She said they were.

Mr. Smith said prior to a public hearing everyone will be notified 10 days in advance.

Mr. Baker moved that this be deferred until February 15, 1972, for the purpose of setting a date to hear this case.

Mr. Kelley seconded the motion.

Mr. Long requested that the Board of Zoning Appeals get some word from the Restoration Board.

The motion passed unanimously.

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TEXACO, INC., app. under Sec. 30-6.6 of Ord. to permit variance of 15' to allow erection of pump island canopy within 7.8' of Richmond Highway, U.S. Route 1 (Richmond Highway) and Memorial Street, Groveton, 93-1((18))1,2,3,4 Lee District, (C-G), formerly V-29-70; V-191-71

Mr. Smith stated they had received notification that the violations on the trailers had been cleared up, but he had noticed that there is one station over in Merrifield that now has the trailers. He asked Mr. Foley, the representative of Texaco, what they had done, moved the trailers out of Annandale and into Merrifield.

Mr. Foley said he did not know about this and would check into it.

Mr. Smith asked if they received this, would they be able to go through with it this time.

Mr. Foley said they would.

Mr. Foley submitted a rendering of the type of station planned to the Board.

He stated they plan to use a stone-like material. He said they plan to erect two canopys, but they need a variance for only one.

Mr. Smith asked if Route 1 is widened to the full width.

Mr. Foley answered that it was. He stated that the underground storage was behind the pump island he believed and the capacity would be somewhere in the neighborhood of 16,000 gallon.

The Board asked Mr. Foley if he now has a free standing sign. Mr. Barnes said that according to the plat they do have.

Mr. Foley said he had hoped that the sign would not enter into the hearing on the variance.

Mr. Smith said they want to eliminate all the signs like the one shown in theplat. In view of the fact that the Board is granting a variance for a canopy that close to the road, the sign should be eliminated.

TEXACO (continued)

In application No. V-191-71, application by TEXACO, INC. AND JOSEPH C. PATTERSON, JR., under Section 30-6.6 of the Zoning Ordinance, to permit erection of pump island canopy within 7.8' of Richmond Highway, on property located at U.S. Route 1 & Memorial Street, Groveton, also known as tax map 93-1((18))1,2,3,4, County of Fairfax, Virginia, Mr. Kelley 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 theproperty, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 12th day of October, 1971 and deferred until January 18, 1972; and

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

1. That the owner of the subject property is Joseph C. Patterson, Jr.
2. That the present zoning is C-G.
3. That the area of the lot is 15,553 square feet.
4. That compliance with the County Codes is required.
5. That compliance with Article XI, Site Plan Ordinance, is required.
6. That this is an up-grading of existing station.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:

(a) exceptionally shallow lot.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

3. There shall not be a single free standing sign for this use. Any sign must conform to the Fairfax County Sign Ordinance.

4. There shall not be any display, selling, storing, rental or leasing of automobiles, trucks, trailers, or recreational vehicles on said property.

Mr. Baker seconded the motion.

The motion passed unanimously.

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MARTIN L. SCHNIDER, app. under Sec. 30-7.2.7.1.4 of Ord. to allow miniature golf course, Chain Bridge Road, at Jermantown Road, 47-2 & 47-4((1))109, Providence District (CRMH), S-237-71 (Deferred from January 11, 1972)

Mr. Barnes, after looking over the new plats that were submitted, said that it now meets the setback requirements.

Mr. Smith said that the ordinance was amended to allow this just recently and it had a time limit on it of two years with one renewal for not more than two years.

In application No. S-237-71, application by Martin L. Schnider, under Section 30-7.2.7.1.4 of the Zoning Ordinance, to permit miniature golf course, on property located at Chain Bridge Road and Jermantown Road, also known as tax map 47-2 & 47-4, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 11th day of January and deferred to January 18, 1972; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is C-RMH.
3. That the area of the lot is 35.5 acres of land.
4. That compliance with Article XI, Site Plan Ordinance, is required.
5. There is an existing use permit on this property for a golf driving range.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in C or I Districts as contained in Section 30-7.1.2 in the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. That approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.
4. This permit is for two years and may be extended by the Zoning Administrator for an additional two year period.
5. All lighting shall be directed onto the property.
6. All noise from loudspeakers shall be confined to the premises.
7. Hours of operation shall be from 9:00 A.M. to 11:00 P.M. 7 days a week.
8. The 49 parking spaces shown are to be provided with this use.
9. An acceleration lane shall be provided on Route 123 as required by the Planning Eng.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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479

HESS OIL CO. & ANNANDALE MILLWORK CORP., application under Section 30-7.2.10.2.1 of the Ordinance to permit renoviation of existing gasoline station, 7100 Little River Turnpike, also known as tax map 71-1((1))109, County of Fairfax, Virginia, (C-D), S-229-71 (Deferred from January 11, 1972)

Mr. Long stated that the new plats were in accordance with the motion deferring the case on January 11, 1972, showing proper setbacks for the parking and the service road which they had requested.

In application S-229-71, application by Hess Oil Co. & Annandale Millwork Corp. under Section 30-7.2.10.2.1 of the Zoning Ordinance, to permit renoviation of existing gasoline station, on property located at 7100 Little River Turnpike, also known as tax map 71-1((1))109, 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 the Fairfax County Board of Zoning Appeals held on the 11th day of January and deferred until January 18, 1972; and

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

1. That the owner of the subject property is Annandale Millwork Corp.
2. That the present zoning is C-D.
3. That the area of the lot is 0.513 acres of land.
4. That compliance with Article XI, Site Plan Ordinance, is required.
5. There is an existing gasoline station on this site.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law: Standards for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 in the Zoning Ordinance have been complied with as evidenced by testimony of the applicant.

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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on plats revised 1-13-72, 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 use permit to be re-evaluated by this Board.

4. There is not to be any display, storage, sales, rental or leasing of automobiles, trucks, trailers and recreational equipment on the site.

