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The Regular Meeting of December 5, 1973 of the Board of Zoning Appeals was held in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy P. Kelley, Vice-Chairman; George Barnes; Charles Runyon. Mr. Baker was absent.

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

10:00 - W. B. JEPSON, application under Section 30-6.6 of Ordinance to permit enclosure of carport and screening of porch closer to front property line than allowed by Ordinance (33.7 feet), 6320 Beachway Drive, 61-1((11))1044, Mason District (R-17), (15,259 square feet), V-216-73

Mr. William B. Jepson represented himself before the Board.

Notices to property owners were in order. The contiguous owners were William F. Leamy, 6322 Beachway Drive and E. C. Heffern, 3310 Patrick Henry Drive.

Mr. Jepson stated that the principal reason they need this variance is because they need more space and to build elsewhere on the lot presents problems because of the slope coming down from the hillside and the heavy flow of water down that slope. This house is 15 years old and they settled on the house in May of this year. This addition is for their own use and not for resale purposes.

Mr. Runyon stated that this is an irregular shaped lot.

Mr. Jepson stated that they put in a "U" shaped driveway because it would be safer.

Mr. Smith stated that this plat should show all eximting driveways.

Mr. Jepson stated that the driveway was completed after the application for the variance was submitted.

Mr. Runyon stated that he had seen the driveway and it swings around the yard. It should show on the plats in order to show that there is off-street parking.

Mrs. Jepson stated that the driveway will hold about 8 cars.

There was no opposition to this application.

Mr. Kelley asked the type of material that they plan to use.

Mr. Jepson stated that they plan to use the same type as is in the existing dwelling, a combination of brick and frame. They plan to put in a number of windows so that it will still have a porch effect.

Mr. Smith stated that the Board would need new plats showing the driveway entrance and exit. He stated that they would have to get an engineer to go in and draw new plats and it will have to be certified. There will not be another public hearing. They can submit the new plats to Mr. Covington showing the entrance and exit of the driveway. He will check them to see that they are proper.

Mr. Runyon stated that they might be able to get it done today and if they can, the Board can pass on it today.

Mr. Barnes moved that the case be deferred for decision only until such time as they can get corrected plans.

Mr. Kelley seconded the motion and the motion passed unanimously.

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10:20 - PINEWOOD DEVELOPMENT CORPORATION AND P..D. STATIONS, INC., application under Section 30-7.2.6.1.1 of Ordinance to permit swimming pool, 6815 Newington Road, 99-4((1))part parcel 20 & 21, Lee District, (RT-10), (2.5535 acres), proposed Pinewood Station Subdivision of Townhouses, S-217-73

Mr. Ken Sanders, 10560 Main Street, Fairfax, Virginia, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were George W. Cook, 6909 Newington Road and Mr. Nelson, 8416 Telegraph Road.

Mr. Sanders stated that they have the engineer present should the Board have questions of him and also Mr. Fitzgerald from the Pinewood Development Corporation.

Mr. Gerald Fitzgerald, 13019 Mayhill Court, Fairfax, Virginia, spoke before the Board. He stated that this pool will serve over 300 dwelling units. They intend to have 150 family memberships in this particular pool. Every family, by virtue of the fact that they live in this development, will become an automatic member of the pool. This pool will eventually be deeded to the Pinewood Station Homeowners Association. It has not yet been formed.

Mr. Smith stated that, when they do make the change, they will have to come back to the Board.

Mr. Runyon asked if this corporation is now on record, the homeowners association.

Mr. Sanders stated that it is not. He stated that the site plan has not been approved and will not be approved until the Special Use Permit is granted for this pool. He stated that he doubted if they would let them take the plat to record until they get all these loose ends tied up.

Mr. Monaco, partner in the engineering and consulting firm that prepared the plats, 10410 Main Street, spoke before the Board. He stated that the pool site contains 2.5535 acres of land. There are 13 parking spaces. This pool is just a small portion of the development. It is in the southwest quadrant of the development. They plan to use masonry and brick veneer on at least three sides. The architecture and materials will blend with the development around the pool. They do not plan to put an architectural facade to the back as it faces the Long Branch Stream and flood plain area. There are no houses back there.

Mr. Runyon stated that he felt brick on three sides would be sufficient, or three architectural fronts, just in case they might decide to use something other than brick.

The Board then discussed the parking at length.

Mr. Runyon stated that this pool would not be allowed to have swim meets because they were not furnishing enough parking to accomodate these swim meets.

There was no opposition to this application.

In application No. S-217-73, application by P. D. Station, Inc. (Pinewood Development Corporation), under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit swimming pool, on property located at 6815 Newington Road, Lee District, also known as tax map 99-4((1))part parcel 20 & 21, 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 5th day of December, 1973.

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

1. That the owner of the subject property is P. D. Station, Inc.
2. That the present zoning is RT-10.
3. That the area of the lot is 2.5535 acres.
4. That compliance with all County and State Codes is required.
5. That site plan approval 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

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. 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 granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation TO OBTAIN NON-RESIDENTIAL USE PERMIT AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES AND THIS SPECIAL USE PERMIT SHALL NOT BE VALID UNTIL THIS HAS BEEN DONE.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. The maximum number of family memberships shall be 150.

7. The hours of operation shall be from 10:00 a.m. until 9:00 p.m.

8. The minimum number of parking spaces shall be 13, and racks to accommodate 75 bicycles. All parking connected with the use shall be on-site.

9. All loudspeakers, noise and/or lights shall be directed to the pool site.

10. Any after hour party(s) will require a written permit from the Zoning Administrator and such permits to be limited to 3 per year.

11. Landscaping, screening and/or fencing shall be provided to the satisfaction of the Director of County Development.

12. No swim meets shall be allowed until such time as additional parking has been provided.

Mr. Barnes seconded the motion.

The motion passed 4 to 0.

Mr. Baker was absent.

Mr. Fitzgerald questioned the No. 2 of the Resolution. He stated that it now takes about one year to get a site plan approved in the County. This one year condition will really restrict and rush them.

Mr. Smith stated that prior to the end of the year, they could ask for another extension of six months prior to the end of the year if they still have not begun construction because of some problem. This is the only extension that can be granted by the Board under their By-Laws. He stated that perhaps by then they would have formed the homeowners association.. He stated that there is no way to change this condition and grant a further extension unless there is some unusual situation.

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10:40 - SHELL OIL COMPANY, application under Section 30-7.2.10.2.1 of Ordinance to permit the construction of a 9 x 26 addition to the rear of existing station, 2524 Chain Bridge Road, 38-3((1))45A, (.56 acres), Centreville District (C-N), V-218-73

Mr. O'Neal, representive of Shell Oil Company, testified before the Board.

Notices to property owners were in order. The contiguous owners were United Savings and Loan Company, 3121 Lee Highway, Arlington, Virginia and Burroughs Agency Service, 1015 Elm Street, Manchester, New Hampshire.

Mr. Smith stated that the notice in the Agenda puts this case under Section 30-6.6 of the Ordinance.

The Clerk stated that the applicant had inadvertently filed this application using a variance form which gives Section 30-6.6. The typist copied that and no one caught the error until it was toolate to change the Agenda. The Agenda had already gone to print.

Mr. Runyon moved that this application be amended to come under Section 30-7.2.10.2.1 of the Ordinance that permits gasoline stations in a C-N zone witha Special Use Permit.

Mr. Barnes seconded the motion and the motion passed 4 to 0.

Mr. O'Neal stated that this addition will be used as a storage room. The original station was built in 1968. The style of the addition will be in conformity with the existing station. The roof line will match and the construction will be of masonry block. The existing station is of a ranch style. The addition will be used to allow the dealer to store his investory items, materials and parts. This service station does a light automobile repair business, changes tires, changes oil, etc. There will be no expansion of the business. This is not a company operated station, it is leased to a dealer. They plan to continue this type of business arrangement.

There was no opposition to this application.

In application S-218-73, application by Shell Oil Company, under Section 30-7.2.10.2.1 of the Zoning Ordinance, to permit the construction of an addition to the rear of the station, on property located at 2524 Chain Bridge Road, Centreville District, also known as tax map 38-3((1))45-A, County of Fairfax, Mr. Runyon 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 December, 1973.

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

1. That the owner of the subject property is Charles M. & Doris B. Neviaser.
2. That the present zoning is C-N.
3. That the area of the lot is 20,585 square feet.
4. That the station is presently operating under Special Use Permit S-556-67, granted March 28, 1967.

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

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

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 reevaluated 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 granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation TO OBTAIN NON-RESIDENTIAL USE PERMIT AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES AND THIS SPECIAL USE PERMIT SHALL NOT BE VALID UNTIL THIS HAS BEEN DONE.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. Architectural detail to conform to that of the existing building.

7. All other requirements of the existing Special Use Permit shall apply.

8. There shall be no storage, rental, sales or leasing of automobiles, trucks, recreational equipment or trailers on the premises.

Mr. Barnes seconded the motion.

The motion passed 4 to 0.

Mr. Baker was absent.

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11:00 - SANDRA R. WARD, application under Section 30-7.2.8.1.2 of Ordinance to permit riding school -- renewal of Special Use Permit, 6718 Clifton Road, 75((1))15, 15C and 6, Centreville District (RE-1), (117,817 acres), S-219-73

Hearing began at 11:15 A.M.

Mrs. Sandra Ward, 6718 Clifton Road, Clifton, Virginia, represented herself before the Board.

Notices to property owners were in order. The contiguous owners were Gerald C. Hennesy, 6811 Whiterock Road, Clifton, Virginia and Erdman Wieland, 13216 Compton Road.

Mrs. Ward stated that she owns the eight acres of land that is shown on the plats, but she leases the 110 acres of land shown on the plats. There is a copy of the lease agreement in the file.

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Mr. Smith stated that the Staff Report gives Routh Robbins as the owner of the eight acres.

Mrs. Ward stated that her husband and she did own the eight acres, but they signed it over to her mother in a divorce agreement. She does not have a lease from her mother, she stated, but she could get it.

Mr. Smith stated that the Board would have to have it before they could act on this case.

Mr. Barnes moved that the hearing continue and the decision be deferred until the lease could be obtained. Mr. Kelley seconded the motion and the motion passed unanimously.

Mrs. Ward stated that she has 28 horses on the property, some of which she owns and some are boarders. She stated that she begins teaching at 9:45 A.M. and continues until dark, about 9:00 P.M. She transports no children to and from the property.

Mr. Barnes stated that he made an unexpected visit to the property last Saturday and it was in very good shape and he was very impressed. He stated that he looked at the horses and the entire operation was nicely done. The stalls were clean. He stated that he felt Mrs. Ward was doing a good job.

Mrs. Ward stated that she had put in the widening of the road as the Board had requested. She also had obtained her Non-Residential Use Permit.

Mrs. Mary Jo Gibson, 6812 Whiterock Road, southwest of this property, spoke in favor of the application. She stated that she has two children who take lessons here. Mrs. Ward gives so many children a chance to ride and get outside, she stated. She feels Mrs. Ward's Special Use Permit should be extended. There are other property owners nearby that are fully in favor of the school. This school creates no problems.

Sandra Adams spoke in favor of the school. She stated that she has known Mrs. Ward for 20 years and she teaches for her on weekends. She stated that she is very impressed with the quality of instruction that Mrs. Ward demands. There is no national rating for riding schools to assess an instructor, therefore, it takes someone knowledgeable in this field to do a good job.

There was no opposition to this application.

Mr. Barnes moved that this be deferred for decision only until the applicant submits a lease between she and her mother.

Mr. Runyon seconded the motion and the motion passed unanimously.

Later in the day, Mrs. Ward appeared before the Board with the new lease between she and her mother.

In application No. S-219-73, application by Sandra R. Ward, under Section 30-7.2.8.1.2 of the Zoning Ordinance, to permit riding school, renewal of Special Use Permit, on property located at 6718 Clifton Road, Centreville District, also known as tax map 75((1))15,15C & 6, County of Fairfax, Mr. Runyon 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 December, 1973.

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

1. That the owner of the subject property is Routh Robbins and Clifton Investment Properties.
2. That the present zoning is RE-1.
3. That the area of the lot is 117.817 acres.
4. That the applicant was operating under Special Use Permit S-168-70, granted October 13, 1970.

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

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 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 granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation TO OBTAIN NON-RESIDENTIAL USE PERMIT AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES AND THIS SPECIAL USE PERMIT SHALL NOT BE VALID UNTIL THIS HAS BEEN DONE.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. Hours of operation shall be from 9:00 a.m. until 9:00 p.m.

7. This permit shall run until December 31, 1974 with the Zoning Administrator being empowered to extend the permit for four (4) one-year periods upon presentation of a lease on the 110 acres 30 days prior to the December 31 expiration date each year.

Mr. Kelley seconded the motion.

The motion passed 4 to 0.

Mr. Baker was absent.

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11:40 - ROBERT F. SCHOULTZ, application under Section 30-6.6 of Ordinance to permit enclosure of carport closer to side property line than allowed by Ordinance, 10314 Mountington Court, 27-2((4))13, (21,469 square feet) Tamarack Village, Centreville District (RE-1C), V-223-73

Mr. Robert Schoultz represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Mr. DuBell, 10311 Mountington Court and Hubert Beaty, 10316 Mountington Court.

Mr. Schoultz stated that he had owned the property since November and moved in in April, 1973. He stated that he needs a 3 foot variance from the minimum side yard requirement. There is a total side yard of 37 feet and the requirement is 40 feet.

Mr. Runyon asked if all the lots were like his and if they are, this is a general condition in the neighborhood.

Mr. Schoultz stated that it is the only house on that side of the street that has a carport. Throughout the development, there are only 2 or 3 carports. He stated that he believed this Board granted one variance in that development not too long ago.

Mr. Schoultz stated that there is a very steep slope in the back that prevents him from using that area. He stated that he would use similar materials to enclose the carport that is used on the house. He stated that the DuBell's who live next door are in favor of this enclosure.

Mr. Runyon stated that this is a narrow lot that develops in a cluster subdivision of this type.

Mr. Schoultz stated that they also have a severe drainage problem.

In application No. V-223-73, application by Robert F. Schoultz, under Section 30-6.6 of the Zoning Ordinance, to permit enclosure of carport closer to side property line than allowed by Ordinance, on property located at 10314 Mountington Court, also known as tax map 27-2((4))13, Centreville District, 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 5th day of December, 1973; and

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

1. That the owner of the subject property is Robert F. & Rosemary P. Schoultz.
2. That the present zoning is RE-1 cluster.
3. That the area of the lot is 21,469 square feet.
4. That the request is for a minimum variance of 3 feet from the minimum requirement.

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
(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 used in proposed addition 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 ot obtain building permits, certificates of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion.
The motion passed 4 to 0.
Mr. Baker was absent.

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12:00 - JOSEPH AND MAUDE SHOLTIS, application under Section 30-7.2.6.1.7 of Ordinance to permit continuance of antique shop with use of assessory building behind house, 9625 Braddock Road, 69-1((1))26, (54,473 square feet), Springfield District (RE-1), Little Vienna Estates Subdivision, V-233-73

Hearing began at 12:10 P.M.

Mr. Doug Adams, 7250 Maple Place, Annandale, Virginia, attorney for the applicant, testified before the Board.

Notices to property owners were in order. The contiguous owners were Clarence Jenkins, 9641 Braddock Road and Henry D. Adams, 4733 Powell Road.

Mr. Adams stated that Mr. and Mrs. Sholtis obtained a Special Use Permit to operate an antique shop in 1969, but the applicant was issued a violation notice by one of the Zoning Inspectors, Mr. Koneczny, because they had erected a 40' x 80' metal building without prior approval from the Board of Zoning Appeals and because Mr. Koneczny felt they did not operate by appointment only. Mr. Sholtis did have a building permit. The original permit was for an addition to the house, but they found they could not build that so they came back to the County for the addition in the rear. The building permit, a copy of which is in the file, states that it is for "extend addition". He stated that they do not know why it says that, but the purpose of the building is for a storage shed and recreation area.

Mr. Smith stated that the plat shows the addition connected to the house and it does not say anything about a separate building on the application. Mr. Smith stated that this addition is just drawn in by someone and is not certified.

Mr. Covington stated that it does not have to be certified for a building permit.

Mr. Smith asked why they were permitted any addition without first coming back to the Board.

Mr. Adams stated that they got a building permit for a building for recreation purposes the same as anyone could.

Mr. Smith stated that if the land was under a Special Use Permit, they would have to come back to this Board. He asked Mr. Covington if he would grant the building permit based on the statement that it was for recreational purposes.

Mr. Covington stated that he doesn't remember this application for a building permit personally. He stated that the Inspector gave him a violation because he isn't using this building for recreational uses in total, he is also using it for storage of antiques.