5. The applicant is to dedicate an area for road widening and a service road along Route 236 as shown on plats filed with this application.

6. There shall not be a single free standing sign for this use in excess of 26' in height and the sign must comply with the present sign ordinance.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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AFTER AGENDA ITEMS:

Mr. Smith read a letter from Mr. Wilmer S. Schantz, attorney for Patrick M. O'Neill, stating that Mr. O'Neill requests a transfer of the special use permit at 2600 Shady Oak Drive, Alexandria, Virginia from Kiddie Kare Kollege, operated by Mr. and Mrs. Wesley Mizelle, to Kiddie Kastle, operated by Mr. Patrick M. O'Neill.

Mr. Barnes said he feels they must come back to the Board with a new application since it has changed hands.

Mr. Smith said that the Board had agreed that any transfer such as this that was granted several years ago must come back.

Mr. Long second the motion.

The motion passed unanimously and the Clerk was instructed to notify Mr. Schantz of the action.

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WOODLAKE TOWERS, January 18, 1972

Request from Stephen L. Best, attorney for County Canine Corp., to allow the said company to operate its office out of Woodlake Towers apartment house.

Mr. Long said as he understood this, the office section of Woodlake Towers, was designed primarily for residents services.

Mr. Smith said what the Board has to do is see if this is a related service or related to some of the permitted uses. He said they need to know the number of people that will be occupying the premises and the number of people going in and out of the office.

Mr. Barnes said the letter indicated they were going to provide security for the apartment building.

Mr. Covington, Assistant Zoning Administrator, said it would have to be contingent upon the total volumn of business.

Mr. Smith said if they took that into consideration, it would not apply to this company. This is just one of the many building they patrol.

Mr. Stephen Best arrived to clarify any points on this Corporation and to answer questions the Board might have.

Mr. Smith explained to him that the question has arisen as to whether this meets the ordinance. The ordinance specifies that all commercial uses here would be primarily for the benefit of the people who live in the building. The question here is, does this come under that specification.

Mr. Smith said he noticed from the stationary that this present office is located in the Willston Apartments on Arlington Boulevard.

Mr. Smith asked that the Occupancy Permit be checked on the present location before the next meeting. He asked that Mr. Best get that information to the Clerk before the next meeting.

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January 18, 1972, Board of Zoning Appeals Meeting

The Board directed the Clerk to send a memorandum to Dr. Kelley asking him to upgrade the Board of Zoning Appeals request for funds to defend ourselves in the action by the Board of Supervisors vs. Board of Zoning Appeals, and to request the $2,000.

Mr. Long said with the assumption that the funds would be forthcoming, he felt the Board should decide which attorney to use in order that that attorney can be present on Motions Day, January 24, 1972.

Mr. Smith said at this point we have a working agreement with Mr. Hazel, attorney for Oakton Limited Partnership, but he felt that the Board should have its own attorney.

Mr. Long said the Board had a list that it had decided on the previous hearing of Hansbarger, Higgenbotham, Dick Lewis, John Aylor, or Swayze.

Mr. Long then moved that the Board retain Mr. Hansbarger.

Mr. Baker seconded the motion and the motion passed unanimously.

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VILLAGE WEST, INC., S-519-67

Mr. Smith read a letter from Michael P. Charles, Board of Directors, Village West, Inc. requesting that the Board of Zoning Appeals allow Village West to install a temporary structure, called an air-supported bubble, over their swimming pool facilities, located on Elkton Court, Springfield, Virginia.

Mr. Smith read a portion of the original resolution stating that there must be parking adequate for the use and that all of the provisions of the ordinance must be met..

Mr. Barnes stated it has been quite awhile and it seemed to him that they should make a new application to see exactly what they are planning to do and what they have done.

Mr. Long moved that they make a new application.

Mr. Baker seconded the motion.

The motion passed unanimously. The Board instructed the Clerk to so notify the applicant.

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Mr. Baker moved that the meeting adjourn.

Mr. Long seconded the motion which passed unanimously.

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The meeting adjourned at 3:45 P.M.

By
Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

March 8, 1972
DATE

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483

The Regular Meeting of the Board of Zoning Appeals was Held on Tuesday, January 25, 1972, at 10:00 A.M. in the Board Room of The Massey Building; Members Present: Daniel Smith, Chairman; George Barnes, Loy P. Kelley, Richard Long and Joseph Baker.

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

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MOBIL OIL CORP., app. under Sec. 30-7.2.10.3.1 of Ord. to permit service station at N.W. corner of intersection of Centreville Road & Parcher Avenue, Reflection Lake Subdivision, 16-1((1)) part of parcel 6, Dranesville District, (C-D), S-241-71.

Mr. John T. Hazel, attorney for the applicant, testified before the Board.

Notices to property owners were in Order. The contiguous property owners were Mr. and Mrs. Del Ankers, 316 "F" Street, N.E., Washington, D. C. 2002, and Reflection Lake Townhouses, Inc., River Towers, 6331 Wakefield Drive, Reston, Virginia.

Mr. Hazel stated that on May 25, 1971, a special use permit was granted for a service station to Rotonisu Investment Corp. and instead of building this station in the applicant's name they would like it transferred to Mobil Oil Corporation. The existing use permit is still in existence at the present time.

Mr. Smith asked if there had been any change in design from the previous one. Mr. Hazel answered that there had been one change. The permit was granted for four pump islands and they now plan to have only three. The canopy has been deleted and Mobil will put in their typical rear entry brick station. The use has been reduced.

Mr. Smith said this is a lesser use than the original one planned.

Mr. Smith called Mr. Hazel's attention to the Staff Report from Preliminary Engineering and Mr. Hazel said that he did not feel this is up to the Board.

Mr. Smith then asked if anyone knew if the Planning Commission was aware that this application was to transfer from one station to another and that there is an existing use permit on this property now.

Mr. Jim Wycoff, Administrative Liasion Agent to the Planning Commission, was present and stated that the Planning Commission did know about the other permit.

Mr. Smith said the fact that there was new plats might justify the Planning Commission wanted to hear this case.

Mr. Smith asked if the owner had sold the property. Mr. Hazel said "No, it was under contract to purchase".

Mr. Hazel said they represent both Rotonisu Investment Corp. and Mobil Oil Corp.

No opposition present.

Mr. Smith read a letter from the Mayor of the Town of Herndon which stated that they already had 10 service stations in the Town and four of them are located on the south end of the Town on Route 228 within approximately 1500 feet of the Reflection Lake entrance.

Mr. Hazel stated that was the Mayor failed to mention is that there are a number of units being developed and are under construction now totaling 2300 and this station is planned as part of the shopping center complex and, therefore, he does not feel the Town Counsel's comments are valid and does not relate to the population of the Town of Herndon. This application relates to an area which has high density and he wondered if the Counsel had overlooked the existence of the present use permit which does not expire until May of 1972.

Mr. Smith asked if there were any plans to develop the entire C-D area.

Mr. Hazel said there were and the motel plans are moving along well. They have the permit for the motel.

Mr. Smith asked if the service station is a part of the entire commercial development.

Mr. Hazel answered "Yes."

Mr. Long asked if the brick would be in harmony with the rest of the shopping center.

MOBIL (continued)

Mr. Long asked him to give the Board the design and type of material to be used.

Mr. Hazel said this would be in harmony with the shopping center with the same design and using the same type of red brick. The station will have a flat top.

Mr. Long said he felt that they would have to comply with all the requirements under the old permit as they were just transferring the name.

Mr. Smith said the Planning Commission had requested that they be allowed to hear this case and could not hear it until February 15, 1972. Mr. Smith read the memorandum from the Planning Commission.

Mr. Smith said that normally the Board does allow the Planning Commission the opportunity to review the cases and make recommendations, but this is a rather unusual situation and the first that he remembers having come up. There is an existing use permit on this property and they are only asking for a change of name and they will have a lesser use.

Mr. Long said that he felt the Board has to approve this transfer as long as they are complying with the stipulations of the original use permit.

Mr. Barnes said he felt this use would be better as they are widening the road.

Mr. Long said this was stipulated in the original use permit that the entrances will be shown on the plats.

In application No. S-241-71, application by Mobil Oil Corp. under Section 30-7.2.10.3.1 of the Zoning Ordinance, to permit service station at Northwest corner of intersection of Centreville Road and Parcher Avenue, Reflection Lake Subdivision, also known as tax map 16-1((1))pt. of parcel 6, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

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

1. That the owner of the subject property is Rotonisu Investment Corp.
2. That the present Zoning is C-D.
3. That the area of the lot is 39,721.01 square feet.
4. That compliance with Article XI, Site Plan Ordinance, is required.
5. There is an existing use permit on this property, No. S-85-71, for a gasoline station.
6. The applicant proposes a lesser use.
7. The original permit No. is S-85-71.

THEREFORE, It is moved that the existing use permit No. S-85-71 be transferred to Mobil Oil Corp. and that all the special requirements of the present permit shall apply, as follows:

1. 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 is not transferable to other land.

2. This permit shall expire one year from the date granted, May 25, 1971, expiring May 25, 1972.

3. This approval is granted for the uses and buildings indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not this additional use requires a use permit, shall be cause for this application to be re-evaluated by this Board.

4. The architecture of the gasoline station must be compatible with the shopping center and as approved by the Planning Engineer.

5. The station will be constructed of brick material with three rear entrance bays, three pump islands, parking and entrances as shown on rendering filed with this application, showing one entrance onto Centreville Road and two entrances onto Parcher Avenue with access to the shopping center at the southeasterly corner of the property.

6. Landscaping must conform to the rendering and be as approved by the Planning Engineer.

7. There is not to be any storing, renting, leasing and sale of trucks, automobiles, trailers and recreational equipment on this property.

8. The Board of Zoning Appeals must approve any changes in the site plan from the rendering.

Mr. Barnes seconded the motion.

The motion passed unanimously. //

485

SIDNEY J. SILVER, app. under Sec. 30-7.2.7 of Ord. to permit golf driving range, miniature golf courses, for a period of five (5) years, located at 10417 Leesburg Pike, on 36.776 acres, 12-4 & 18-2((1))60 (RE-1), Dranesville District, S-168-71 (Deferred case, then new plats were submitted and the application was referred back to the Staff and Planning Commission)

Mr. Smith said this is a case where the Board has new plats. The Planning Commission has considered the new plats and have made certain recommendations to the Board.

Mr. L. Lee Bean, attorney representing the applicant, testified before the Board.

Mr. Smith asked if these plats were the same as the plats that were before the Planning Commission. Mr. Bean answered that they were.

Mr. Smith asked Mr. Bean if they were aware of the Planning Commission recommendation and Mr. Bean answered "Yes."

Mr. Bean had sent registered letters to five property owners notifying them of the date, time and place and purpose of this new hearing. They were in order.

Mr. Bean said this plat reduces the uses for the property considerably. They have eliminated the pony ring and stable. The property is located on Route 7 and is open back to a row of trees, which they plan to leave. There is adequate open space for a driving range. They will have to grade theproperty near Route 7. There will be a small pro shop on the property. All the setbacks meet the requirements. The parking also meets the requirements of the ordinance.