Mr. Adams stated that they got permission from this Board for a shop in the basement and they have a side entrance to that shop. They do not use the front entrance to the house for this antique shop. Mrs. Sholtis was under the impression that it would be all right to open this shop when someone came to the house when she felt like seeing customers. Her health is not very good and when she is feeling bad, she just doesn't answer the door. She locks it and puts up a sign that says she is closed for business. She doesn't operate all day every day. Because of topography reasons, they could not put the addition onto the house. The reason they need space for recreation equipment is because Mrs. Sholtis can ride a bike on a cement floor but not on the outside pavement. She has had polio in the right leg and must use this type of exercise equipment.

Mr. Adams then showed several slides of the butler type building from several angles around the neighborhood.

Mrs. Sholtis spoke before the Board. In answer to Mr. Smith's question, she stated that she sells only what is classified as antiques. She does not sell used furniture. The age of the pieces vary, but most are from the turn of the century, early 1900's.

Mr. Sholtis came before the Board and stated that he made the people he talked with in the County fully aware of what his plans were for this building. There was no problem at that time.

Mr. Smith then read the Resolution granting this antique shop which stated:

"In the application of Joseph and Maude Sholtis, application under Section 30-7.2.6.1.7 of the Ordinance, to permit operation of antique shop in home, 9625 Braddock Road, Springfield District, Mr. Smith moved that the application be approved as applied for with the following conditions -- this is for home occupation only, granted to the owner occupant only; and will be by appointment only, between hours of 9 a.m. to 8 p.m., and all other provisions of the Ordinance pertaining to this application shall be met. Seconded Mr. Yeatman. Carried unanimously."

Mr. Kelley stated that he feels this is a commercial business.

Mr. Smith stated that it was his understanding that they were going to look for a commercial location after Mr. Sholtis retired.

Mr. Sholtis stated that he will retire next November. He stated that he has been looking for another location, but has been unable to find a suitable one.

Mr. Adams began to speak as to what the neighbor wanted with regard to screening, but Mr. Smith stated that if the neighbors were present, he would rather they would speak.

Mr. Adams stated that his client is willing to abide by the Board's request and by the neighbors request that there be no commercial outside activities and no screening.

Mr. David Boyd, attorney representing the adjoining property owners, business address: 10533 Main Street, Fairfax, Virginia, spoke before the Board. He stated that his clients have had no objection with the operation of this business over the years. They also have no objection to the reasonable use of the building that is in the rear of Mr. Sholtis's house, as long as it is not used for storage of materials that will be shown to customers of theirs. Mr. Adams has expressed their feelings that there would be no business conducted out of that building and this is their main concern. They also can see no benefit to putting screening in there at the present time. The situation might change in the future, but at the present time they do not want the screening.

Mr. Smith stated that if they do store the antiques out there, there is no way the Board can control whether or not they take customers out there. They can tell them not to, but that does not mean they won't.

Mr. Boyd stated that they are assuming in agreeing to this storage of antiques in that shed that they will comply with the agreement and restrictions granting them permission to keep the shed. It is based on that assumption that he has made this statement. If this was going to be for the expansion of the business, they would object to it. The building is there whether the neighbors like it or not.

Mr. Smith stated that the Board has never allowed a building such as this to be used in connection with a home occupation. This is a rather large building.

Mr. Adams stated that he had not intended to ask for a deferment, but he would like to write out the restrictions that these people have agreed upon. He stated that there is a Petition in the file from several of the neighbors who approve this operation that they have been running for four years.

Mr. Barnes moved that the case be deferred for Mr. Adams to submit this Agreement between the Sholtis and the next door neighbors at the request of the applicants.

Mr. Kelley seconded the motion and the motion passed 4 to 0. Mr. Baker was absent.
(Hearing ended at 1:15 P.M.)
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12:20 - JONATHAN L. & SHARON H. WILKIN, application under Section 30-6.6 of Ordinance to permit construction of carport 8' from side property line than allowed by Ord. 10006 Murnane Street, (21,800 square feet), 37-3((9))68, Centreville District (RE-1), Little Vienna Estates Subdivision, V-233-73
Hearing began at 1:00 P.M.
Mr. Wilkins represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Mr. and Mrs. C. H. Sparks, 10004 Murnane Street and Mr. and Mrs. Frederick Powell, 10008 Murnane Street, Vienna, Virginia.

Mr. Wilkins stated he would like to put on a carport within 8 feet of the side property line. The property is long and narrow and could not be constructed elsewhere on the property.

He stated that both he and his wife are traumatic quadriplegics, confined to wheelchairs. They live alone and they both have cars. There is a single car garage attached to this house, but it is totally useless to either of them for parking, because there is no angle at which the car can be parked and allow the driver to get his door fully open, get his wheelchair out, get into his wheelchair, and exit the garage. The garage is not wide enough. The wheelchair bound driver requires a parking space at least 12 feet wide; two people in wheelchairs entering the same car simultaneously require a space 16 feet wide. He stated that they are building these carports for a different reason than most people have for building a carport. This is primarily for he and his wife's protection in getting in and out of the car, not for the car's protection. They will use similar materials and design as that of the house. They plan to continue to reside at this location and this is for their use and not for resale purposes.

Mr. Covington stated that this is a substandard lot.

Mrs. Benson, 2300 Murnane Street, testified in support of the application. She stated that she lives diagonally across the street. She stated that she works with Mr. and Mrs. Wilkin and is aware of the fact that they need space to get in and out of their cars. She stated that Mrs. Wilkin works at the Georgetown Hospital as a rehabilitation counsellor, therefore, she also needs a car for transportation.

There was no opposition to this application.

In application No. V-233-73, application by Jonathan L. & Sharon H. Wilkin, under Section 30-6.6 of the Zoning Ordinance, to permit construction of carport 8' from side property line, on property located at 10006 Murnane Street, Centreville District, also known as tax map 37-3((9))68, County of Fairfax, Virginia, Mr. Runyon 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 ot 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 December, 1973; and

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

1. That the owner of the subject property is Jonathan L. & Sharon H. Wilkin.
2. That the present zoning is RE-1.
3. That the area of the lot is 21,800 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,
(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 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. Architectural detail shall conform to 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, residential use permit and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed 4 to 0.

Mr. Baker was absent.

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2:00 P.M. - TUCKAHOE RECREATION CLUB, INC., application under Section 30-7.2.6.1.1 of the Ordinance to permit change in configuration and size of wading pool and relocate the proposed intermediate pool (S.U.P. granted for wading pool and intermediate pool on 5-9-73), 1814 Great Falls Street, 40-1 and 40-2((1))1 & 2, Dranesville District, R-12.5, (7.19102 acres), S-241-73, OTH.

Mr. Dempfel, 6845 Blue Star Drive, McLean, Virginia, member of the Board of Directors, represented the applicant.

Notices to property owners were in order. The contiguous owners were R. W. Moore, 1823 Baldwin Drive and Warren Taylor 1827, Susquehannock Drive, McLean.

Mr. Dempfel stated that they came before the Board earlier this year and asked that they be allowed to enlarge the baby pool, but they did not put the dimensions on that pool that they wanted to build. This application is to allow them to construct the baby pool that is indicated on the plat. The only difference in the plats is that the intermediate pool has been moved a little closer to the interior of the property and the baby pool has been changed from round to rectangular. The existing baby pool must come out. The bath house is now existing and will remain the same. There are no other changes to be made on the property. They now have one indoor pool and an outdoor pool, and tennis courts. The lights that were approved for the tennis courts have been installed, but VEPCO has not connected them up as yet.

There was no opposition to this application.

In application No. S-241-73, application by Tuckahoe Recreation Club, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit change in configuration and size of wading pool and relocate the proposed intermediate pool, on property located at 1814 Great Falls Street, Dranesville District, also known as tax map 40-1 and 40-2((1))1 & 2, County of Fairfax, Mr. Runyon 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 December, 1973.

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

1. That the owner of the subject property is Tuckahoe Recreation Club, Inc.
2. That the present zoning is R-12.5
3. That the area of the lot is 7.19102 acres.
4. That site plan approval is required.
5. That the applicant is presently operating under Special Use Permit S-72-73, which was granted July 13, 1973.

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

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. 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 granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation TO OBTAIN NON-RESIDENTIAL USE PERMIT AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES AND THIS SPECIAL USE PERMIT SHALL NOT BE VALID UNTIL THIS HAS BEEN DONE.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. All conditions of the existing Special Use Permit shall remain in force.

Mr. Barnes seconded the motion.

The motion passed 4 to 0.

Mr. Baker was absent.

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2:20 P.M. - MCI TELECOMMUNICATIONS CORPORATION, application under Section 30-7.2.2 of the Ordinance to permit erection of a tower for micro-wave communications, Winfield Farm, off Rt. 29, between Camp Washington and Centreville, 55-4((1))Parcel 24, Springfield District, RE-1, (Deferred from 10-23-73 for Planning Commission to hear on November 29, 1973 - for decision only).

Mr. Knowlton, Zoning Administrator, spoke before the Board. He stated that last Wednesday night, the Planning Commission heard this application under Section 456 of the State Code which is a requirement for a public facility. The results of that hearing were that the Planning Commission voted to deny this facility to be put on the public facility map. Therefore, this appears to be a mute question before this Board. The applicants do have a ten-day period in which to appeal their case to the Board of Supervisors.

Mr. Knowlton suggested to the Board that they might want to defer this application indefinitely until they see whether or not the case will be appealed to the Board of Supervisors.

Mr. Smith agreed that this would be a good idea. He stated that they could defer for 60 days, but they could not defer indefinitely.

Mr. Knowlton stated that the problem is that to appear before the Board of Supervisors will take several months to be scheduled.

Mr. Smith stated that he hoped that it would not take that long. The Courts take a dim view of deferral over 60 days.

Mr. Smith read the memorandum from the Planning Commission to the County Executive which stated:

"The Fairfax County Planning Commission, on November 29, 1973, under provisions of Section 15-1.456 of the Code of Virginia, by a vote of 5-1 (with one abstention and two absenteeisms) denied the above subject request of MCI Telecommunications Corp. in the Springfield District.

The Commission felt that in view of the Planning factors that relate to Section 15.1-456 of the Code of Virginia, that this application did not meet those factors necessary for approval under that Section; therefore, the application was denied. (Verbatim comments of the Commissioners after the closure of the public hearing are in the file.)"

Mr. Smith asked Mr. Knowlton what the basic reasons were for this denial.

Mr. Knowlton stated that he did not recall the basic details.

Mr. Kelley moved to defer this case for 60 days for decision only to allow the applicant to appeal the decision of the Planning Commission to the Board of Supervisors, if the applicant so desires. If the applicant requests after the ten-day appeal period that the Board of Zoning Appeals make a decision, the Board will do so at the following meeting.

Mr. Barnes seconded the motion and the motion passed 4 to 0.

Mr. Baker was absent.

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AFTER AGENDA ITEMS:

KENA TEMPLE, 9001 Arlington Blvd., S-108-73, Granted June 27, 1973.

The staff brought this case back before the Board as the applicants had submitted plans to the Site Plan office that were not the same as those that had been approved by the Board of Zoning Appeals.

Mr. Knowlton read the changes that Mr. Garman from the Site Plan office had noted:

- the plat approved by the Board of Zoning Appeals indicates a pool site; none is shown on the site plan.
- the approved plat indicates parking, west of the proposed building, as 92' from the existing Route 50 service drive; scaled on the site plan, this distance is 65'.
- the parking configuration eastward to the proposed building differs.
- the Board of Zoning Appeals' minutes reflect 567 parking spaces; the Site Plan claims 467; 100 less than presented. (Board checked the minutes and indicated that there was a typographical error - they moved that the minutes be changed to reflect 467 parking spaces).
- the plat submitted to the Board of Zoning Appeals indicates two entrances to the existing Route 50 service drive - the site plan shows only one.
- parking adjacent and northward to existing building differs in configuration.
- the site plan indicates a part 1-story - part two-story proposed building. Mr. Peele told the Board of Zoning Appeals that the building would be two-story.
- Mr. Smith stated (6-27-73) that the pool would have to be fenced. No pool exists on site plan to be fenced.
- building on site plan is smaller than the one presented to the Board of Zoning Appeals.

The Staff brought this back to the Board because Item No. 3 in the Resolution granting this Special Use Permit stated "Any additional structures of any kind, changes in use or additional uses, whether or not these uses require a Special Use Permit, shall be cause for this 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 or changes in screening or fencing."

Mr. Garman in his memorandum noting these changes, stated that their office is unable to continue review of the subject site plan until re-evaluated by the Board of Zoning Appeals.

The Board reviewed the plats and discussed the changes and their decision was that Kena Temple would have to come back in with a new application and revised plats and there would have to be a new hearing on this application.

Mr. Runyon stated that there has to be an easier way to accomplish these minor changes than to rehash the entire thing every time. Any PDH that the Board of Supervisors approves there is an allowance for certain engineering changes. The Staff checks them off. He stated that this Board is wasting a lot of people's time by having to go through the entire thing every time there is a small engineering change. The Board should have more flexibility as a body.

Mr. Smith stated that this is a use on residential property under a Special Use Permit. This is not a development plan. Under a Special Use Permit, this Board has to be specific. If we go back to the County Code, he stated, you have to be specific as to the location of the building, the size, etc.

Mr. Smith stated that the plans for this building and the parking are different from the plans submitted to this Board.

Mr. Kelley stated that he wanted to have correct plans.

Mr. Runyon stated that they will not start processing a site plan until the use has been approved by this Board.

Mr. Runyon stated that the reason he is discussing this is he feels the Staff would prefer an easier way to accomplish this. He stated that he is not looking for shortcuts, per se, just a method by which these minor changes can be made without wasting a lot of everyone's time. This Board is becoming heavy loaded with items such as this. The Site Plan office has gone over these plats and enumerated the changes, all of which are very minor. The use is actually going to be smaller, a smaller building, and the pool has been eliminated. There is nothing on these plats that would change the general concept.

Mr. Smith stated that these plats are not what the Board approved at the public hearing. The citizens heard this Board approve the location of the parking as being according to the plats, the location of the building and the size and design of the building as being according to the plans in the file. Should the Board change any of this at other than a public hearing, the citizens would have grounds for complaints. He stated that this has been a policy of the Board, to approve according to plats and any changes would have to come back to the Board.

Mr. Runyon moved to accept these plats as substitute plats in this particular application of Kena Temple and they should be noted as proper plans.

Mr. Barnes seconded the motion.

Messrs. Runyon and Barnes voted Aye and Messrs. Smith and Kelley voted Nay. Therefore, the motion failed. The decision was to submit new plats with a new application and come back to this Board at a public hearing. The Board agreed to give the applicants an out-of-turn hearing for the 9th of January, 1974, if they get their application in immediately with the new fees.

Mr. Peele asked if this Site Plan would be accepted as proper for the new application.

Mr. Runyon stated that this Board only needs the Site Plan portion of the plans.

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Mr. Runyon moved that the minutes for October 31, 1973, be approved.

Mr. Barnes seconded the motion and the motion passed 4 to 0. Mr. Baker was absent.

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Mr. Covington brought up a question for the Board regarding the fencing at Riverside Gardens Community Swimming Pool. They have erected a barbed wire fence around the top of the chain link fence and this has caused some citizen complaints. This goes around the pool and tennis courts, also. It is in keeping with the new ordinance adopted by the Board of Supervisors to erect a non-climbable fence around a swimming pool.

The Board members agreed that this is a good concept and this fence should remain.

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By Jane C. Kelsey
Clerk

Daniel Smith, Chairman

APPROVED January 16, 1974
Date

The Regular Meeting of the Board of Zoning Appeals Was Held On Wednesday, December 12, 1973, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy P. Kelley, Vice-Chairman; George Barnes; and Charles Runyon. Mr. Joseph Baker was absent.

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

10:00 - DEEPWOOD HOMEOWNERS ASSOCIATION, application under Section 30-7.2.6.1.1 of the Ordinance to permit recreation center (swimming pool and tennis facility) with 349 family memberships, 11906 Triple Crown Road (pool) and north of Glade Dr. on south fork of Snakeden Branch (tennis courts), 26-3((1))17 (pool) and 26-1((5))(E) part of H (tennis courts), Centreville District, RE-0.5 and RM-2, (95,379 square feet total), Deepwood Subdivision, S-225-73.

Mr. Kamster, architect for the Association, represented the Association before the Board. He is with the firm of Kamster & Dickerson, Architects, 1608 Washington Plaza, Reston, Virginia.

Notices to property owners were in order. The contiguous owners were Walter McDonough, 2441 Alsop Court, Reston, Virginia, and Murray Durst, 11904 Triple Crown Road, Reston, Virginia.

Mr. Smith stated that he would like to clear up the ownership of the land. The Staff reports indicate that the land records show the owner of the land as the Henry Development Company as owning the site where the pool is to be located.

Mr. Kamster stated that they have a letter from that Company indicating that they will turn the property over to the Homeowners Association. This will be done immediately. He submitted the letter of agreement. This is part of the open space that is required to be turned over to the Homeowner's Association.

Mr. Kamster asked Mr. Wyant to present the technical details to the Board.