Mr. Lee Bean stated that he felt the gist of the opposition of the people in Reston and Great Falls lies in two areas: (1) In granting the use permit in this case, the Board of Zoning Appeals would be leaving it open for a rezoning to commercial which is contrary to the Upper Potomac Plan for this area and (2) the traffic would be detrimental to thepeople in this immediate area. He said they find it difficult to agree with either of these. He said they had tried to meet with the people in Reston to work something out, but that wasn't possible. He stated that he feels the entire concept of a use permit is to allow ground that has been or is lying fallow to be used until such time as the proper development might be carried out. This land is zoned RE-1 and will be RE-1 for many years to come. Reston development has made it such as to make the development in the outlying areas of Reston slow. During the interim this land should be used for some temporary but useful purpose to ease the financial burden on the owners,to bring in taxes for the County. He said they feel this Special Use Permit is designed to alleviate this situation. They are asking for this interim use for five years. He said it is their position that if the Board is going to grant this type of use permit under the ordinance, this is an ideal place to have this use.

He and Mrs. Newkirk showed on the map the surrounding land and the need for this particular type use. He said there is only one driving range in Reston and it is for only fifteen tees. There are others in the area, but well removed that this site. The National Golf Association has suggested that a driving range and miniature course in this area should be economically feasible. This report suggests that there be one driving range and one miniature golf course for 50,000 population and Fairfax has one-half million people. There are golfers who enjoy this type facility and families who enjoy miniature golf while "Daddy" is playing golf and Fairfax County is very under developed in this area of recreation.

The driving range and miniature golf courses do most of their business at night, at least 80% of it. During the day, people are working. Traffic at this time of day would not put a burden on this road and people who use this road. The biggest problem in the future would be traffic in the morning and evening going to and from work when this land is developed into single family residences. Estimates show that there could be thirty-five (35) houses put on this piece of land under its present zoning. According to statistics each family now has 2 and 1/2 cars as Mr. Smith said earlier making a total of 87 cars that could be going in and out every morning and 87 in the evenings. Therefore, the situation would be worse when this is developed into a housing development.

This will give tax relief to the applicant and a tax benefit to the County and there will be no permanent building on the ground. This will provide much needed recreation for the County residences.

Mr. Smith asked the size of the proposed present building, and what type of material would be used.

Mr. Bean said the size of the building will be 24x30 and of frame building material.

SIDNEY J. SILVER (Continued)

Mr. Long asked if they planned on constructing the 26' service road and the sidewalk the Staff has asked for.

Mr. Bean said as required only. They would ask for a waiver on this until such time as there is a need or use for it,, but they are prepared to do so if they are required.

Mr. Long said they are talking about including the median strip on Route 7.

Mr. Bean said they must be referring to the State. The median strip would be up to the State.

Mr. Long asked if there is any possibility of a crossover so they would not have to make a "U" turn.

Mr. Bean said they had not inquired into this. He said the traffic situation would not be a problem in the evening, but it will be when they begin to develop the homes.

Mr. Smith asked if there was sewer and water on this property at the present time.

Mr. Bean said they were going to have to dig a well for water and septic field for sewer.

Mr. Newkirk said there were sewer facilities in the rear about one-half mile back, but it is their intention to install a septic field. There is no water on the property at all.

Mr. Smith at this point suggested the deleting of Section 30-7.2.7 as this pertained to riding stables and they had deleted the riding stables from the plan.

Mr. Kelley asked if putting an "A" roof on the house would present any problems.

Mr. Bean said he did not think so, they wanted to make it attractive.

Mr. Barnes said that he noticed that the sewer runs from Route 7 almost to Hunter Mill Road in the back.

Mr. Bean said there was water and sewer back there but it is some distance away and would mean disturbing some trees which they would like to keep.

Mr. Smith asked the distance from the proposed driving range to the trees in the back.

Mr. Bean said it was 250 to 275 yards.

Mr. Smith then asked what is the distance a ball could be driven.

Mr. Smith said that some of the pros could hit a ball 300 yards occasionally, but it is most unusual.

Mr. Smith said there was a home in the back under construction.

Mr. Newkirk said it was about 2000' from the driving range to that home, about one-half mile.

Mr. Smith asked where they propose to place the lights. They were not on the plat.

Mr. Bean said they were to be placed at the rear of the tee line shining out toward the trees and directed down and should not be a problem. They do not want to waste the lighting and will, therefore, keep the lighting on their own property where it is needed.

Opposition.

Mrs. Jane Mallon spoke in opposition to the application. She said she is on the Executive Board of theReston Community Association. She said again they are expressing their opposition to this application. She said there is not a material difference from the application they spoke toward on September, 1971. The removal of the pony rides and the stables brings it closer to strip commercial than ever before. She said she does not understand why it was not denied before.

Sidney J. Silver (continued)

Mrs. Mellon reminded the Board that the Planning Commission had recommended denial by a 8 to 1 vote. The Staff recommendation recommended denial. She asked that the Board act according to the Master Plan for the area. This use is contrary to that Plan. They also feel that the traffic burden and the safety hazard caused by this type use will cause undue problems for people using Route 7. She said if one could come out Route 7 at night and on Saturday, they could see for themselves that morning and evening is not the only time Route 7 has traffic problems. Many people use this highway to go to Shenandoah Downs and there is a constant stream of traffic on the weekends. The glare of lights will be a nuisance to any property owner that surrounds the use. She said a person would have to live in an area where they have lights such as this to know the problem. She said if there are people in favor of this use in that area, why haven't they appeared.

Mr. Smith asked her if she was aware that this is a temporary use and not a permanent use.

Mrs. Mellon said she was aware of the request for a temporary use, but she does not feel this will prevent them from stepping into a commercial use later. This is very close to the historical entrance to Reston and detracts from it. This area is also of historic importance to Fairfax County.

Mr. Smith said that he did not feel that these golf courses draw that much traffic at any one particular time.

Mrs. Mellon said that since there is no other golf course in that area, there would be more traffic going to and from it.

Mr. Smith said that the reason it was not either granted or denied at the last hearing was because the applicant submitted new plats completely different in that it was a less intensive use and the Staff had not had an opportunity to see these plats, therefore, the Board deferred this case until the Staff and Planning Commission could review the case based on the new plats. The County Staff had originally accepted plats that were in violation of setback requirements, but at the hearing, the Board gave the applicant the opportunity to have those plats revised to conform with setback requirements as there was no application for a variance.