Mr. Dorman Wyant, 2435 Alsop Court, architect with the firm of Kamster and Dickerson, spoke before the Board. He stated that he is also one of the contiguous property owners. This development consists of 349 units of which 343 are townhouses and 6 are single family homes. The farthest distance from any of the homes, via the walkway, is 1,935 feet, approximately one-third of a mile, about 10 minutes walking time.

Mr. Smith stated that this parking is one of the major concerns of the Board. He stated that they would not be allowed to hold swim meets since they are not providing adequate parking.

Mr. Wyant stated that the Homeowner's Association realizes this. This will be strictly a community use facility. These homes are all basically owned by the Homeowners. When one purchases a house there, they automatically become members of the pool.

Mr. Barnes and Mr. Kelley also expressed their concern about the lack of adequate parking.

Mr. Smith stated that they would not be able to use this emergency entrance for parking, nor for a drop-off area as it will have to be kept free for emergency vehicles.

Mr. Smith stated that he notices they have a building called "future meeting room" on the plats.

Mr. Wyant stated that they do not intend to enter this future meeting room at this time as a part of this application. It is shown because the Homeowner's Association requested that they plan so that, in the future, this could be constructed, so they located it on the site in relation to the other buildings.

Mr. Smith stated that, since the dimensions of that building are not shown, they would have to come back with a new application before construction of that building. He asked what type of lights they plan to use.

Mr. Wyant stated that they probably will be coin operated lights approximately 15 feet high.

Mr. Kamster stated that they have situated the courts in an area that is surrounded by trees in the back of the property. Originally, the developer had proposed to put the tennis courts near the pool, but there was not enough room, but they wanted to move the courts to an area that would create less impact on any of the homeowners.

Mr. Kamster stated that they do not plan to serve any food on the premises. The material used for the construction of the bath house will be compatible with the adjoining residential area and it is their intent to use a combination of brick and wood siding with wood shingles.

Mr. Barnes stated that he is more concerned about the fact that this pool provides no parking.

Mr. Smith stated that if they do not walk to this pool and are parking in the streets, the Board could revoke their Special Use Permit.

Mr. Wyant stated that they had a Homeowners meeting last night and discussed this. They have investigated this and have found that their Association can enforce this"no parking"requirement for the pool and would keep people from driving their cars to the pool and parking them in front of someowne's house. They can have them towed away if they do not abide by these rules.

Mr. Kelley stated that the problem is, even though the Board has the right to revoke the permit after it is granted, if they are not living up to their conditions, the County has to go to Court and defend the Board when right up here at this meeting, the applicants state that they will meet these conditions. We hope they do.

Mr. John R. Kelly, from the George Mason University, spoke in favor of the application and stated that he has done research to show that this type of recreation is good for the community and families.

Mr. Dirst, 11904 Triple Crown Road, spoke in opposition. He stated that he is a contiguous property owner and he is surrounded by the recreation area. He stated that he really did not want to speak in opposition against the concept of the pool, but he has been aware of the pool location since he purchased the property. His concern is that this public facility will encroach on his privacy. This walkway system which has been proposed creates a bike thoroughfare in lieu of normal roads in order to use this facility. That thoroughfare not only is immediately abutting his home to the right, but also to the rear; therefore, he is completely surrounded. He asked for some consideration in planning to protect his privacy and the privacy of those property owners whose property is similar to his and would also be affected. He suggested a landscaping treatment and fencing. He also asked about the enforcement of the "no parking" for this pool, since his home is the one that would be affected, if the neighbors choose not to abide by this requirement.

Mr. Smith stated that the Use Permit would be granted based on the fact that the applicants have stated that there would be no parking for the pool and all residents would walk. If they do not abide by this, they would be in violation of their Special Use Permit and it would be revoked and they could no longer operate.

The applicants then spoke in rebuttal stating that they would be happy to landscape to prevent the neighbors privacy from being invaded.

Mr. Wyant stated that they would accept that the line as indicated on the plans surrounding the pool property and adjacent to these neighbors would be landscaped with evergreens to block out the view and help to give a line to the property, so there would be no trespassing on their property by pool members. They agreed that it is a good idea.

Mr. Smith then asked that they confirm that they are agreeing to follow the suggestion of Mr. Dirst to screen on the property those areas that are contiguous to his property and the people that are affected.

Mr. Wyant stated that they most definitely were agreeing to this.

In application No. S-225-73, application by the Deepwood Homeowners Association, under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit recreation center, swimming pool and tennis facility, on property located at 11906 Triple Crown Rd., also known as tax map 26-3((1))17 & 26-1((5))(E)pt. of H, Centreville District, 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 December, 1973.

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

1. That the owner of the subject property is Henry Development Co., Inc. (pool site) and Deepwood Homeowners Association (tennis site).
2. That the present zoning is RE-0.5 and RM-2.
3. That the area of the lot is 95,379 square feet.
4. That compliance with all County and State Codes is required.
5. That site plan approval is required.
6. That both pool and tennis are designed as "walk-to" facilities.

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

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. 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 granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation TO OBTAIN NON-RESIDENTIAL USE PERMIT AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES AND THIS SPECIAL USE PERMIT SHALL <u>NOT</u> BE VALID UNTIL THIS HAS BEEN DONE.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. That the maximum number of family memberships shall be 349. A maximum of 196 persons to be allowed in the pool at any given time.
7. That the hours of operation shall be 9:00 a.m. to 9:00 p.m. Any after hour party(s) will require a written permit from the Zoning Administrator and such permits shall be limited to six per year.
8. That the minimum number of parking spaces for autos shall be 4, with racks for bicycle parking provided at the pool site for 100 bicycles and racks for 20 bicycles at the tennis site. No on-site parking for the pool or tennis facility will be allowed as this is strictly a walk-to pool as agreed to by the applicants.
9. All lights shall be directed onto site and confined thereto, including

noise from the public address systems.
10. No swim meets and/or tennis matches with outside clubs shall be held at said sites.
11. Landscaping, screening and/or fencing shall be to the satisfaction of the Director of County Development with special emphasis being given to adjacent and/or contiguous property owners, as agreed to by applicant.

Mr. Barnes seconded the motion.

After the motion, Mr. Runyon asked that there be added to the Resolution something to put special emphasis on screening and fencing around this property. It might help if special emphasis is given to require the applicants to line the property along the immediately adjacent residential property as outlined in the discussion with evergreens as agreed to by the applicants.

Mr. Kelley accepted this condition to the Resolution.

Mr. Barnes accepted this condition.

Mr. Smith stated that he would point out that if this becomes a problem and it is not working satisfactorily, the neighbors have the right to bring this back to the Board. We are trying not to overlook the neighbors in any way.

The motion passed 4 to 0.

Mr. Baker was absent.

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10:20 - JOHN E. WILSON, HARMONY PLACE TRAILER SALES, application under Section 30-7.2.10.5.4 of Ordinance to permit purchase and resale of mobile homes, travel trailers, truck campers and truck caps, 7201 Richmond Highway, 92-4((1))part of 82 (1.825 acres), Mt. Vernon District, C-G, S-226-73.

Mr. Bernard Fagelson, attorney for the applicant, represented him before the Board.

Notices to property owners were in order. The contiguous owners were Wills & Van Metre, 1200 Prince Street, Alexandria, and Cherry Arms Partnership, 7131 Richmond Highway, Alexandria, Virginia.

Mr. Fagelson stated that this is not an incorporated business. It is owned and operated by one individual.

Mr. Fagelson submitted a new lease which was ruled in order by the Chairman.

Mr. Fagelson stated the Mr. Wilson had been occupying this land for some time by agreement with the owner and is not paying rent at this time, until he receives this Special Use Permit. He formerly operated Harmony Place Trailer Sales in Groveton, but he was forced out of that business because of the condemnation of the frontage of that property. There is a small frame building on this property that they plan to use as an office for the trailer sales.

This particular area has been used by several people mostly for storage of trailers for people who are waiting to get into the trailer park or out of the park. They will be selling and displaying trailers, but mostly to people who are already occupying the trailer park or plan to go in. He will sell new trailers, or take old ones and offer them for sale. He previously operated the Harmony Trailer Sales Office at 8818 Richmond Highway, but if this permit is granted, this will be the only location that he will have.

There was no opposition to this application.

In application No. S-226-73, application by John E. Wilson, Harmony Place Trailer Sales, under Section 30-7.2.10.5.4 of the Zoning Ordinance, to permit

sale of mobile homes, travel trailers, truck campers and truck caps, on property located at 7201 Richmond Highway, Mount Vernon District, also known as tax map 92-4((1))part of 82, County of Fairfax, Mr. Runyon 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 December, 1973.

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

1. That the owner of the subject property is Robert L, Kirby, Trustee.
2. That the present zoning is C-G.
3. That the area of the lot is 2,025 acres.
4. That site plan approval 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 of the Zoning Ordinance; and

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 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 granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation TO OBTAIN NON-RESIDENTIAL USE PERMIT AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES AND THIS SPECIAL USE PERMIT SHALL NOT BE VALID UNTIL THIS HAS BEEN DONE.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Hours of operation shall be from 8:00 a.m. to 8:00 p.m., Monday through Friday, 8:00 a.m. to 6:00 p.m., Saturday and 10:00 a.m. to 6:00 p.m. Sunday.
7. 38 vehicles permitted on-site.
8. Existing structure to meet County Building Code.
9. This permit shall run for 3 years with the Zoning Administrator being empowered to extend the permit for three, one-year terms upon presentation of a proper lease 30 days prior to expiration.

Mr. Kelley seconded the motion.

The motion passed 4 to 0.

Mr. Baker was absent.

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10:40 - ANNE SYKES CAVINESS, application under Section 30-7.2.6.1.3 of the Ordinance to permit day care center, 7:00 a.m. to 6:00 p.m., for 30 children, 6415 Kings Highway, (64,000 square feet), 83-3 ((5))(3) part of 1,2,3, & 4, Lee District, R-17, S-227-73.

Hearing began at 11:30 a.m.

Mr. Royce Spence, 311 Park Avenue, Falls Church, Virginia, attorney for the applicant, represented her before the Board. Notices to property owners were in order.

The contiguous owners were T. J. Abernathy, 6400 Pickett Street, David Corwell, 6422 Pickett Street, John Quensenberry, 6421 S. Kings Highway, Alexandria, Virginia.

Mr. Spence stated that this property is under a contingency contract, a copy of which has been submitted for the file. Mrs. Caviness wishes to have 30 children from 7:00 a.m. to 6:00 p.m. At the present time, she has three children in her home. Prior to that she was employed in Mrs. Augustine's Day Care Center for one year, after that time she began her own school with ten children until she was informed that this was a violation to the Zoning Ordinance. She then reduced the number to three to conform to the ordinance and made application for a Special Use Permit. There was quite a bit of opposition to that and she and her husband felt it was not the best site because of the opposition, therefore, she withdrew the application. She began looking for another site and found this parcel on South Kings Highway. It is an "L" shaped parcel and fronts on both South Kings Highway and Pickett Street On Pickett Street there is a small residence that is rented out to some other people at the present time and they hope to continue to rent this house. Although it is on the same property as the house they hope to use as the school, it is separate and apart from the school as the Board can see from the plats. The Health Department has been out and investigated the house and grounds and find it acceptable for thirty children. There is sufficient play area as is shown on the plats. They propose to have three employees at the maximum stage of the school. They have looked this area over quite well and feel there is a demand for a school of this type. They will start with ten students and they had no difficulty finding ten students. There are some apartments that are very close and there are several schools in the area, but they have found that none of these schools are taking additional students. There are 1.4 acres and the driveway is off of South Kings Highway. There is a turn-around area already there. It is their intent to not make Parcel 5 as part of the application.

Mr. Smith stated that if their intent is not to use Parcel 5 for the school, they should not have included it on the plats. The Board will need new plats showing the exact portion of the land that will be used for the school and the acreage of that parcel of land to be used for the school. This acreage includes both parcels of land.

Mr. Spence stated that the Caviness's intend to live in the main house.

Mr. Smith stated that if they intend to delete Parcel 5, they would have to go through subdivision control. He stated that they would have to have new plats.

Mr. Spence asked to be allowed to finish his testimony and also let the neighbors who are present testify so they would not have to come back again.

Mr. Barnes agreed that this was a good idea. Mr. Kelley so moved, Mr. Barnes seconded the motion and the motion passed unanimously.

Mr. Spence stated that they can comply with the Staff's recommendation that they use appropriate plantings and screenings along the property line adjacent to the houses that abut this property.

The play area will be fenced with a 4' chain link fence. There is a pool in the rear of the home and at the present time it is fenced only 3/4 of the way around it. They will fence that pool to comply with the new ordinance regarding fencing for swimming pools with a 6' chain link fence. Under the ordinance, they have 4 years to complete that fencing, but they plan to do it immediately

Traffic will move off of South Kings Highway into the driveway, let the children off and continue out again on South Kings Highway. There will be no entrance or exit to this school from Pickett Street.

The Staff has recommended that they dedicate 45 feet from the centerline of South Kings Highway. They have no objection to this. Also they are not including the property that fronts Pickett Street with the application; therefore, they do not wish to dedicate at that location as the staff requested.

Mr. Runyon stated that Pickett Street is already 5o feet wide.

Mr. Spence stated that they do not feel this school will change the character of the neighborhood. This is in close proximity to the Route 1 area which is commercial in character and there are some Special Permit uses located in the residential area nearby.

Mr. Smith stated that he questioned whether or not the land area after Parcel 5 is removed would conform to the new ordinance relating to private schools and day care centers.

Mr. William Lukens, 6434 Pickett Street, spoke in opposition to the application. He stated that he shares a 200-foot boundary with this property. He submitted a petition against this application to the Board. He stated that they consider this a commercial interprise, not a public service. He stated that there is also an apartment over the garage.

Mr. Smith stated that there could be no other use of any of the property except the house of the operator.

Mr. Lukens stated that they feel a commercial venture would be a detriment to the property values. There would be 30 children playing outside their windows which will make it difficult to sell should anyone wish to. They also feel that the entrance and exit on South Kings Highway is dangerous. Traffic on that road is extremely heavy. The only safe entrance would be from Pickett Street.

Mr. Smith stated that the applicant proposes to delete the property that faces Pickett Street.

Mr. Lukens stated that Pickett Street is a small residential street and so is Franklin Street. This property is in the triangle between these two streets and South Kings Highway. They also would like to know what their liability is should one of the children climb the fence into their yard.

David Crowell, 6422 Pickett Street, Lot 4, behind the main house where the school would be, spoke in opposition to this application. He stated that the plat shows an existing fence to the rear of the Lots 5, 4, 3, and 2, but there is no fence existing across those lots at all any more. It existed 4 years ago. It has been down at least 2 years.

Mr. Smith stated that the fence certainly should not be shown on the plats if it is not existing.

Mr. Crowell stated that his driveway runs right into the middle of that driveway.

This is the subject of a court suit at the present time. Mr. Truit filed a suit against him and he has filed an answer and counter-sued in June.

Mrs. Margaret Lukens, 6434 Pickett Street, submitted pictures to the Board showing different areas of the subject property. She also spoke in opposition to the application.

Mr. Kenneth Abernathy, 6400 Pickett Street, Lot 1, spoke in opposition to the application, giving the same points that Mr. Lukens has raised as being reasons for his objection.

Mrs. McCormick, 6416 Pickett Street, Lot 3, spoke in opposition. She stated that she has a 200 pound dog and she feels this will cause problems with the children being across the fence. She also complained about the drainage

from that property that is very bad when the owners drain their pool each year.

Mr. Spence then spoke in rebuttal to the opposition. He stated that he did not know of a single case where property values had diminished because of a use of this type. The ordinance requires a 4-foot fence around the play area and there will be three adults supervising the children. Not all of the children will be outside at any one time; therefore, he sees no problem with this. The site distance on South Kings Highway is very good and he stated that he knew of no severe traffic hazard at that location. As to the noise of the children, he stated that he felt that the noise of children at play is sweet to the ear.

Mr. Kelley moved that this case be deferred until January 9, 1974 for proper and correct plats and to give the Board an opportunity to view the property.

Mr. Barnes seconded the motion and the motion passed 4 to 0.

Mr. Baker was absent.

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11:20 - STEVEN S. FAHAR, application under Section 30-6.6 of the Ordinance to permit construction of garage within 6.9' of side property line (5.1' variance), 6107 Marilyn Dr., (11,200 square feet), 81-3((14))41, Lee District, Maple Grove Estates, R-12.5, V-228-73.

Hearing began at 12:15 P.M.

Mr. Fahar represented himself before the Board.

Notices to property owners were in order.

Mr. Fahar stated that his entire back yard slopes and takes whatever water there is down to the woods to the north of them. It would be impossible to build back there. The offset of the property does not permit any type of construction to the other side of the property. They checked the original construction permit and were told that the location of the house was entirely different from how it actually was constructed. The only area where they could construct a garage would be where they have proposed it on the plats that are before the Board, to the right of the house. There is a stair-well there which must be enclosed because storm water runs down there. He stated that he has to get out and unplug the storm sewer. He submitted photographs of this stair-well. Because of that water problem in the stair well, he finds that he must go from 12' to 16' garage width.

Mr. Smith asked if there were houses in the area that also have this problem.

Mr. Fahar stated that there are houses in the area that have garages and carports, but none of them have this stair-well that causes the water problem that he has.

Mr. Smith inquired about the frame shed that is shown on the plat to be only 2.7 feet from the side property line. He asked if it was on the property when he purchased it.

Mr. Fahar stated that is was on the property when he purchased it.

Mr. Smith stated that the file reflects that the contiguous property owner has no objection to this variance.

There was no opposition to this application.

In application No. V-228-73, application by Steven S. Fahar, under Section 30-6.6 of the Zoning Ordinance, to permit construction of garage within 6.9' of side property line (5.1' variance), on property located at 6107 Marilyn Drive, Lee District, also known as tax map 81-3((14))41, County of Fairfax, Mr. Runyon 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 December, 1973; and

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

1. That the owner of the subject property is Steven S. Fahar.
2. That the present zoning is R-12.5
3. That the area of the lot is 11,200 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 placement of the house on 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 the 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 detail of the addition shall conform to that of the 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 4 to 0.

Mr. Baker was absent.

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11:40 - TRUSTEES OF KINGS HIGHWAY BAPTIST CHURCH, application under Section 30-7.2.6.1.11 of the Ordinance to permit construction of Church for Sunday services and other religious activities,6860 S. Kings Highway, 92-1((1))parcel 16 and 16A, (1.98786 acres), Lee District, RE-1, S-229-73.

Hearing began at 12:30 P.M.

Mr. John Aylor, 4017 Chain Bridge Road, attorney for the applicant (property owners) testified before the Board representing the applicant.

Notices to property owners were in order. The contiguous property owners were Fairfax County Park Authority and Douglas S. Mackall, Trustee, 4031 Chain Bridge Road, Fairfax.

Mr. Aylor stated that this property was acquired in two parcels. The first piece was in the name of Grace Baptist Church, but that name was changed by Judge Millsap and it is now known as the Kings Highway Baptist Church. The Staff report which states that the property is owned by Grace Baptist Church and Virginia Home Loan is no longer correct. The size of the parcel is 1.98 acres of land. They propose to use this building for religious purposes. The seating capacity is 310 which will require 62 parking spaces which they have shown on the plats submitted with this application. The landscaping will be as shown on the plan submitted. There will be no outside lighting. The service will be held at 10:00 a.m., 11:00 a.m. and 12:00 noon on Sunday

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morning and there will be a prayer meeting at 7:30 p.m. on Wednesday. This will be a two-story brick building. The congregation is now meeting in the Mark Twain Intermediate School and formerly down in another school. Their membership is 180 at the present time. The church will go along with the request for dedication made by the Staff.

There was no opposition to this application.

In application No. S-229-73, application by Trustees of Kings Highway Baptist Church, under Section 30-7.2.6.1.11 of the Zoning Ordinance, to permit construction of church for Sunday services and other religious activities, on property located at 6860 S. Kings Highway, also known as tax map 92-1((1)) parcel 16 & 16A, Lee District, 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 December, 1973.

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 1.98786 acres.
4. That site plan approval is required.
5. That compliance with all County Codes is required.
6. That the property is subject to pro rata share for off-site drainage.

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

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. 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 granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation TO OBTAIN NON-RESIDENTIAL USE PERMIT AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES AND THIS SPECIAL USE PERMIT SHALL NOT BE VALID UNTIL THIS HAS BEEN DONE.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The building is proposed to accommodate 310 people.
7. The minimum number of parking spaces shall be 62.
8. Landscaping and screening to be provided to the satisfaction of the Director of County Development.

9. Owner to dedicate or provide easement to 30' from the centerline of the existing right-of-way along S. Kings Highway for the full frontage of the property for future road widening.

Mr. Barnes seconded the motion.

The motion passed 4 to 0.

Mr. Baker was absent.

The hearing ended at 12:35 P.M.

Mr. Smith stated that, if they have to move the building back because of the dedication, the Board will allow it. They would not have to come back, just submit new plats.

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12:00 - MRS. JANE A. ROGERS, application under Section 30-7.2.6.1.3 of the Ordinance, to permit increased enrollment to 130 children from 25 children, 1426 Crowell Road, 18-2((3))4, (6.4 acres), Dranesville District, RE-2, S-230-73.

Hearing began at 12:40 P.M.

Mr. Rogers appeared before the Board to represent his wife. He gave his address as 1426 Crowell Road, the residence of he and Mrs. Rogers.

Notices to property owners were in order. The contiguous owners were Cameron 1422 Crowell Road and Bowdoin College, Lot 5.

Mr. Rogers stated that they now have a permit for 41 children.

Mr. Smith stated that they did not have a permit for 41 children. They only can have 25.

Mr. Rogers stated that they would like to have 130 students. They propose to build a new building which they would place in the rear of their present residence. This new building would be a rambler type and could be converted into a residence at some time in the future, should they ever decide to retire.

Mr. Smith stated that they had received some communication from the Health Department which stated that they could only have 117 students. Therefore, the Board would have to limit the number to 117, also.

Mr. Rogers disagreed with the Health Department memorandum. They continued to discuss this at some length. Mr. Smith stated that he felt they would need some clarification from the Health Department on this.

Mr. Rogers stated that the ages of the children would be from 4 to 8 and they would operate from 9:00 a.m. until 2:30 p.m. If they run an afternoon kindergarten, they would operate until 4:30 p.m. They are now transporting their children to and from school. They do have the proper color and lighting for the busses.

Mr. Robert M. Penn, 1427 Crowell Road, directly across the street from the subject property, spoke in opposition to the application. He stated that he is representing himself and many other residents of the immediate area surrounding this property. He stated that their neighborhood is situated on a dead-end road. He stated that the desire of all the neighborhood is expressed in the Petition which he would submit to the Board. It is signed by 55 persons.

Mr. Smith accepted this Petition for the record and read it into the record.

Mr. Penn stated that some of the reasons why they oppose this expansion is because of traffic, parking and safety and they also feel this expansion would change the character of the neighborhood. There are no children who clearly

attend the school from this neighborhood. There are several other kindergarten type schools within a few miles. The applicant also has suitable property in the general area on which to build their school and they have stated their intent to do so if this is denied. It is difficult to oppose them, he stated, as they have been neighbors for ten years. However, these neighbors have made the difficult decision to oppose this application.

Bosley Crowther, 1408 Crowell Road, spoke in opposition. He stated that he appeared before this Board at the original hearing for the 25 students and said that they were not happy with the property, but they did not actually oppose it as it involved a small number of children and it would not cause a great change in the character of the neighborhood if there were some restrictions on the sign and the parking so arranged so as not to be visible from the other residences. This is a very, very rural residential neighborhood. They have received all sorts of assurances that this was all they intended to do. They have said that they only wanted to run a little school. They have run it one and one-half years and now it is expanded to the third grade and they want to add another building. They will have to substantially improve their sanitary facilities in order to accommodate this many children.

Mr. Smith stated that it looked as though all of the neighbors contiguous and nearby to this property do oppose this expansion.

Mr. Rogers asked if a representative from the Bowdoin College signed the Petition.

Mr. Smith stated that they are an absentee landowner.

Mr. Rogers spoke in rebuttal to the opposition. He stated that it is not true that if this is turned down, they are going to build elsewhere. They have concern for these little children and they feel these children are being benefitted by this school and are being brought up in a Christian atmosphere. This is their motto. It is also not that this building could never be converted into a residence again. He submits that it will not change from a residential neighborhood, and they will maintain the residential character of the neighborhood. The community hardly knows they are there and they will try to keep it that way.

Mr. Kelley stated that this school is on a local thoroughfare and under the Zoning Ordinance, he did not believe this would be allowed. He stated that he made the Resolution granting the original permit and he agreed with the people who are here because at that time they did not have any idea of planning this and he stated that he does not think this is a neighborhood type of operation. If they are going into an operation of this size and nature, they should find a place this is more accessable and is on a major road. This is not the type road this size school should be on.

Mr. Rogers stated that if the Board would read the Zoning Ordinance, 75 is permitted on a local thoroughfare and this is called a General Guideline. This local thoroughfare is 1,000 feet from a collector road and having read this ordinance they feel it would be better on this type road at this particular location.

Mr. Kelley stated that the Board has the Zoning Ordinance to live with and the Board is obligated to take this into consideration. He stated that personally he felt that this many students is too many for a residential area of this type.

Mr. Barnes stated that he agreed with Mr. Kelley on this. He stated that if he remembered correctly, it was stated at that hearing that there would not be any expansion of this school. He stated that he felt this was too big an operation for a residential neighborhood of this type.

Mr. Smith stated that, as to the land area involved, it is a large beautiful area with a beautiful home on it, but to put a commercial type building to the rear of it and with the road situation, it seems that these are substantial factors the Board will have to take into consideration.

Mr. Rogers stated that the building is not a commercial type building. It will be convertible into a home. If and when they leave and sell their

facility, they intend to divide their property and sell the house in the back and change that house into a rambler or split-level and sell it separately from their home.

Mr. Smith asked if they own other land in the area.

Mr. Rogers stated that they do own some land on Latterback Road, about 9 acres.

Mr. Kelley stated that he felt what they plan to do with the property at some time in the distant future is irrelevant to this case.

Mr. Runyon stated that in this application it has been pointed out that the site is supposed to be served by an adequate thoroughfare which it is not and also it is not supposed to overly impact the area in which it is placed. It has been pointed out from the comments that have been made that this is not the case.

In application No. S-230-73, application by Mrs. Jane A. Rogers, under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit increased enrollment to 130 children from 25 children, on property located at 1426 Crowell Road, Dranesville District, also known as tax map 18-2((3))4, County of Fairfax, Mr. Runyon 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 December, 1973.

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

1. That the owner of the subject property is Ross F. & Jane A. Rogers.
2. That the present zoning is RE-2.
3. That the area of the lot is 6.4 acres.
4. That site plan approval is required.
5. That the applicant is presently operating under Special Use Permit S-239-71, granted 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

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

Mr. Kelley seconded the motion.

The motion passed 4 to 0.

Mr. Baker was absent.

The hearing ended at 1:15 P.M.

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Mr. Smith left the meeting.

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Began at 1:20 P.M.

W. B. Jepson, V-216-73, application under Section 30-6.6 of the Ordinance to permit enclosure of carport and screening of porch closer to front property line than allowed by Ordinance (33.7 feet), 6320 Beachway Drive, 61-1((11)) 1044, Mason District, R-17 (15,259 square feet).

Deferred from December 5, 1973 for proper plats and decision only.

Revised corrected plats had been submitted showing the exact location of the circular drive on the subject property.

In application No. V-216-73, application by W. B. Jepson, under Section 30-6.6 of the Zoning Ordinance, to permit enclosure of carport and screening of porch closer to front property line than allowed by Ordinance, on property located at 6320 Beachway Drive, Mason District, also known as tax map 61-1((11))1044, County of Fairfax, Mr. Barnes 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 December, 1973 and deferred for corrected plats and decision only until the 12th day of December, 1973, and

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

1. That the owner of the subject property is William B. & Catherine A. Jepson.
2. That the present zoning is R-17.
3. That the area of the lot is 15,259 square feet.
4. That the property is subject to pro rata share for off-site drainage.
5. That the request is for a minimum variance of 11.3 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 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 to be used in proposed addition 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. Runyon seconded the motion.

The motion passed 3 to 0.

Messrs. Baker and Smith were absent.

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JOSEPH AND MAUDE SHOLTIS, application under Section 30-7.2.6.1.7 of the Ordinance to permit continuance of antique shop with use of accessory building behind house, 9625 Braddock Road, 69-1((1))26, (54,473 square feet), Springfield District, RE-1, Little Vienna Estates Subdivision, V-233-73.

Deferred from December 5, 1973 for viewing and for an agreement to be drawn up between the applicant and the contiguous neighbors for decision only.

Mr. Adams appeared before the Board, but stated that he would like to defer this case until January 9, 1974.

The Board agreed to this.

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VINE STREET ASSOCIATES, ROBERT W. DUDLEY & ALFRED J. HONEYCUT, application under Section 30-6.6 of the Ordinance to permit variance of 75 foot setback requirement from Route 495 to 50.55, 5621 Vine Street, 81-2((4)), Lee District, I-L, V-209-73.

Deferred from November 28, 1973 for a report from the Staff on whether or not there have been any other variances granted in this area and the status of the development of the area, for decision only.

Mr. Kelley read a letter from Victor F. Rinaldi, Attorney for the applicant, stating that he had to be in Court today and would not be able to make the meeting and requesting that it be deferred until January 9, 1974.

Mr. Barnes moved to grant the request.

Mr. Runyon seconded the motion and the motion passed 3 to 0. Messrs. Smith and Baker were absent.

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AFTER AGENDA ITEMS:

CROWN CENTRAL PETROLEUM, S-199-73, Granted November 28, 1973

Mr. Runyon stated that he noticed that the motion read that there would be 12 parking spaces. There were only three parking spaces shown on the plat. The other spaces were on an adjacent property. He suggested the Board amend the Resolution to reflect this change.

The Board members agreed to revise the minutes to show that the number of parking spaces was three instead of 12, to conform with the plats that were submitted and approved by the Board at the meeting of November 28, 1973.

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CROWN CENTRAL PETROLEUM CORP., S-31-73, Granted April 18, 1973, 5500 Franconia Road, 81-4((1))71C.

Mr. Kelley read a letter from Dwight L. McCurdy, Manager of Engineering and Design with Crown Central Petroleum. He stated that under the requirements of the Special Use Permit, they must start construction of this project before April 11, 1974. Because of the delays being encountered in obtaining approvals for the storm drainage system and the site plan, they may not have construction underway within the specified time period. They asked for a 6-month extension in which to begin construction.

Mr. Barnes so moved that this request be granted for a 6-month extension and so notify the applicants. Also inform them that this is the only extension that can be granted under the Board's by-laws.

Mr. Runyon seconded the motion and the motion passed 3 to 0, with the members present. Messrs. Smith and Baker were absent.

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AFTER AGENDA ITEMS

The meeting adjourned at 1:35 P.M.

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BY: Jane C. Kelsey, Clerk
and
Joyce Salamon

Daniel Smith, Chairman

APPROVED: January 16, 1974
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, December 19, 1973, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; and Charles Runyon. Messrs. George Barnes and Joseph Baker were absent.

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

10:00 - REGINALD & ROSE-ANNE BARTHOLOMEW, application under Section 30-6.6 of Ordinance to permit shed (8' x 12') closer to side lot line than allowed by Ordinance, 7416 Rebecca Dr., 93-3((4))2, (15,701 sq. ft.), Mt. Vernon District, R-17, V-231-73.

Mr. Smith stated that the Clerk had advised that she had received a telephone call from the applicant requesting a deferral as her son had to be in the hospital today. There was no one in the room interested in the application.

Mr. Kelley moved that this case be deferred until January 16, 1974.

Mr. Runyon seconded the motion and the motion passed 4 to 0.

Mr. Baker was absent.

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10:20 - SEMINARY ROAD LIMITED PARTNERSHIP, application under Section 30-6.6 of Ordinance, to permit mechanical teller closer to front property line than allowed by Ordinance, (42' from front property line), 5707 Seminary Rd., 62-3((2))C, (37,400 sq. ft.), Mason District, Rock Terrace Subdivision, C-G, V-232-73.

Mr. Burle Erlick, 1563 Forest Villa Lane, spoke before the Board representing his case.

Notices to property owners were in order. The contiguous owners were American Motors, 14250 Plymouth Road, Detroit, Michigan 48227, who owns the property in the rear and H. D. Hale, Inc., 2116 Wilson Blvd., Arlington, Virginia, who owns the property to the side.

Mr. Erlick stated that he purchased this building last May. Internal Revenue occupied this building for the eight years prior. He stated that he has leased one-half the main floor to Fairfax County National Bank. The land is zoned C-G. Directly to the west of this building is a transmission dealership. Contiguous on the other side of this building is Gorham Street which is dedicated, but undeveloped. On the opposite side of Gorham Street is a service station and in the back of that is Skyline Towers. Across the street are some garden apartments. To the rear are warehouses that are owned by American Motors. Next to that is the former Toys-Are-Us. Both of them front on Route 7 and his building fronts on Seminary Road. The bank is desirous, because of the people living in Skyline Towers, to put in a bank teller window and neumatic tube. The building is 56' from the property line and with this tube and canopy, it will then become 22' from the property line. They originally tried to locate the bank and the window on the other side of the main building, but the distance there is even shorter than on this side and would render it impossible to have a drive-in window at all. He stated that he did not believe there is any opposition to this application.

Mr. Covington stated that service stations can place their pump islands within 35' of the property line.

Mr. Kelley asked if he was familiar with the Staff recommendation regarding the travel-lane which stated that Preliminary Engineering would have no objection to the granting of the requested variance providing a minimum 22' travel-lane is reserved along the frontage of the property. If a canopy is contemplated, this also should not infringe upon the above travel-lane.