Mr. Smith read the section in the Ordinance pertaining to lighting, Section 30-7.2.7.3 where it states that "all lighting of any such establishment shall be so shielded that there will be no objectionable glare observable from any adjacent land in any R district."

Mr. Smith said the other thing the Board must consider is whether or not this is a more intensive use than the land was originally zoned for. The applicant has pointed out the fact that a developer could build 35 homes with 2 and 1/2 cars per family on this present 1 acre lot, not considering how many he could build using the Cluster concept. Just considering that the average house has more than two cars would give a probable 70 cars and the average trip to and from the house during the day is 2 and 1/4 per car, then you would have as many as 200 entrances and exits from a 35 home area.

Mrs. Mellon asked about the sewer and septic field.

Mr. Smith said the applicant indicated that they would drill a well and have a septic field which would have to be approved by the Health Department.

Mrs. Mellon asked if this sewer line that runs near this property is the Dulles Sewer Line.

Mr. Barnes said the sewer line comes right down Difficult Run on the back of the piece of property.

Mr. Baker said it comes through the Crippen property.

Mr. Smith said the applicant is confined to certain areas where he can have this use even under a special use permit and one of the things is that it must front on a major highway. The applicant is limited by the number of tees he will have and in this case it is 40. Mr. Smith said he had never seen any traffic problems around any of the courses around here and most of them have 50 tees at least. The landowner has the right to use the land to some degree as long as it is not greater than what the zone is. He said one of the concerns seems to be that this temporary use might become a permanent use and he knew of no case where this had happened and asked Mr. Woodson, the Zoning Administrator, if he knew of any such cases. He said he didn't like to disagree with the Staff, but he just did not know of a case where this had happened.

Mr. Long said he was concerned that this might happen as far as the 18 hole golf course is concerned and it would have an effect on the adjacent property.

Mr. Barnes said it would still not be permanent and he felt they would develop into homes as soon as they could as that would be more advantagous to them.

The Reston Homeowners Association had a representative who lived on Myrtle Lane speak for them in opposition.

She stated they had passed a resolution to the effect that they were in opposition to this use.

She said they too felt that throughtout the county and throughout the country temporary uses such as these became permanent uses.

Mr. Smith asked her to only comment on Fairfax County as the Board cannot do anything about anything outside the County and again he stated he did not know of such a happening.

She sited Frontier Town along 29-211.

Mr. Smith said that had not been in operation for two years.

She said the buildings were still there.

Mr. Barnes again said that he felt that if development started on the adjacent property within three years, these people would forget their golf and start development also.

Mr. Long said that is why the use should be limited and he could not support the miniature golf course.

At this point Mr. Long questioned the Reston Transmission Corp. who had asked to televise this hearing, as to why they were not taping the oppostion.

Mr. Toth from the Reston Transmission Corp. stated that they had come prepared for 40 minutes as he was told it was only scheduled for 20 minutes and had run out of tape as this had gone on well over an hour and one-half.

Mrs. Ann Shreve, 198 Bonnie View Drive, Great Falls, spoke in opposition. She represented the Great Falls Planning and Zoning Committee of the Great Falls Citizens Association. She said she spoke on November 23 in opposition of this use and basically, their position has not changed. They are definitely against what they feel is strip zoning and what happens along Route 7 affects them very much.

She said she had had the opportunity to talk with Mr. Fugate from the Richmond Highway Department and he informed her that the Route 7 highway is almost to capacity now.

Mr. Smith told her that this use would not generate more traffic than if it were developed in its zone and houses built on it.

Mr. Smith reminded her that these uses were allowed under the comprehensive plan, and this could be defined as a community recreation use, but years ago we set this up as commercial recreation to give the management the opportunity to charge fees individually instead of having to have a membership fee.

In Rebuttal, Mr. Bean stated that he felt they had discussed all of the issues and the pros and cons of this use very well, therefore, he had nothing further to add. He said he would add one point to Mr. Long's comment that he could not support the miniature golf course. The intent of the miniature golf course was to make this a family recreational facility so the children could play miniature golf while Daddy was hitting a bucket of balls and keep the family together. When a car brings Daddy to the golf driving range, that same car would bring the rest of the family to the miniature golf course. Therefore, he said he felt the density of traffic would remain the same.

Mr. Long said if this was allowed then they could come back in five years and ask for an extension.

Mr. Bean said that if the land surrounding him has not been developed in five years, then they could very well come back and ask for an extension, but if Mr. Adler who owns the adjacent property starts to develop the land, then they would develop theirs also.

Mr. Long asked that since sewer is available to this site on Hunter Mill Road, why could they not develop now.

Mr. Barnes said putting sewer and water to the site for this use now would not be practical in this case.

Mr. Long then asked if this would not affect the development of the adjacent lands.

Mr. Bean said if and when they want to develop, they would develop right along with them.

Mr. Barnes told Mr. Bean that was his feelings on it also.

Mr. Long said he did not feel it was a proper location for a continuous use with no possible allocation for an extension.

Mr. Bean said the Board is now talking about something five years hence. He said he did not think the Board could or would hold him to say what he was going to do five years from now.

Mr. Smith told Mr. Bean it is the Board's responsibility to try to foresee the possibilities in these areas and take into consideration the adopted plans for the areas and in so doing the Board of Zoning Appeals must act accordingly. The acts of this Board does affect the future development of the county. The Board tries to give thoughtful consideration as to what might happen years from now, hoping that the plan will fall together as planned.

Mr. Kelley said he wanted to interrupt for one moment and say one thing in support of Mr. Long's questions as to the T.V. coverage on the opposition. That is, any questions that have been raised by the opposition have been answered by the Chairman and in only taping the first part of this does not present the Board's answers and views from both sides and any decision made will be based on all of those factors. It is unfair to show only the first part when the Board has answered the questions and other factors that the opposition raised concerning traffic and many other matters.

Mr. Smith told Mr. Toth that he hoped the T.V. station would give the Board verbal consideration.

Mr. Toth said this is strictly for the Reston closed circuit system for Reston residents.

Mr. Smith said as he understood this, this coverage was only to inform the public of the issues involved here.

Mr. Long said they should take notes of the points raised by the opposition and the answers given by the Board since they did not have enough tape, in order that all sides could be covered. Mr. Long suggested that they contact the Clerk of theBoard to get her notes on what was stated.

Mr. Toth said he would be glad to do that.

Mr. Kelley said he wanted to make it clear that he had no objections to any of this information going to the public as the public is entitled to any information and every consideration, but he wanted to make sure all sides were presented to the public.

Mr. Smith read the report from the Planning Commission. The Commission and the Planning Staff stated they felt that despite the changed plat the proposed use did not negate the potential traffic dangers it created along Route 7, the deletion of the riding area and the existing barn makes the proposed use even more of a strip commercial activity, totally opposite the adopted policies of the Upper Potomac Plan and the inherent characteristics of the proposed golf driving range make it impossible to screen the glare of night lighting and the use in general from residences located along Hunter Mill Road. The Commission stated it further felt that this application would inhibit any residential development on the adjacent land in accord with the Upper Potomac Plan, that the concern now as originally was of the use itself rather than the intensity of use alone as it is of a commercial impacting nature along Route 7 in violation of the Upper Potomac Plan, and that there has been substantially no reason for change from the Commission's original recommendation of denial.

The question was raised as to just where the water was in relation to this use and if it would be possible and practicable to hook onto these facilities.

Mr. Steve Reynolds from Preliminary Engineering was called to the Board Room to answer these questions.

Mr. Reynolds stated that he represented the Department of County Development and answers to these questions as far as public facilities were concerned should come from Public Works.

Mr. Long asked if this surrounding properties was going to be developed in the immediate future and in order for the Board to make a proper decision the Board needs to know when these services would be available. Mr. Long asked Mr. Reynolds if there were any site plans in the works pertaining to any contiguous property in the immediate vacinity of this application.

Mr. Reynolds said that across the road there are two site plans which have been approved but both these facilities will be on septic fields. There is no other residential development other than Reston.

Mr. Long said his concern is that if the Board allows these people to use septic fields and a well, and sewer and water are available, this could deter the development of the adjacent properties.

Mr. Smith said he concurred.

Mr. Barnes said that if the adjacent properties begin development then these people will too, whether it is 5 years or not.

Mr. Smith said there has been no statements of objection from the contiguous property owners.

Mr. Long said that he feels that in order to make a decision, the Board must have this information regarding the sewer and water facilities, therefore, he moved that this case be deferred for decision only to allow the Staff to give the Board a report on the public facilities.

Mr. Smith said he would like to see this case taken care of today.

Mr. Baker said he saw no reason why this case could not be deferred until the end of the meeting.

Mr. Kelley concurred. This case was deferred until the end of the Agenda.
After hearing the other cases the Silver case was again called.
Mr. Joe Sunday from Public Works spoke before the Board. He said he was familiar with the location of this property. He stated he could not help on the water problem as this is under the Fairfax County Water Authority and Public Works only handles the sewer information on this. He said he had just been advised of the request for this information and perhaps if he could have time to study this and come back to the Board with the answers.

Mr. Smith asked him if he could have this information around 2:30 and Mr. Sunday said he would try.

At 2:30 the case was again recalled and Mr. Joe Sunday stated that there is sanitary sewer facilities on the property on Colvin Run and it has been there since 1965.

Mr. Smith asked if it was large enough to take care of this additional use.

Mr. Sunday said it is a 30" existing pipe and it was designed on the Master Plan at the time through the Lake Fairfax property. It was designed for the Master Plan in that area, and will take care of this facility. The closest water is directly due east of the intersection of this property and Route 7. It is a 6" water line located and running north and east.

Mr. Long asked if this land could be developed then with sewer and water facilities and Mr. Sunday said "There is sanitary sewer on the property".

In application No. S-168-71, application by SIDNEY J. SILVER, under Section 30-7.2.7 of the Ordinance, to permit golf driving range, miniature golf courses, for a period of five years, on property located at 10417 Leesburg Pike, also known as tax map 12-4 & 18-2 ((1))6, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of November, 1971 and deferred until December 7, 1972; sent back to the Staff and Planning Commission for comments and rehearing on the new plats and the Board of Zoning Appeals reheard on the 25th day of January, 1972.

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

1. That the owner of the subject property is Signey J. Silver, Trustee.
2. That the present zoning is RE-1.
3. That the area of the lot is 36.776 acres.
4. That the Planning Commission recommended denial of this application at its regular meeting January 18, 1972.

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

1. That the applicant has not presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. That the use will be detrimental to the character and development of the adjacent land and will not be in harmony with the purposes of the comprehensive plan of land use embodied in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby denied.

Mr. Kelley seconded the motion.

The motion passed unanimously.

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DEFERRED ITEMS:

CENTREVILLE HOSPITAL MEDICAL CENTER, app. under Section 30-7.2.5.1.1 of Ordinance to permit the construction and operation of a hospital and related facilities, Braddock Road, Route 620, 54-4((1))Parcels 94 and pt of parcel 96, Centreville District (RE-1), S-228-71 (Deferred from 12/7/71)

Mr. Barnes Lawson represented the applicant.

Mr. Lawson stated that this application is for a new permit. He stated that the reason this case was deferred was for the Hospital and Health Commission to hear it, which they have done.

Mr. Smith read a letter from Howard G. Borgstrom, of the Administrative Response Staff regarding the meeting of the Hospital and Health Center Commission on this case.