Mr. Erlick stated that he agreed with this.

There was no objection to the application.

In application No. V-232-73, application by Seminary Road Limited Partnership, under Section 30-6.6 of the Zoning Ordinance, to permit mechanical teller and canopy closer to front property line than allowed by Ordinance, on property located at 5707 Seminary Road, Mason District, also known as tax map 62-3((2))C,

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 19th day of December, 1973; 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 37,347 square feet.
4. That site plan approval is required.
5. That the request is for an 8' variance to the requirement.

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 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. A minimum 22 ft. travel lane must be reserved along the frontage of the property.
4. Architectural details must conform to 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, non-residential use permit and the like through the established procedures.

Mr. Runyon seconded the motion.

The motion passed 3 to 0.

Messrs. Barnes and Baker were absent.

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10:40 - RICHARD W. & FAYE G. WHYTE, application under Section 30-6.6 of Ordinance to permit less lot width at the building setback line on proposed lots 1,2,3, & 4, than allowed by Ordinance,(resubdivision of lots 26-41, Block 7, Franklin Park Subdivision), (2.59 acres), 41-1((13))(7)26-41, 1941 Rhode Island Ave., Dranesville District, RE-0.5, V-234-73.

Mr. Charles Huntley, office address, 400 North Washington St., Falls Church, Virginia, represented the applicant before the Board. He stated that he is the engineer for this project.

Notices to property owners were in order. The contiguous owners were Col. Pentakoff, 1929 Rhode Island Avenue and Alexander L. Stevas, 1970 Rockingham Street, McLean, Virginia.

Mr. Huntley stated that they are resubdividing 16 lots in Franklin Park Subdivision; and, in order to do so for the best use of the property, they have to ask for a variance for the frontage on four of the proposed lots. The way the present house sets on the property makes it difficult to subdivide without asking for a variance. The Board will notice on the plats that the house is skewed across the lots which gives them a limitation of the use of the remaining lots. They have to have a minimum of 90 feet at the building restriction line and in order to get four lots in there, they have to ask for a variance.

Mr. Smith asked what the average frontage is on the developed lots in this old subdivision.

Mr. Huntley stated that he thought the lots run from 50' depending on how many lots on which the existing dwellings are built. Some were built prior to the present zoning ordinance and encompass several of the existing subdivision lots.

Mr. Smith asked if he knew the percentage of 50' lots in the subdivision that were developed as 50' lots.

Mr. Huntley stated that he did not know exactly, but several were.

Mr. Smith asked if the contiguous lots on each side were developed on 50' lots.

Mr. Huntley stated that there are some that actually face to the rear of the property, that face on Rockingham that are 50' and there was just recently a similar resubdivision of the lots to the north facing on Rockingham Street.

Mr. Smith asked if construction had begun on this area of which they are now speaking.

Mr. Huntley stated that construction has begun.

Mr. Charles Pistorino, 1960 Rockingham Street, McLean, Virginia, spoke in opposition to this application. He stated that he abuts this property and this is to the rear of his house, lots 13 and 14. These lots are both 50' wide and make 100' frontage and extend 100' back. He stated that this house was built several years ago while they were still on septic tank. This is a beautiful wooded area of prime forest. This has always been residential. It used to be summer homes. It is within 1/2 mile of the highest point in Fairfax County At Williamsburg. He stated that he does not have a tremendous problem with drainage, but this property is on the watershed stream and there is some problem with drainage as far as Col. Pentakoff, who lives down the hill,is concerned. He lives on the next lot, next to Lot 26. They feel that there should be no variance granted on any lot size on Rhode Island Avenue. This is a unique community, in that Franklin Park makes the community. It has always been there. They would like it to stay as it has always been. The first plan that was ever submitted in Fairfax County was 70 years ago in 1904 and it was of this area. It was planned as a town. He stated that he supposed that this was planned to be row houses. He stated that his property and some of the other properties use two lots. This original plan was never developed.

They recommend that Mr. Whyte build one less house and stick with the requirements on frontage. They realize that the area will be developed and as long as it is close to one-half acre they will be happy. They agree that Mr. Whyte is upgrading the subdivision plan and that is fine, but looking at it realistically he isn't upgrading it as much as he is downgrading it. This is expected, however.

Col. Pentakoff, 1929 Rhode Island Avenue, an abutting property owner, spoke in opposition to this application. He stated that there is one stream in that area that comes down to his property. All the garbage and junk from the people who live above stream comes down to his property and if he can build one more house because of this variance, it will only be one more house to create garbage that will end up on his property. He recommended that if the Board does grant this variance, that they grant it consistent with the average of the other houses in the area. His lot is 25A. His square

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footage is a little over 16,000 square feet. He stated that these lots that are requested would average out to about the same size of his lot. He stated that he has invested a lot of money in this property because of the type of area that it is now. He stated that this frontage requirement should be maintained in keeping with the character of the area as it now exists.

Mr. Alexander L. Stevas, 1970 Rockingham Street, Lot 42 through 53, spoke in opposition to this application. He stated that he owns the abutting property on Kinsington Street. The frontage is 150' and 300' deep. His next door neighbor has 100' frontage and the neighbor below him has a large frontage and the one below that has a large frontage. All of the homes originally built here have a large frontage.

Mr. Smith stated that that is probably because the older homes were built on septic tanks and had to have a large area in order to put in the septic tanks.

Mr. Stevas stated that they are still on septic tanks. The builder was successful in getting sewers, but his concern is if this variance is granted, the developers will use this to substantiate additional variances in the property located adjacent to his property. It will be used as a stepping stone as more developers want to come in. They oppose this variance. They feel he can develop his land in a reasonable way with one less lot.

Ethel DeBardeleben, 2012 Rockingham Street, spoke in opposition. She stated that she has one and one-half 50-foot lots which gives her 75' frontage. She stated that she is the Vice-President of the Franklin Park Women's Club and they are concerned about maintaining the character of Franklin Park. They have a unique area and their property values have been maintained because of the big lots and big trees. They appreciate the fact that Mr. Whyte is upgrading the original plan, but they do feel that they would like to maintain the character of Franklin Park with the large frontage and the one-half acre lots. By denying the variance he is requesting, would require him to put in three houses instead of four. In addition, they feel that if he gets this variance, other developers may come in and ask for similar variances.

She submitted several letters from neighbors recommending that this variance be denied.

Mr. Smith accepted these letters for the record. These letters were from Mr. and Mrs. George R. Pratt, 2008 Rockingham Street; Miss Martha Jane Claypool, 2039 Rockingham Street; Floyd J. Sweet, 1910 Massachusetts Avenue; John G. & Jean W. Shope, 2012 Rhode Island Avenue; Turner Rose, 1869 Rhode Island Avenue; John & Deborah Fielka, 2029 Rhode Island Avenue; Henning Linden & Marguerite H. Linden, 1959 Rockingham Street; Franklin Park Woman's Club, c/o Jean W. Shope, 2012 Rhode Island Avenue; Patricia E. Bembe; Yvonne P. Warfield, 1948 Virginia Avenue; Raymond & Elizabeth W. Alexander, 1909 Massachusetts Avenue; W.B.DeGroot & Katherine S. DeGroot; Emma R. Groff, 1907 Virginia Avenue and 1892 Virginia Avenue, respectively; Ethel Smith DeBardeleben, 2012 Rockingham Street.

Mrs. Gladys Stevas spoke in opposition. She stated that she spoke with the engineer with regard to the sewer hookups and she was told that they have no plans to run a sewer line up their way. The man said that unless it had been paid by now, they could not hook into the sewer until the moritorium was lifted.

Mr. Smith stated that they would not be allowed to use the proposed size lots on septic tanks as the lots are not large enough.

Givon Parson, 1870 Virginia Avenue in Franklin Park, spoke in opposition. He stated that he is retired from the U.S. Forest Service and as a result of being in that profession, he has lived all over the world and this is the nicest place he has ever lived. They bought this property because of the lovely area. He stated that he owns Lots 1 and 2. He recommended denial in order to keep the character of this lovely neighborhood. He stated that he knew that Mr. Whyte was leaving the area and that he wouldn't attempt to subdivide as long as he was planning to stay there. His children are grown.

Mr. Huntley then spoke in rebuttal to the opposition. He stated that Mr. Whyte has no plans to leave this area. He moved there and bought this land

in the 50's and maintaining this land is becoming a problem. He stated that he lives in Franklin Park himself at 2030 Rockingham Street, up the street from this property. His parents moved there in 1936 and he has been a resident for 36 years. He stated that he certainly would not be in favor of changing the character of the area. He stated that they subdivided the Crimin's property up on the hill with a variance. They panhandled the lots to retain more of the character of the other houses in the area. They still retained most of the trees. They are not trying to change the area. This still will not be developing any time soon as there is a sewer moritorium. Mr. Whyte wants to be able to replan these lots. They will have to wait at least two years for the sewer. This is the Blue Plains Watershed. It was upon his recommendation that Mr. Whyte applied for this variance. He could remove a portion of the existing house to create enough frontage, but he does want to live in this house like it is. He is quite satisfied with this area.

Mr. Smith asked if the new zoning ordinance would allow them more density.

Mr. Huntley answered no, this is zoned one-half acre and he would not like to see a greater density himself. He stated that some of the houses in Franklin Park are quite old and the value is quite high. He stated that he was sure that some will have to be resubdivided in order to accommodate the rebuilding.

Mr. Kelley stated that the people who live here have raised several questions and they also have stated that Mr. Whyte is upgrading the area. He stated that he feels Mr. Whyte is entitled to a reasonable use of the land, but personally he would like to do some further checking and also view this property. He moved that Application V-234-73 be deferred for viewing and additional information and for decision only until the 22nd of January, 1974.

Mr. Runyon seconded the motion.

Motion passed unanimously.

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11:00 - MOHAMED KHALID RADWAN, application Under Section 30-7.2.10.3.6 of Ordinance to permit continued operation of recreation center limited to billiards and ping pong table with change of operator, 6184 B Arlington Blvd., 51-3((18))4, Mason District, Willston Shopping Center, (5.939 acres), C-D, S-235-73.

Mr. Radwan represented himself before the Board. He gave his address as 6512 Ivy Hill Drive, McLean, Virginia.

Notices to property owners were in order. The contiguous owners were the Fairfax County School Board and Westminster Investment Company, 1511 K Street, N.W., Washington, D.C.

Mr. Radwan stated that he operates under the trade name of "Jack and Jill." He took over this operation in December, 1972. When the lease was assigned to him from the previous owner, it never occurred to them that this was a requirement, that the new assigned leasee had to come back to this Board. He happened to stop in the Zoning Office one day to check on something else and they said that it should have been changed. He then went to the auditor and they applied for this change in the Special Use Permit.

Mr. Radwan stated that they operate from 10:00 a.m. until about midnight, 7 days per week. They have 19 pool tables and 1 ping pong table.

Mr. Smith asked if he had any coin operated machines in there.

Mr. Radwan stated that he did not have any. They used to have them, but after checking with the Zoning Office, they were told that this was not allowed.

There was no opposition to this application.

Mr. Radwan, in answer to Mr. Smith's question, stated that he is operating this business himself at the present time, but they are looking for a good manager. He stated that he also works as an international consultant.

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In application No. S-235-73, application by Mohamed Khalid Radwan, under Section 30-7.2.10.3.6 of the Zoning Ordinance, to permit continued operation of recreation center limited to billiards and ping pong table, on property located at 6184 B Arlington Blvd., Mason District, also known as tax map 51-3((18))4, County of Fairfax, Mr. Runyon 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 19th day of December, 1973.

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

1. That the owner of the subject property is Horne Properties, Inc.
2. That the present zoning is C-D.
3. That the area of the lot is 5.939 acres.
4. That site plan approval is required.
5. That the use has been operating under Special Use Permit S-124-70 granted August 4, 1970.

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 of the Zoning Ordinance; and

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. 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 granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation TO OBTAIN NON-RESIDENTIAL USE PERMIT AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES AND THIS SPECIAL USE PERMIT SHALL NOT BE VALID UNTIL THIS HAS BEEN COMPLETED.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

Mr. Kelley seconded the motion.

The motion passed 3 to 0.

Messrs. Baker and Barnes were absent.

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11:20 - FULLERTON JOINT VENTURE, application under Section 30-6.6 of Ordinance to permit reduction of 100 ft. setback requirement adjacent to residential zoned ground to 25 ft. and waiver of standard screening, Fullerton St., 98-2((5))3 & 4 & 99-1((2))30, 31, and 32, Parcel A & B, (total area: 1,513,001 square feet), Springfield District, I-L, V-236-73.

Mr. Frank Cowles, Jr., attorney for the applicant, office address of 4085 Chain Bridge Road, Fairfax, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Lynch Construction Corporation, P. O. Box 263, Springfield, Virginia and James P. and Marie E. Pogozaloski, 5177 Linette Lane.

Mr. Cowles stated that the tract of land that is immediately below this one is under contract contingent upon its being rezoned to I-L. If it should be rezoned, then this variance would not be necessary. He stated that he did not know the status of the rezoning case.

Mr. Smith stated that the Board needs to know that because this is a tremendous variance that is being requested. He stated that he could not see the justification of a variance of this size from residentially zoned land. He asked if this was in the comprehensive plan for I-L.

Mr. Cowles stated that it is not, it is in the Master Plan for residential. The tract that is up for a rezoning is an abandoned gravel pit with excavations running 25 feet deep in places. The property is rugged and now is full of pits and ravines. It is part of a 104-acre industrial park development fronting on Rolling Road, with its long axis running in an east-west orientation, and exiting over a newly constructed bridge onto Alban Road near the Newington interchange on Interstate 95. As is indicated on the plats attached with the application, the 100 foot setback virtually eliminates the productive and economic use of almost all the lots bordering the southern boundary of the property. In fact, he stated, the combination of sideline setbacks, street frontage setbacks and residential setback would completely preclude the construction of any building on some of the lots.

He stated that they recognize the inherent value of such a setback from the residential property, they are of the opinion that the circumstances surrounding this particular situation justify a variance. The adjacent tract, even though it is master planned for residential use, is better suited in locale and topography for industrial uses. While there is no guarantee that the rezoning will be accomplished, they feel that the application is indicative of an economic consensus of the most logical use of the property. During the pendency of the aforesaid rezoning application so that the orderly development of the subject property may proceed, they think the variance from 100 feet to 25 feet would be proper and in accord with good land use principles. The topography of the common property line runs over rolling hills, so that the grades of the adjacent properties will vary, with the subject tract being in many cases as much as 20 feet above the adjacent property and on other occasions as much as 8 feet below it. Permission has been obtained from the adjacent property owner to do certain grading on that property in order to make more gradual and attractive grade changes in the various locations. The applicant believes that the requested setback variance will provide adequate separation between the subject property's utilization and any development on the adjacent tract, particularly when coupled with appropriate site-by-site landscape and screening treatment as required by the various site plans which will be submitted from time to time.

The restrictive covenants imposed by Fullerton Joint Venture on the development of the entire project serve as an additional guarantee that each individual building project will conform to the dictates of good taste and orderly development.

Mr. Smith stated that these conditions existed at the time the property was purchased.

Mr. Covington came into the Board Room and stated that this rezoning case C-526 will be heard before the Board of Supervisors on February 25, 1974.

Mr. Smith stated that he did not believe that the number of lots ready for development has any bearing on this request under the hardship section of the ordinance.

Mr. Cowles stated that the biggest factor is that the Lynch property has all the characteristics of industrial property. It is surrounded on the north and east by industrial property. From an engineering standpoint, it is impossible to develop that Lynch tract as a residential subdivision. He

stated that he did not see how it could be done as it is billy goat country.

Mr. Smith stated that there have been no changes since that property was purchased.

Mr. Oliver Bestley, Jr., one of the partners, 7617 Little River Turnpike, Annandale, Virginia, spoke to the Board regarding this application. He stated that one of the things that is misleading is the Springfield Master Plan that should be updated every five years and it is now ten years old. It put everything RE-1, but everything down that road is zoned I-L and that map doesn't reflect that. The Board of Supervisors has surrounded that piece of land by industrial property. The Board has been shown pictures of the boundary line and one can see that a 25' setback would be just as effective from any development of the Lynch tract because of the topography.

Mr. Bojoski, owner of Lot 99 in the Saratoga Subdivision, spoke in opposition to this application. He stated that Saratoga is a subdivision to the west. The area to the south is presently zoned RE-1. This has come up before their citizens' association and they have gone on record as being in opposition. They do not want to see the Lynch property go industrial. Asthey say, it has been scheduled for a hearing and they do not want to see this Board reduce the setback until this zoning has been made. For that reason and as a home-owner, he stated that he opposes this application for a setback variance.

Mr. Ed. Fhreurer, Assistant to the President of Wills and Van Metre, Inc., a builder, spoke in opposition to this application. He stated that he did not want to see the Board make a decision on this until the decision on the rezoning case C-526 is made. He stated that he is concerned about the integrity of the area.

Mr. Cowles stated that they oppose the opposition and feel that the Board does have justification to grant this request for this variance.

Mr. Smith stated that he agreed that the adjacent property should be industrial but it is not and he did not feel the Board has proper justification to grant a 75' variance at this point.

Mr. Kelley agreed.

Mr. Cowles stated that this is a waste of valuable land. There is a limited amount of land in this zoning category. The hardship lies not in the difficulty of constructing or physically laying out a building on this property, but because of the artificial boundary that they have to cope with, this residential boundary should be an industrial boundary.

Mr. Kelley moved that this case be deferred until after the scheduled hearing before the Planning Commission.

Mr. Runyon stated that he would like to see this thing done once and for all, but in fairness to the applicant, there are only three present and he did not see much support for granting the application today.

Mr. Cowles asked how long it would be deferred.

Mr. Smith stated that it would be deferred until such time as they get a decision on it. If the Planning Commission recommended it, it will give the applicant some indication of how it is going.

Mr. Runyon seconded the motion.

The motion passed 3 to 0.

Messrs. Baker and Barnes were absent.

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12:00 - REGLA ANGULO, application under Section 30-7.2.6.1.3 of Ordinance to permit operation of a ballet school in basement of premises, 3300 Glen Carlyn Rd., 61-2((6))11, (10,006 sq. ft.), Mason District, R-12.5, S-239-73.

Mr. Frank Perry, with the Law Firm of Phillips, Kendrick, Gearheart and Aylor, P. O. Box 550, Fairfax, Virginia, represented the applicant.

Mr. Smith checked the notices to property owners and they were not in order.

There was no one in the room interested in the application.

The Board recessed the hearing at the request of the applicant and rescheduled it until January 22, 1974. Mr. Smith advised the applicant to send out the proper notices.

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12:20 - SHIRLEY L. BACON & ARLIN E. RANEY, application under Section 30-6.6 of Ordinance to permit less lot width than allowed by Ordinance, 11208 Chapel Rd., 76((5))11C, (1.845 acres), Springfield District, RE-1, V-245-73.

Mr. Arlin E. Raney represented he and Mrs. Bacon before the Board.

Notices to property owners were in order. The contiguous owners were Irvin Bergman, 3920 Walnut Street, Fairfax, and Joseph Vaugham, 2122 South Culpeper Street, Arlington, Virginia.

Mr. Raney stated that the reason for this variance request is this easement which they are required to set back from is less than a road or something less than that intent, which requires 175 feet minimum width. If the lot is on a State maintained road it would require 175 feet, if this were a corner lot. But this lot only has an easement running along the side. Lot 10, which is the adjacent owner, is not affected by this variance, therefore, this easement is not a road, and they should not have to set back the 175 feet, but because of this technicality they are told that they do have to set back the 175 feet. Therefore, they are requesting a variance of 25 feet to the 175-foot requirement. This easement is not a corner, but a joint driveway between and serving only Lots A & C.

He stated that he owns the property under contract. Mrs. Bacon is the owner of record and she is present today to so indicate her interest if it is the Board's desire.

Mr. Raney stated that they would like to subdivide this into two, one-acre lots. That leaves a residue of fives acres in the rear.

Mr. Kelley stated the Preliminary Engineering asked for a 45' frontage dedication along Chapel Road. He asked if they were willing to dedicate.

Mr. Raney stated that he is willing to dedicate.

In application No. V-245-73, application by Shirley L. Bacon & Arlin E. Raney, under Section 30-6.6 of the Zoning Ordinance, to permit less lot width than allowed by ordinance, on property located at 11208 Chapel Road, Springfield District, also known as tax map 76((5))11C, 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 19th day of December, 1973; 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 1.845 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 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. The owner shall dedicate to 45' from the centerline of the existing right-of-way along the full frontage of the property on Chapel 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. Runyon seconded the motion.

The motion passed 3 to 0.

Messrs. Baker and Barnes were absent.

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DEFERRED CASES:

2:00 - WILLIAM L. SMYTH, et ux H. A. Salih, M.D. t/a Foresight Institute, application under Section 30-7.2.6.1.3 of Ordinance to permit Diagnostic Center and School, Western Terminal of Woodbine La., 59-3((1)) part of parcel 11, Providence District, RE-0.5, S-116-73. (Deferred from 10-10-73 for new plats and statement on trip generation and parking.

Dr. Salih, party to the applicant, represented the applicant.

The Board told the applicant that they would not be able to hear the case as Mr. Runyon had to abstain as he worked on plats, and there were only two members there who could vote on this case. Therefore, there is no majority present. He stated that the Board would have to defer this case until they had a majority and preferably when the entire Board is present.

Dr. Salih agreed to this.

Mr. Smith stated that the Board had already held the public hearing. This deferral would be for decision only. The Board has viewed the property and the proper plats are now in the file. In addition, there is a memorandum from the applicant in the file giving the maximum trip generation and the parking calculations. Therefore, this will be brought up again when they have a full-member Board.

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Mr. Runyon moved the Board approve the minutes of October 31, 1973 and November 14, 1973.

Mr. Kelley seconded the motion.

The motion passed unanimously with the members present.

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BY: Jane C. Kelsey
Clerk

and

Joyce Salamon

Daniel Smith, Chairman

APPROVED: January 16, 1974
Date

The Regular Meeting of the Board of Zoning Appeals Was Held On Wednesday, January 9, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy P. Kelley, Vice-Chairman; George Barnes and Charles Runyon. Joseph Baker was absent.

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

The first order of business was to elect a Chairman, Vice-Chairman and Clerk for the year 1974.

Mr. Smith stated that they would first elect a Vice-Chairman.

Mr. Barnes nominated Mr. Loy Kelley for Vice-Chairman for the year 1974.

Mr. Runyon seconded the motion.

The motion passed unanimously with the members present.

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Mr. Kelley nominated Mr. Daniel Smith for Chairman for the year 1974.

Mr. Barnes seconded the motion.

The motion passed unanimously with the members present.

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Mr. Kelley nominated Mrs. Jane C. Kelsey for Clerk to the Board of Zoning Appeals for 1974.

Mr. Barnes seconded the motion.

The motion passed unanimously with the members present.

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10:00 - DR. DAVIS REEDER HALL, III, application under Section 30-7.2.10.2.6 of Ordinance to permit small animal hospital, 7013 Columbia Pike, 71-2((2))21-A, (11,677 sq. ft.), Annandale District, C-N, last used as a service station, Alpine Subdivision, Sec. B, S-242-73.

Mr. Smith stated that in view of the action taken by the Board of Supervisors and the discussions they had had this morning with the County Attorney, Lee Ruck, he was sure the Board had reached certain conclusions as to some of the items on today's agenda.

He asked if there was anyone in the room interested in the application.

There was no one in the room interested in the application.

Mr. Knowlton stated that the Staff notified all the applicants for Special Use Permits that the Board could not hear the cases today and this is perhaps why there is no one present interested in the application.

Mr. Kelley stated that in view of the adoption by the Board of Supervisors on January 7, 1974 of the emergency amendment to Chapter 30, specifically Chapter 30-19, the Board of Zoning Appeals moved that this application be deferred for a period not to exceed 60 days.

Mr. Barnes seconded the motion.

The motion passed 3 to 0.

Mr. Runyon abstained and Mr. Baker was absent.

Mr. Smith asked Mr. Knowlton if he would notify them of the deferral action and asked Mrs. Kelsey if she would prepare a letter for his signature notifying the applicants of this action. Mr. Smith further stated that any action the Board takes today will be in conformity with the emergency ordinance and all applicants will have to comply with this amendment.

Mr. Smith stated that the applicants should be notified as soon as possible.

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10:20 - NORTON FOXMAN, application under Section 30-6.6 of Ordinance to permit an interior lot with less width than allowed by Ordinance at building setback line, 7922 Old Falls Rd., 29-2((1))3, (34,382 sq. ft.), Dranesville District, RE-1, V-243-73.

Bernard Fagelson, attorney for the applicant, represented him before the Board.

Mr. Fegelson stated that Mr. Foxman is the majority stockholder of the Madison Construction Company.

Mr. Smith stated that he felt the application should be amended to include the Madison Construction Company.

Mr. Barnes so moved. Mr. Kelley seconded the motion and the motion passed unanimously with the members present.

Notices to property owners were in order. The contiguous owners were McLean Hunt Association, 5021 Seminary Road, Alexandria, Virginia and Eugene Elliott, 7914 Old Falls Road, McLean, Virginia.

Mr. Fagelson stated that under Section 30-13.4.9 of the Fairfax County Zoning Ordinance, a parcel of land was divided and the portion adjacent to Old Falls Road was left, which this application is concerned with. There was not a subdivision, but a division. They now have a lot which is the residue of this division, but unfortunately, it is only 146.45' at the building restriction line. To the east of that lot is a 50' lot which was originally conveyed out prior to the 1959 Ordinance and that has given them an odd shaped lot which causes them not to have the 150' requirement at the building restriction line.

Mr. Fagelson stated that this is the only variance they are requesting. The shack that is now on the lot and is used for storage will be removed and a new house will be constructed.

In application No. V-243-73, application by Norton Foxman & Madison Construction Corporation, under Section 30-6.6 of the Zoning Ordinance, to permit an interior lot with less width than allowed at building setback line (146.4'), on property located at 7922 Old Falls Road, Dranesville District, also known as tax map 29-2((1))3, County of Fairfax, Virginia, Mr. Runyon 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 January, 1974; and

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

1. That the owner of the subject property is Madison Construction Copp.
2. That the present zoning is RE-1.
3. That the area of the lot is 1.7378 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.

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 be in conformance with the recently adopted "emergency" ordinance amendment to Article 19 of the Code of Fairfax County.

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 with the members present.

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10:40 - WESTGATE CHILD CENTER CORP., application under Section 30-7.2.6.1.3 of Ordinance, to permit day care center for 90 children, hours between 6:00 a.m. and 6:00 p.m, 1731 Great Falls St., 30-3((1))21A, (178,881 sq. ft.), Dranesville District, RE-1, operation from Garfield Memorial Church, S-244-73.

There was no one in the room interested in the application. Mr. Knowlton again stated that these applicants had been notified that the Board could not hold the hearing today.

Mr. Kelley stated that in view of the adoption by the Board of Supervisors on January 7, 1974, of the emergency amendment to Chapter 30, specifically Chapter 30-19, the Board of Zoning Appeals moved that this application be deferred for a period not to exceed 60 days. Mr. Barnes seconded the motion.

The motion passed 3 to 0. Mr. Runyon abstained and Mr. Baker was absent.

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11:00 - MR. & MRS. ROY W. KORTH, SR., application under Section 30-6.6 of Ordinance to permit enclosure of existing carport (within 19.17' of side line) and to permit addition of new carport closer to side line than allowed (6.5' of side), 6620 Ridgeway Dr., 90-1))2))210, (30,510 sq. ft.), Springfield District, RE-0.5, Springvale Subdivision, V-246-73.

Mr. Roy W. Korth, 6620 Ridgeway Drive, Springfield, Virginia, represented he and his wife before the Board.

Notices to property owners were in order. The contiguous owners were Fern Larrick, 7414 Calamo Street, and Mr. Zubzik, 6628 Ridgeway Drive, and John Peo, 6616 Ridgeway Drive.

Mr. Korth stated that the reason they are requesting this variance is to provide a family room. They feel that if they enclose their present carport and do not add another carport, it will not be architecturally compatible with the house nor with the neighborhood. They have seen other houses where this has been done without adding another carport and they do not like the looks of those houses. The other side of the house has a severe slope and they would not be able to build there. The rear of the yard also slopes to a great degree. The enclosure of the existing carport requires them to need a variance for that also.

Mr. Smith asked him if he could make his carport smaller than 12.67'.

Mr. Korth stated that the outside size will be 12.67', but the inside will not be that large because of the brick pillars that they will use for the carport. They have owned the property for 17 years and they plan to continue to reside there. This addition is for the use of his own family.

The Board then discussed the extent of the topography problem.

Mr. Korth stated that it is about a 7 or 8 foot drop toward the back of the road. That side of the lot also has a lot of trees on it that they do not

want to have to remove. The neighbor on the side that they will be constructing the carport is in favor of the application.

There was no opposition to this application.

In application No. V-246-73, application by Mr. & Mrs. Roy W. Korth, Sr., under Section 30-6.6 of the Zoning Ordinance, to permit enclosure of existing carport & permit new carport closer to side property line than allowed by Ordinance, on property located at 6620 Ridgeway Drive, Springfield District, also known as tax map 90-1((2))210, 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 January, 1974; 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 30,510 square feet.
4. The enclosed structure would be 19.5 feet from the side lot line, and since the minimum required setback is 20 feet, a variance of 0.5 feet to that requirement is needed. The new open carport would be 6.5 feet from the side lot line, and since the minimum required setback is 15 feet, a variance of 8.5 feet to that requirement is needed.

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.

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 used in proposed addition 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. Runyon seconded the motion.

The motion passed 4 to 0.

Mr. Baker was absent.

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11:20 - METROPOLITAN CHRISTIAN CENTER, application under Section 30-7.2.6.1.11 of Ordinance, to permit erection of church, 5411 Franconia Road, 81-4((1))66, (2.52 acres), Lee District, R-12.5, S-247-73.

Mr. Lee Fifer, attorney for the applicant, appeared before the Board on the applicant's behalf.

He stated that they had been called and told that the Board would not hold a hearing today and the pastor of the church and the architect are not present because of this. He stated that he wished to appear and present the notices and indicate that they are ready for the hearing. Mr. Smith accepted the notices for the file.

Mr. Kelley stated that in view of the adoption by the Board of Supervisors on January 7, 1974, of the emergency amendment to Chapter 30, specifically Chapter 30-19, the Board of Zoning Appeals moves that this application be deferred for a period not to exceed 60 days.

Mr. Barnes seconded the motion.

The motion passed 3 to 0, with Mr. Runyon abstaining and Mr. Baker absent.

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12:00 - H. DIXON SMITH, application under Section 30-6.6.5.4 of Ordinance, to permit shed to remain 0.7' from rear lot line, 1124 Chadwick Ave., 102-2((14))(C)3, and part of 2, (11,250 sq. ft.), Mt. Vernon District, RE-0.5, Collingwood Manor Subdivision, V-248-73.

Mr. H. Dixon Smith appeared before the Board.

Mr. Dan Smith, Chairman, asked Mr. Smith, for the record, if he was related to him or knew him.

Mr. H. Dixon Smith stated that he was not related to Mr. Dan Smith nor did he know him.

Notices to property owners were in order. The contiguous owners were William R. Barentine, 1122 Chadwick Avenue, Alexandria, R. A. Scholtz, 1121 Gladstone Place, and Dorothy J. Wilson, 1127 Gladstone Place.

Mr. H. Dixon Smith stated that the property to the other side is undeveloped.

Mr. H. Dixon Smith stated that he had lived at this location for 5 years and intends to continue to make it his home. Shortly after he purchased the property, he decided to put in a pool. He had the pool installed by Anthony Pools and at the time the equipment was installed very close to the property line. Since that time, he has been trying to make plans to cover that equipment. He finally, after consultations with most of his neighbors, dedided to build this shed and cover the roof with cedar shakes. He was not aware of the restriction of the lot line until after they had put in the footings and had the building almost completed.

There is a chain link fence with interwoven board separating his property from the property next door.

The Chairman asked why he needed such a large building just to cover the equipment.

Mr. H. Dixon Smith stated that he did not need this large building just to cover the equipment, but he thought since he was building the shed, he might as well build it large enough to store the pool accessories such as lawn chairs, etc.

Chairman Smith asked if they had a building permit prior to building the shed.

Mr. H. Dixon Smith stated that they did not, as they did not know it was required. He stated that he was told not to apply for a building permit until he received a variance.

Mr. Smith stated that the Board could not possibly grant a variance on a building that exists until it has been inspected by the building inspector as to whether or not it conforms with the building code.

Mr. Armstrong, who resides at 1124 Chadwick Avenue, stated that he had been helping Mr. Smith work on this shed and they have been visited on four occasions by the inspector and that have been told just to stop construction until they have a ruling from this Board.

Mr. H. Dixon Smith stated that they did have a copy of the permit for the pool, but it was at home.

Chairman Smith asked Mr. Ash, the Zoning Inspector, if he would go to the Zoning Office and make a copy of the permit for the Board's file.

Mr. Ash stated that he would do so immediately.

Chairman Smith asked Mr. H. Dixon Smith why he needed to have a cover over the equipment. If it had been installed without a cover, then it should have been the type of equipment that would not need a cover.

Mr. H. Dixon Smith stated that it is rusting from the water that has seeped into it. The heater particularly is beginning to rust.

Mr. Kelley inquired as to the height of the building.

Mr. H. Dixon Smith stated that it was eight feet high and eight feet deep and 10 feet wide. He stated that because of the size of the equipment they had to put it in 10 feet wide.

Mrs. Dorothy Scholtz, 1121 Gladstone Place, spoke in favor of this application.