The letter stated that they had no objection to the special use permit and gave their reasons.

Mr. Smith also read a memorandum from the Staff regarding this permit. They suggested that the owner dedicate to a minimum of 45' from the centerline of the existing right-of-way.

Mr. Lawson said they have their footing permit, but they would like the Board to issue a Use Permit. Mr. Lawson said as they stated on the first hearing on December 7, 1971, they will accept the same conditions as on the original use permit and they submit the same testimony and the same exhibits. There will be no changes.

492

Mr. Smith asked if they poured the footing prior to the expiration of the original use permit.

Mr. Lawson said they had.

Mr. Smith then said that they have a continuing original Use Permit, however, since they have gone to this trouble and expense the Board should give them another for a full year just so there will be no question.

In application No. S-228-71, application by Centreville Hospital Medical Center, app. under Section 30-7.2.5.1.1 of the Zoning Ordinance, to permit construction and operation of a hospital and related facilities, on property located at Braddock Road, Route 620, also known as tax map 54-4((1)) parcels 94 and part of parcel 96, 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 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 7th day of December, 1972 and deferred until the 25th day of January, 1972; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 12.05243 acres of land.
4. That compliance with Article XI, Site Plan Ordinance, is required.
5. That the original Use Permit was granted on June 23rd, 1970, on this property and for this use.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

2. 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 the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. 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 is not transferable to other land.

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on 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 use permit to be re-evaluated by this Board.

4. The exterior of the building shall be pre-cast concrete.

5. The road from Route 620 for ingress and egress shall be one-way with no parking being permitted along the entire approach.

6. The building shall not exceed 90' in height.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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TENNECO OIL CO., & A & C REALTY, app. under Sec. 30-7.2.10.2.1 & Sec. 30-7.2.10.2.2 of Ordinance to permit convenience type food store with gasoline pumps, 7515 Lee Highway and Meadowview Road, 50-3 & 50-1((18))1, Providence District (C-N), S-231-71 (Deferred from 1-11-72 for decision only and new plats conforming with setback requirements and for Planning Commission recommendation).

Mr. Hansbarger, attorney for the applicant, testified before the Board.

Mr. Hansbarger said that an hour and a half ago he was informed that Tenneco Oil Co. wished to withdraw from this application, but since it was amended adding A & C Realty he, at this time, did not know what A & C Realty wished to do, therefore, he asked that this case be deferred until he could determine what they wished to do.

Mr. Baker so moved that this case be deferred. He suggested February 8, 1972 as the deferral date.

Mr. Long seconded the motion.

The motion passed unanimously.

Mr. Smith told Mr. Hansbarger to point out to A & C Realty that they must show the Board that they can develop this according to the plans that have been under discussion.

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FRANK B. PETERSON, app. under Sec. 30-6.6 of Ordinance to permit erection of carport 15' from front property line, 1009 Gelston Circle, McLean, Scott's Run Subdivision, 21-3((12))12, Dranesville District, (RE-1), V-240-71 (Deferred from 1-18-72 for correct plats, decision only)

Mr. Peterson said that on the new plats there has been no change on the location of the garage, but the location of the house has been corrected. He said they did not move the house back at all, the location was just corrected by the surveyor as there was an error. The proposed house is approximately 40'x25'. The dimensions might be 40.6' or some similar figure. He said he was informed when he made his original application that the exact dimensions of the house was not required since it was located behind the 40' setback and he is not requesting a variance for the house.

Mr. Smith said he would still need the dimensions of the house.

Mr. Kelley said his notes indicated this case was deferred until January 25, 1972 for correct plats and these plats should go before the Staff.

Mr. Baker so moved that they be referred to the Staff as soon as they were submitted to try to get them correct this time.

Mr. Barnes seconded the motion.

Mr. Woodson was directed to explain to Mr. Peterson exactly what would be needed.

The motion passed unanimously.

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BEN F. HOWARD, RICHARD H. MACATEE, TRS. & KENNETH RUDD & GORDON RUDD, T/A RUDD & RUDD, app. under Sec. 30-6.6 of Ord. to permit "bubble" top tennis facility within 20' of south side lot line and to waive screening along adjoining residential property line, S.W. intersection of Fleet Drive and Beulah Street, Lee District 91-1((1))34, (I-P) (Deferred from 1-18-72 for rendering and decision only).

Mr. Fagelson, attorney for the applicants, represented them before the Board.

Mr. Fagelson submitted the rendering to the Board along with pictures.

Mr. Vernon Long, Zoning Inspector, stated that he had contacted Mr. Putman's Office of the State Highway Department and his secretary indicated this street would be placed in the State Highway system. They are waiting for a motion from the County Supervisors and it is just a matter of time when it will be in the State system. The road has been developed and dedicated.

494

RUDD & RUDD (continued)

Mr. Smith said that he would like to have confirmed that there would be no exhibition games. Mr. Fagelson said there would not be exhibition games.

Mr. Kelley asked if the bubble would go over all three tennis courts.

Mr. Fagelson answered "Yes".

Mr. Long said he was concerned that if the Board grants this they are allowing the building to be very close to Gravel Avenue and it will be in the State system.

Mr. Smith said that apparently this is another one of those temporary uses.

Mr. Barnes said he would think it was temporary.

Mr. Kelley agreed.

Mr. Long said he felt that this road should be considered since it goes into the industrial park and that industrial park is a fairly nice looking industrial park.

Mr. Fagelson said that Mr. Gibson who owns the adjacent buildings in the industrial park has told him that he has no objection to this use. He said Mr. Gibson is a client of his office.

Mr. Smith said the Zoning Administrator has indicated that his decision is that the only variance needed is the one from the residential area which isproposed to be industrial. If the Board wishes to question his opinion in this matter they should do so.

Mr. Smith said these are some unusual circumstances.