Chairman Smith stated that the Board is in receipt of a letter from Mr. Scholtz stating that they are in favor of this shed.

Mrs. Scholtz stated that they have been owners in the Collingwood Manor Subdivision for 19 years and they have followed the growth closely. She stated that she has also appeared before this Board in opposition in some of the cases that have come up. She stated that the applicant has been a welcome neighbor to the community and has been active in their citizen association and she did not believe he would do anything to offend his neighbors. She stated that there have been about three other variances granted in this neighborhood. She stated that their property abuts at the rear lot line and they have no objection to this shed. They have seen it and they support it.

Mr. Kelley stated that he would like to point out one thing. Mrs. Scholtz referred to the other variances that have been granted and he felt that each case has to stand on its own merits. This variance is only 7 inches from a property line and he was sure the other variances were not that close.

Mr. T. C. Armstrong, 1124 Chadwick Avenue, spoke in favor of this application. He submitted a letter from Mrs. William Barentine,one of the contiguous property owners,stating that she had no objection and that she had planned to be present to speak in favor of this application, but was not able to attend due to circumstances that arose this morning.

Mr. Wilson, 1127 Gladstone Drive, spoke in opposition to this application. He stated that his lot and Mr. H. Dixon Smith's lot are back-to-back. He stated that the building that Mr. H. Dixon Smith is in the process of constructing should be four feet from the property line. At this moment his plats show that he is 7 inches from the property line, but this is on the west side. He stated that he has made some measurements himself and finds that the building itself is only 5½ inches from the property line. The footings are not parallel with the lot line. He is 85% closer to the property line than the ordinance requires. On the footings he has an eight-inch cinderblock and then an 8-foot panel, the roof is 30 inches, which makes the building 11½ feet high instead of 8 feet.

Mr. Kelley stated that he couldn't see much difference between 5½ and 7 inches, but he could understand what he is trying to say.

Chairman Smith stated that if he has a heater, he can understand why he needs a shed to cover it. He stated that he would like to refer this back to the Zoning Administrator and find out why the equipment got this close to the property line as the heater concerns him.

Mr. Barnes stated that after looking at the plat approved when the pool went in, it shows the equipment close to the property line and that would have been the first question he would have asked. Was this approval for the pool also for the equipment?

Mr. Mitchell stated that the pool meets the setback requirements.

Mr. Wilson submitted pictures to the Board of how he obtained his measurements and pictures showing the shed as it related to his property.

Mr. Wilson stated that they also have a drainage problem now and when Mr. H. Dixon Smith gets the roof on his shed, the water will run off in his yard instead of Mr. Smith's, making the problem even worse.

Mr. Smith stated that under the ordinance he is not allowed to do that.

Mr. Wilson stated that it may look fine from Mr. Smith's yard, but from his yard all he can see is the eight inch concrete footing, 8 inches of cinder-block crudely laid and the plywood roof and paneling, with the roof and part of the paneling showing over the fence. He stated that from his yard it is not an appealing sight and he did not feel that Mr. Smith nor any of the neighbors would want that view from their property. He stated that he feels this will depreciate his property values.

Chairman Smith asked how he would feel if Mr. H. Dixon Smith reduced the size of the building to a point where it would not project over the fence.

Mr. Wilson stated that because of the footing and the drainage problem, he would still object because he felt the water problems have been much worse since Mr. Smith erected this building, because of the way the water runs.

Mrs. Dorothy Wilson, 1127 Gladstone Place, stated that Mr. Smith had made a statement that he had consulted his neighbors, but they have lived there since 1958 and at no time has he consulted them about this building and what he intends to do. The first she knew of it was October 22nd when he and Mr. Armstrong, his son-in-law, started building the building and continued on Sunday, October 28th.

Mr. H. Dixon Smith spoke in rebuttal. He stated that the pool equipment is now on a slab, that was there all along. They did put the footings for the building four inches closer to the property line to get a place for the wall to be built. They could not build the building on the same slab as the equipment was on.

Chairman Smith asked if the oil fire heater was installed at the same time that the other pool equipment was installed.

Mr. H. Dixon Smith stated that it was not, but it was installed before the final inspection, because the inspector told him it would be better if he could cover it.

Mr. H. Dixon Smith stated that he had consulted with Mr. Wilson because he went over there to look at Mr. Wilson's shed and discussed what type of shed would be the best. As far as the water drainage off the shed roof onto Mr. Wilson's property, he has told Mr. Wilson that he would be happy to put up guttering that would bring the water back to his property.

Mr. Runyon stated that he believed they should check with the Fire Marshal as to the requirement that a frame building must set back off the property line. Four feet is the fire regulation. He stated that he is not too worried about the heater, as the pictures show it to be well ventilated.

Chairman Smith stated that this shed was not built with a building permit.

Mr. Runyon stated that he did not see where that would be as much of a problem as the fire regulation. He stated that he did not think the Board has the power to waive this.

050

Mr. Barnes asked Mr. Ash if he had made any measurements.

Mr. Ash stated that he had not. The actual measurement of the building was not brought out until the plan was submitted for the variance. The building inspector was down there and issued a violation notice regarding the lack of the building permit. He also found some deficiencies. These deficiencies had to do with the foundation.

Mr. Runyon moved this case be deferred for a period of two weeks, until January 22, 1974, in order to obtain from the Fire Marshal information as to whether or not they would be able to vary that four-foot requirement.

Chairman Smith stated that the Board should just ask for a report and not put him on the spot like that. The Board should just ask the Electrical Inspector and Building Inspector to check this out and give a report on it.

Mr. Wilson asked if he could speak and Chairman Smith stated that that would be out of order. He could submit any additional information in writing. Chairman Smith told Mr. H. Dixon Smith that he could also submit anything in writing that he feels might be helpful.

Mr. Barnes seconded the motion.

The motion passed unanimously with the members present.

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2:00 - KENA TEMPLE, application under Section 30-7.2.5.1.4 of Ordinance to permit expansion of facilities, (new building for banquet and ballroom, and additional parking), (applicant now under Special Use Permit), 9001 Arlington Blvd., 48-4((1))42A, (26.8897 acres), Providence District, RE-1, S-254-73, Out-of-Turn Hearing.

Mr. Peale from Kena Temple had presented the notices to the Board. The contiguous property owners were Phil H. & Helen Bucklew, 3142 Barkley Drive and Joseph H. Dellinger, 3122 Barkley Drive, Fairfax, Virginia.

Mr. Smith stated that they would accept notices as proper notification and file them with the case. It will not be necessary for the applicant to provide any additional notification at a future date.

There was no one in the room interested in the application except Mr. Peale, who presented the notices.

Mr. Kelley stated that in view of the adoption by the Board of Supervisors on January 9, 1974, of the emergency amendment to Chapter 30, specifically Chapter 30-19, the Board of Zoning Appeals moved that this application be deferred for a period not to exceed 60 days.

Mr. Barnes seconded the motion.

The motion passed 3 to 0, with Mr. Runyon abstaining and Mr. Baker absent.

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DEFERRED CASES:

2:20 - HOPE MONTESSORI SCHOOL, LTD., application under Section 30-7.2.6.1.3 of Ordinance to permit increased enrollment to 82 pupils, 4614 Ravensworth Rd., 71-1((1))57A & 62, Annandale District, R-10, (2.975 acres), S-200-73. (Deferred from 11-21-73 for proper notices).

Mr. Harry E. Middleton, Jr., attorney for the applicant represented them before the Board.

Notices to property owners were in order. The contiguous owners were Gateway Development Company, 14818 London Towne Road, Centreville and Mr. John Roach, 7152 Woodland Drive, Springfield, Virginia.

There was no one else in the room interested in the application.

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Mr. Kelley stated that in view of the adoption by the Board of Supervisors on January 7, 1974, of the emergency amendment to Chapter 30, specifically Chapter 30-19, the Board of Zoning Appeals moved that this application be deferred for a period not to exceed 60 days.

Mr. Barnes seconded the motion.

The motion passed 3 to 0, with Mr. Runyon abstaining and Mr. Baker absent.

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2:30 - ANNE SYKES CAVINESS, application under Section 30-7.2.6.1.3 of Ordinance to permit day care center, 7:00 a.m. to 6:00 p.m., for 30 children, 6415 S. Kings Highway, (64,000 sq. ft.), 83-3((5))(3)5, part of 1, 2, 3, & 4, Lee District, R-17, S-227-73. (Deferred from 12-12-73 for viewing and new plats).

The plats had been received and were reviewed by the Board.

Mr. Smith stated that one of the biggest concerns of the Board was the entrance and exit from Kings Highway.

Mr. Kelley stated that he had gone down there and viewed the property on two occasions and he felt the road was too narrow and the traffic conditions were bad. He stated that he realized that we need this type operation, but he did not feel this was the right location for it, due to the traffic conditions.

In application No. S-227-73, application by Anne Sykes Caviness, under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit day care center for 30 children, on property located at 6415 S. Kings Highway, also known as tax map 83-3((5))(3)5, part of 1,2,3, & 4, Lee District, 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 December, 1973 and deferred until January 9, 1974 for viewing and new plats.

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

1. That the owner of the subject property is Samuel L. Troobnick.
2. That the present zoning is R-17.
3. That the area of the lot is 64,000 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

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

Mr. Barnes seconded the motion.

The motion passed 3 to 0. Mr. Runyon abstained as he had not had the opportunity to view the property.

Mr. Baker was absent.

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052

2:45 - JOSEPH & MAUDE SHOLTIS, application under Section 30-7.2.6.1.7 of Ordinance to permit continuation of antique shop with use of accessory building behind house, 9625 Braddock Road, 69-1((1))26, (54,473 sq. ft.), Springfield District, RE-1, S-224-73. (Deferred from December 5, 1973 for decision only and deferred again from 12-12-73 for decision only).

Mr. C. Douglas Adams, attorney for the applicant, appeared before the Board.

Mr. Smith stated that this was deferred for decision only and for the applicant to submit an Agreement, in writing, that the applicant would agree to satisfy the nearby property owners. That agreement was received and was in the file.

Mr. Barnes moved to grant in part, and his original motion stated that it was granted except for the metal building. That metal building could not be used as a part of the antique business.

Mr. Runyon seconded the motion and inquired if that meant that they could not even store their antiques in this building, if perhaps, they sold an item one day and the customer would pick it up the next day.

Mr. Barnes stated that he would not want any sales out of this building.

Mr. Smith asked if this cleared up the question.

Mr. Adams asked if he could ask a question to clarify the motion. He stated that he had asked that this be granted without requiring them to dedicate and that the building be allowed to be used for the storage for the antiques.

Mr. Smith stated that this Resolution is not debatable from the floor at this point.

Mr. Adams stated that if the motion is that they cannot use the metal building for storage and they also will have to dedicate, then they will withdraw their application. The original motion was not as restrictive as this one and it stated they would not have to dedicate.

Mr. Smith stated that he would question whether or not they could withdraw the application when there is a motion on the floor.

Mr. Barnes stated that he did not mind them using a part of this building for minor storage, but there should not be any sales out of it.

Mr. Runyon stated that he did not know how restrictive the ordinance was, but they might not be able to repair furniture out of this building or any building for that matter, but they would have to comply with all other County regulations and this would cover it.

Mr. Kelley stated that they seemed to be discussing this thing again. He would like to ask Mr. Adams why there has been such a change. At the original hearing some years ago, Mr. Sholtis made the statement that they would look for a commercial place to operate this antique shop. Now they say that they could never run a commercial place of business.

Mr. Adams stated that that was correct, as when they originally applied they did have the idea of moving, but with Mrs. Sholtis's deteriorating condition, they could not possibly do this.

Mr. Barnes stated that he would amend his Resolution to prohibit the sale of antiques from this building, but permit them to store several pieces of furniture out there.

Mr. Adams then again questioned the dedication.

Mr. Runyon stated that it is only 60' from the centerline of the road, which would mean only 35' of their property; 1,500 square feet.

Mr. Smith stated that this Resolution also limits this use to a two-year period.

Mr. Adams stated that they would prefer to have it on an annual inspection basis. These people are non-commercial, he stated, but they would agree to this dedication, if the Board would grant the permit for a longer period than

two years. He stated that this dedication is only 1,500 square feet which is very minor.

Mr. Smith suggested that the Board grant it for 2 years with the Zoning Administrator being empowered to grant for 3 additional one-year periods.

In application No. S-224-73, application by Joseph & Maude Sholtis, under Section 30-7.2.6.1.7 of the Zoning Ordinance, to permit continuance of antique shop with use of accessory building behind house, on property located at 9625 Braddock Road, Springfield District, also known as tax map 69-1 ((1))26, County of Fairfax, Mr. Barnes 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 December, 1973, and deferred to the 9th day of January, 1974 for decision and agreement by applicant.

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

1. That the owner of the subject property is Joseph R. & Maude A. Sholtis.
2. That the present zoning is RE-1.
3. That the area of the lot is 54,473 square feet.
4. That site plan approval is required.
5. That compliance with all County Codes is required.
6. Applicants have been operating an antique shop as a home occupation pursuant to Special Use Permit S-57-69, granted on March 25, 1969, in their residence which is located on the southwest side of Braddock Road approximately 200 feet southeast of its junction with Powell Road in Springfield District.
7. A one-story metal storage building has been erected on the property and consequent to a notice of violation, the current application was filed to permit continuing use of the house as an antique shop, with the right to use the accessory building behind the house.

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

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 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, except the metal building shall only be used for storage. 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 granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation TO OBTAIN NON-RESIDENTIAL USE PERMIT AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES AND THIS SPECIAL USE PERMIT SHALL NOT BE VALID UNTIL THIS HAS BEEN DONE.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. Owner to dedicate to 60' from the centerline of the right-of-way for the full frontage of the property for future road widening along Braddock Road.
7. Landscaping and screening to be provided to the satisfaction of the Director of County Development.
8. Hours of operation shall be 9:00 a.m. to 8:00 p.m., 6 days per week, Monday through Saturday, by appointment only.
9. This permit is granted for 2 years only with the Zoning Administrator being empowered to grant three, one-year extensions.
10. 1,000 square feet of the metal building behind the house may be used for storage only.

Mr. Runyon seconded the motion.

The motion passed 4 to 0.

Mr. Baker was absent.

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3:00 - VINE STREET ASSOCIATES, ROBERT W. DUDLEY & ALFRED J. HONEYCUT, application under Section 30-6.6 of Ordinance, to permit variance of 75 feet setback requirement from Route 495 to 50.55 feet, 5621 Vine Street, 81-2((4))34, Lee District, I-L, V-209-73 (Defer for report from Staff on development pattern and on parking and on decision as to whether parking is allowed in 75' setback area, from 12-5-73 and 12-12-73.

Mr. Rinaldi, attorney for the applicant, appeared before the Board.

He stated that he would like to comment that the applicant is willing to make a consession that when the Route 495 is widened that he would remove the building and return the property to its original condition, but they would like to have the building until that time.

Mr. Smith stated that the Board had been made aware that it is only a matter of a very short time before the highway will be widened. Aside from this, however, the justification that they have given leaves some doubt as to whether or not the Board would be justified in granting this variance.

Mr. Rinaldi stated that at the previous hearing, they were able to show that this property is well screened with trees and there is a fast slope at the rear of the property.

Mr. Smith stated that the variance runs with the land and once the Board has granted a variance, he did not believe they could condition it. Therefore, there is some question in his mind as to whether or not this is a reasonable condition. He stated that he questioned whether or not the applicant had a case under Section 30-6.6 of the Zoning Ordinance. The slope that he spoke of is at the extreme rear of the lot and would have no effect on this building. This applicant has a condition that is similar to all the other lots along this street.

Mr. Kelley stated that he believes it was stated at the public hearing that the applicant was aware of this problem at the time he purchased the property. He stated that he agreed with the Chairman that if the Board grants this variance, they would be setting a precedent and the Board has to be consistent. He stated that the Board could not grant a variance to this applicant and turn down the next one who has the same problem. He stated that he did not believe that their hardship is such that they are entitled to a variance.

Mr. Smith stated that he had viewed the site and it is now being used for storage and parking and the applicant is benefitting from using it for construction purposes. Therefore, the hardship is not quite as bad as indicated. It appeared to him that they were using it for outside storage so they are not restricted to the degree that they have indicated.

Mr. Rinaldi stated that the equipment that is stored in this area should not be left in the weather. It is small mechanical equipment.

Mr. Smith stated that he agreed that it would be more desirable to have them under cover, but this is a factor that the Board cannot take into consideration when granting a variance. It certainly would be more sightly, but again, there is no justification in the Zoning Ordinance for a variance based on aesthetics.

Mr. Runyon stated that he had been trying to find something that this would fit under in the Ordinance and the only thing that would apply would be an exceptionally shallow lot.

Mr. Smith stated that this is true of all the lots along that street. He stated that it seemed to him that the proper course of action would be to try to alleviate the 75' setback requirement from Route 495 and in so doing would be able to alleviate any hardship for this property and any other property abutting an interstate highway. This needs to be a zoning change. A 50' setback is the normal setback from a highway in most of the County. The Ordinance prohibits the Board from granting a variance based on a general condition and this is general throughout this industrially zoned area. If there is a hardship, it is a hardship on several lots.