Mr. Long said he was concerned about the affect this would have on the adjacent property. (Mr. Smith) He said he could not support this application unless the Board could stipulate that this is for this use only and not intended to be considered an approval of any variance in the industrial park. Again, the Board is getting back to the structure which is only a temporary structure and not a permanent one.

Mr. Long said that anybody that develops the adjacent property would have to set back behind this structure.

Mr. Kelley said he was for the use itself, but he was very reluctant when the Board of Supervisors are coming up with a hearing on this road.

Mr. Baker said if they wait until the Board of Supervisors acts on this road, it might be six months.

Mr. Kelley said the way the motion would read is approval is granted for the specific structures only, etc.

Mr. Smith said that would cover it.

In application No. V-238-71, application by BEN F. HOWARD, RICHARD H. MACATEE, TRS., T/A RUDD & RUDD, under Section 30-6.6 of the Zoning Ordinance, to permit "bubble" top tennis facility within 20' of south lot line along residential property line and waive screening on property located at Fleet Drive and Beulah Street, Lee District, also known as tax map 91-1((1))34, County of Fairfax, Virginia, Mr. Kelley 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, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals on the 18th day of January, 1972 and deferred until January 25, 1972; and

495

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is I-P.
3. That the area of the lot is 1.0902 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all County and State codes is required.
6. This request is for a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:

(a) exceptionally narrow lot

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this County. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed 4 to 1 to grant. Mr. Long voting No.

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Mr. Barnes left the meeting at 3:00 P.M.

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WOODLAKE TOWERS, request by the County Canine Corp. for office space in Woodlake Towers.

Mr. Stephen L. Best, attorney for the applicant, represented them before the Board.

He stated Mr. Turpin does occupy the apartment as a resident and wishes to move his operation from his apartment at 3068 Patrick Henry Drive, Apt. 202, Falls Church, to Woodlake Towers, but he will not be occupying the space at Woodlake Towers as a resident. It would be solely for the purpose of dispatching protection services to buildings in Fairfax County.

Mr. Smith asked if this operation would have any 2 way radios and equipment set up in this office.

Mr. Best answered that he would have and does now.

Mr. Smith said he doubted that Mr. Woodson was aware of that.

Mr. Smith asked if Woodlake Towers had made space available for the antenna on the roof.

Mr. Best said he did not know, but he doubted if he needs any complicated equipment.

Mr. Smith said for either remote transmitting or

Mr. Smith asked if this man could possibly appear before the Board to answer some of these questions.

Mr. Smith said that if he is operating a system that would require 2-way communication, such as a two way radio, this would be another factor.

Mr. Best said he would have the gentleman, Mr. Turpin, here at the February 8, 1972 meeting.

Mr. Smith said in the meantime perhaps Mr. Woodson can take a few checks on this present locations and see what he plans to do.

Mr. Long asked if the Zoning Administrator feels that this complies with the ordinance where the use would serve the residents of the apartment building.

Mr. Woodson said since he was not present at the previous hearing last week, he would have to look into it.

Mr. Long said he feels the applicant should be aware of the fact that this has to be a use related to the residents of the buildings there at Woodlake Towers.

Mr. Long said he moved to defer this for decision only until February 8 with the understanding that the applicant meet with the Zoning Administrator so he can make a determination as to whether or not this would be a permitted use.

Mr. Kelley seconded the motion.

The motion passed unanimously.

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FORD LEASING CORP.

The Board was in receipt of a memorandum from Mr. Lopez stating that the Architectural Review Board met on January 13, 1972 and reviewed the site plan and made some recommendation which were submitted to Mr. Hendrickson in Preliminary Engineering.

The Board read the message from Mr. Hendrickson stating that they had incorporated those recommendations into the plans and as far as their part was concerned, they were ready to go, but believed the problem was with the bonding. The papers had been sent to Michigan for signing.

Mr. Smith said he had spoken with Mr. Lacklin from Ford Leasing Corp. and Mr. Lacklin told him they believed they would be able to begin within the next 60 days.

Mr. Smith said because of the holdup by the Architectural Review Board, which in turn held up the site plan, the Board under its procedural rules could grant an extension of 60 days.

Mr. Kelley moved that the Ford Leasing Corp. be granted a 60 day extension from February 4, 1971.

Mr. Baker seconded the motion.

The motion passed unanimously.

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Mr. Smith read a letter from Mr. George Kelley, County Executive, stating that the Board of Supervisors had considered the Board of Zoning Appeals request for funds to obtain counsel in the Oakton Limited Partnership case of Board of Supervisors vs. Board of Zoning Appeals.

Mr. Smith then read the summary of the Board of Supervisors relating to this which stated as Item No. 13. "Denied the BZA request for funds to hire counsel for the suit filed by the Board of Supervisors in opposition to approval of a service station location in the Oakton Shopping Center, on the basis of the County Attorney's advice that the BZA is neither the defendant nor a party of vested interest in the case and hence requires no representation."

Mr. Smith said he did not concur with this statement which the Board of Zoning Appeals was named as the Defendant in this case and the Clerk was served with papers relating to this.

The Board also agreed.

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497

AFTER AGENDA ITEMS (continued)

Mr. Smith read a letter from Mr. George Kelley, County Executive, which stated that the Board of Supervisors now propose to use Tuesdays as their alternate date and suggested that the Board of Zoning Appeals should consider changing their meeting date.

Mr. Smith said he would say Wednesday as his second choice, since Tuesday is his first choice.

Mr. Kelley agreed. Mr. Long agreed and so moved that it be changed to Wednesday.

Mr. Baker seconded the motion.

The motion passed unanimously.

Mr. Smith requested the Clerk to notify the County Executive of their decision and request that the Board of Zoning Appeals be able to use the Board Room beginning February 16, 1972.

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Mr. Long moved that the meeting adjourn.

Mr. Baker seconded the motion and the meeting adjourned at 3:35 P.M.

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By Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

March 8, 1972
DATE