Mr. Runyon stated that in view of this discussion and the testimony at the public hearing and because he is unable to find a proper justification that this Board can work under in this case, he would make the following motion.

In application No. V-209-73, application by Vine Street Associates, Robert W. Dudley & Alfred J. Honeycut, under Section 30-6.6 of the Zoning Ordinance, to permit variance of 75 ft. setback requirement from Rt. 495 to 50.55 feet, on property located at 5621 Vine Street, Lee District, also known as tax map 81-2((4))34, County of Fairfax, Virginia, Mr. Runyon 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 November, 1973 and deferred to the 5th day of December, 1973, the 12th day of December, 1973 and again to the 9th day of January, 1974.

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

1. That the owner of the subject property is Dudley & Honeycut t/a Vine Street Associates.
2. That the present zoning is I-L.
3. That the area of the lot is 18,260 square feet.

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 an interpretation of the Zoning Ordinance would permit a variance.

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 with the members present.

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AFTER AGENDA ITEMS:

HARRISON W. GALE, S-202-72, 9718 Beach Mill Road, Dranesville District, 8((1))5 - Request for an extension.

Mr. Smith stated that before the Board extends this permit, they should find out if the applicants now have their site plan approval or a site plan waiver.

He stated that he would also like to know if they have begun construction.

Mr. Runyon stated that they have not begun operation and they did not have to construct anything but the bathrooms and the widening of the entrance.

Mr. Smith asked Mr. Mitchell if he would have an inspector check this and give a report and also check to see whether or not there is a site plan waiver.

He stated that the Board would act on this next week.

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PINEWOOD STATIONS - Special Use Permit S-217-73

Mr. Smith read a letter from Preliminary Engineering which stated:

"In connection with the subject swimming pool, I would like to call your attention to the fact that the pool is to be available for use by the present residents of the Newington area according to the letter submitted by the developer at the rezoning hearing.

A search of the Board of Zoning Appeals resolution for the special use permit reveals there is no mention of the commitment, nor has there been provisions for on-site parking as there was in the plan submitted to the B.Z.A.

We request your decision on whether or not this plan should be resubmitted to the B.Z.A. to incorporate commitments made to the Board of Supervisors."

Mr. Smith stated that this should be sent back to Preliminary Engineering with a request that they inform the Board of Zoning Appeals exactly what the commitments to the Board of Supervisors were, in order that the Board of Zoning Appeals might incorporate them in the Resolution granting this Special Use Permit.

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Several gentlemen appeared before the Board from the Sikh Dharma Brotherhood. They had presented a letter to Mr. Knowlton who had given the letter to Mr. Smith which stated that they intended to use a 35-acre tract of land at 10505 Pohick Road, Fairfax Station, Virginia, to construct a building to be used as a place of worship where regular services will be held. They plan to partially surround the temple with water and formal gardens. The Temple will be open to all who wish to attend. The seminary would be for the purpose of training and educating ministers. It would include classrooms, offices and residential facilities. There would be a farm to raise food for the seminary and to afford an environment of hard, simple, honest work. Also, included would be a pottery and wood working workship. The students and teachers would live at the seminary and maintain the grounds in addition to carrying out their studies and community duties.

Mr. Smith asked them if Mr. Knowlton had given them a decision on whether or not they would be able to use the premises for wood working, pictures, etc.

They told him that Mr. Knowlton had not given them an answer.

Mr. Smith stated that the use for religious purposes would be fine under the Ordinance, but he could not see how the other would be allowed. Education also would be allowed under the Ordinance and raising farm products, but when it comes to woodworking and pottery making, etc., he did not feel this would be allowed, if they were going to sell it.

The spokesman stated that the woodworking and pottery making is something they do while they are in training. They keep some of the items and use them in the temple. The rest they wanted to sell.

Mr. Smith stated again that this wouldn't be allowed. He further stated that this is something that he would have to discuss with Mr. Knowlton. At the moment, the Staff cannot even accept an application for a Special Use Permit for the next 18 month period.

Mr. Smith asked if they now own the land.

The spokesman answered that they do not. They have signed it on a contingency basis and have not made a down payment. There is a limit on the contract of February 15, 1974.

Mr. Smith stated that there is no way the Board can hear the case prior to February 15th. The public hearing on the emergency amendment to the ordinance that prevents the Staff from taking applications for Special Use Permits does not come before the Board of Supervisors until February 11, 1974.

Mr. Smith suggested they keep in touch with the Staff on the status of this ordinance, and in the meantime, he would have a discussion with Mr. Knowlton regarding this. He asked the Clerk to make copies of this letter for the Board members.

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Mr. Runyon moved that the minutes of October 10, 17, and 24, be approved with minor corrections.

Mr. Barnes seconded the motion.

The motion passed unanimously with the members present.

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Mr. Smith stated that the Clerk had advised him that Mr. Barnes's term expires Feburary 19, 1974. He stated that the Board should notify Judge Sinclair of this expiration.

Mr. Kelley stated that he certainly would like to see him reappointed and if there are any comments in the letter the Chairman writes to the Judge, he would like to say that Mr. Barnes has made the Board a very good member and he would like to continue to serve with him as long as he is on the Board. He moved that the Chairman direct a letter to Judge Sinclair with the comments that he had just made.

Mr. Runyon seconded the motion.

Mr. Smith stated that the Chair will direct this Resolution to the attention of the Judge pointing out the outstanding performance that Mr. Barnes has rendered to the Board of Zoning Appeals over the year. The motion passed unanimously with the members present.

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The meeting adjourned at 3:22 P.M.

BY: Jane C. Kelsey
Clerk

and

Joyce Salamon

Daniel Smith, Chairman

APPROVED: February 20, 1974
Date

The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, January 16, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman, Joseph Baker and Charles Runyon. Mr. George Barnes was absent.

The meeting was opened with a prayer by Mr. Covington

Mr. Smith stated that any action that this Board takes today will be in compliance with the emergency ordinance passed by the Board of Supervisors. The Board has again been in discussion with the County Attorney and the Zoning Administrator, Mr. Knowlton, regarding this emergency amendment to the ordinance, and the Board is trying to operate within the framework of this amendment. For that reason, we have been deferring use permits and expansions of use permits for a period of time in order that the Board of Supervisors might hold a public hearing on this emergency amendment, and probably come up with some changes to it. He thanked the people in the audience for their consideration and patience in waiting for the Board this morning.

10:00 - DOMINICAN RETREAT HOUSE OF ST. CATHERINE DERICCI, INC., application under Section 30-7.2.6.1.11 of the Ordinance, to permit convent and retreat house, expansion of facilities, (12.4 acres), 7103 Old Dominion Drive, 30-1((1))86, Dranesville District, R-12.5, S-249-73.

Mr. Philip Brothy, attorney for the applicant represented them before the Board. His address is 106 Little Falls Street, Falls Church, Virginia 22046.

Notices to property owners were in order. He stated that all the property owners notified were contiguous. Two of them were Charles B. Harrison, 7207 Van Ness Court, McLean; and George Davis, 3815 Mayflower Drive, McLean.

Mr. Kelley made the following motion: "Because of the emergency amendment passed by the Board of Supervisors on January 7, 1974, to Chapter 30, specifically 30-19 of the Zoning Ordinance, I move that the Board of Zoning Appeals defer this case for a period not to exceed sixty (60) days in order for the Board of Supervisors to hold a public hearing on the ordinance and hopefully come up with some feasible solution regarding existing use permits where expansions are necessary."

Mr. Baker seconded the motion.

The motion passed unanimously with the members present.

Mr. Brothy asked if there was any information the Board could give on a possible rescheduling.

Mr. Smith stated that they would be notified and would be given ample time to renotify the same people that they notified previously.

There was no one in the audience in opposition to this application.

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10:20 - NORTHERN VIRGINIA CHRISTIAN ACADEMY, application under Section 30-7.2.6.1.3.2 of Ordinance to permit expansion of Christian Education Facility which was granted under S.U.P. S-63-73, (23.88 acres), 4601 W. Ox Road, 56-1((1))10 & 11, Centreville District, RE-1, S-250-73.

Rev. John Bonds, 4601 West Ox Road, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Louise Cross, 4623 West Ox Road, and Bobby Greer, 4438 Legato Road, Fairfax.

Mr. Smith told Reverand Bonds that he had heard the action of the previous case and he was sure that the Board of Supervisors and the County Attorney are giving thought to this particular type of use permit, but at this time, this Board has been deferring these applications in compliance with this emergency ordinance to give the Board of Supervisors the opportunity to hold a public hearing and to finalize that ordinance.

Reverand Bonds asked if he could address the Board on this matter and submit a written statement.

Mr. Smith told him that he could, and they would accept the written statement for the record. (Statement can be found in file for this application).

Mr. Smith stated that the Board is well aware of the existing use permit now in force at this location, but in lieu of the action of the Board on previous similar cases, it would only be fair that they treat this case the same way. The Board has searched for a way to alleviate the possible hardship on the existing permits in areas such as this, and the Board hopes that by February 11th, when the Board of Supervisors hold their public hearing on the amendment, some of the problems will be taken care of. The Board has been assured that this is a possibility, and the Board has spent quite a bit of time discussing these possibilities with theCounty Attorney and Zoning Administrator.

He stated that he was sure that quite a few of the Board of Supervisors members are anxious to alleviate any hardship on a public facility such as this, but this Board is not in a position to do other than what the Board has done on the previous cases. Hopefully, the Board can get back to these cases before the 60 days are up.

Mr. Runyon stated that the Board of Zoning Appeals has talked about this quite a bit and last week he abstained and this week he had intended to do the same thing, but the only way that this Board can get around this mess that has been created by the Board of Supervisors is to defer these cases at least until the public hearing is held and then try to expedite the cases in a timely fashion. He stated that he could speak about the thing for a couple of hours,but there is no sense in wasting a lot of time, therefore, because of the action by the Board of Supervisors on January 7, 1974, in passing the emergency amendment to Chapter 30, specifically 30-19, he moved that the Board of Zoning Appeals defer this case for a period not to exceed sixty (60) days.

Mr. Baker seconded the motion.

Mr. Kelley stated that he appreciated the confidence that Reverand Bonds has in this Board, and as Mr. Runyon has pointed out, this Board has done everything in their power to work these things out. He stated that the only reason he is not abstaining from this case is because this is the only way this Board can go. He stated that it is not his feeling that this should have been handled this way, however, the Board feels that there are certain things that will be ironed out and he would hope that it will be ironed out as soon after the February 11th, 1974 meeting as possible. The Board says a maximum of 60 days which means it could be heard prior to that, which is his feeling in going along with the Board of Supervisors and the County Attorney. He stated that he would hope that there would be a solution to these problems where there is already an existing Special Use Permit.

Mr. Baker stated that the only reason he seconded the motion is because he could not see any alternate solution and he is completely in accord with the statements made by the other Board members.

The motion passed unanimously with the members present.

Mr. Barnes was absent.

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10:40 - EDWARD JOSEPH MAHONEY, application under Section 30-6.6 of Ordinance to permit addition of family room and bathroom addition closer to rear lot line than allowed by Ordinance, 7103 Oakridge Rd., 50-3((4)) 66, Woodley Subdivision, Providence District, (11,194 sq. ft), R-10, V-237-73.

Mr. Mahoney, 7103 Oakridge Road, spoke before the Board. Notices to property owners were in order. The contiguous owners were Hale W. Jacobson, 7101 Oak Road, and Jean E. Longaker, 7114 Alexandria Road.

Mr. Smith asked Mr. Mahoney if he had obtained these signatures.

Mr. Mahoney stated that his wife did.

Mrs. Mahoney came forward and stated that she certified that she did obtain these signatures personally and they were signed in her presence.

Mr. Mahoney stated that their rear yard is very shallow in relation to the space on either side; however, on the right hand side are their bedrooms. The way the house is laid out and the way it is set on the lot precludes building at any other place. This house was constructed about 20 years ago. He purchased the house in 1961.

Mr. Smith agreed that the way the house is set on the lot does affect the land use in some way.

Mr. Jacobson, the contiguous property owner on the south side, spoke in favor of the application. He stated that Mr. Mahoney has fine grandchildren who visit frequently and he does need the space for his family.

There was no opposition to this application.

Mr. Mahoney stated that he plans to use the same type materials and the same architecture as is in the existing house.

In application No. V-237-73, application by Edward Joseph Mahoney, under Section 30-6.6 of the Zoning Ordinance, to permit addition of family room and bathroom closer to rear lot line than allowed by Ordinance, on property located at 7103 Oakridge Road, Woodley Subdivision, also known as tax map 50-3((4))66, Providence 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 16th day of January, 1974; and

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

1. That the owner of the subject property is Edward J. & Helen A. Mahoney.
2. That the present zoning is R-10.
3. That the area of the lot is 11,194 square feet.
4. That the request is for a minimum variance, 10 feet to the requirement.

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 shallow lot,
(b) unusual 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 to be used in proposed addition 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 4 to 0.

Mr. Barnes was absent.

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11:00 - CHARLES & ANETA NEIL, application under Section 30-6.6 of Ordinance to permit division of lots with less frontage at the building setback lines, 8600 Dixie Place, 20-3((5))26, (proposed parcels 26A & 26B), (2.05 acres), Woodside Estates, Section 5, Dranesville District, RE-1, V-256-73.

Mr. Neil, 8600 Dixie Place, represented himself before the Board.

Notices to property owners were in order. The contiguous owners were John O. Lehman, 8601 Dixie Place, and Arthur C. Weid, 1100 17th St., N.W., Washington-ton, D.C.

Mr. Neil certified that he obtained the signatures himself, except for Mr. Weid, which was a certified letter.

Mr. Neil stated that this is 7.25 acres of land, but they lack the required frontage to divide the lots in order that they might build a new house on the back portion of the present lot. They would pipestem a road back to the new lot. This is on a cul-de-sac and the lot is a wedge shaped piece of land. They have owned the land since 1955 and the part they wish to subdivide has never been used in the past years. The frontage is the only problem that they have that causes them a hardship that would deprive them the reasonable use of the land. Mr. Coleman, the County's Soil Scientist, has inspected the site and feels that it is adequate soil to put in a septic field. City water is available for the lot. Mr. Coleman advised them where the house should be placed.

There was no objection to the application.

Mr. Neil stated that he now lives in the existing house that is on the lot. That house will remain.

In application No. V-256-73, application by Charles & Aneta Neil under Section 30-6.6 of the Zoning Ordinance, to permit division of lots with less frontage at the building setback lines, on property located at 8600 Dixie Place, Dranesville District, also known as tax map 20-2((5))26, County of Fairfax, Virginia, Mr. Runyon 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 January, 1974; and

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

1. That the owner of the subject property is Charles G. & Aneta S. Neil.
2. That the present zoning is RE-1.
3. That the area of the lot is 2.05 acres.

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

1. That the applicant has satisfied the Board that 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:

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1. This approval is granted for the location indicated in the plats included with this application only, and is 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, not withstanding the effect of the "emergency ordinance" recently adopted. * This limitation was changed 11-20-74 by Resolution by BZA.

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 0.

Mr. Barnes was absent.

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11:20 - FAIRFAX BAPTIST TEMPLE, application under Section 30-6.6 of Ordinance to permit accessory structure to remain in side yard area, 9524 Braddock Road, 69-3((1))21, (5 acres), Springfield District, RE-1, V-257-73.

Reverand Roy R. Calvert, 7803 Bristow Drive, Annandale, Virginia, represented the applicant. He stated that he is the Pastor of the church.

Notices to property owners were in order. The contiguous property owners are Robert Bennett, 9606 Nan Mill Road and Charles B. Chase, 9530 Braddock Road.

Mr. Kelley stated that he noticed that the Agenda says that this is in Annandale District and the Staff Report states that it should be in Springfield.

Mrs. Kelsey stated that the Agenda should be Springfield. They noticed the error after the Agenda had gone to print.

Reverand Calvert stated that the Assistant Pastor, Mr. Hisland, obtained the signatures.

Reverand Hisland came forward and stated that he certified that he obtained these signatures personally.

Reverand Calvert stated that they have placed these air conditioning and heating units along the side property line. He stated that these were shown at the time they received their building permit. The building permit was approved.

Mr. Mitchell stated that he believed it was a mechanical permit for the installation of the equipment. At the time this was done, they did not get a checkoff from zoning and apparently it was not required.

Reverand Calvert stated that this church was just completed in October. The air conditioning unit went in at the same time the building went up.

Mr. Smith stated that he could not understand why this was approved in conflict with the Ordinance. He asked who actually owns the property, as the Staff Report says it is owned by the Central Baptist Church of Springfield, Trustee.

Reverand Calvert explained that they went before Judge Keith in 1972 and had their name changed to the Fairfax Baptist Temple.

Mr. Smith stated that apparently they had neglected to change the tax records, as the County's records do not reflect that. He stated that they should amend the application to include the Central Baptist Church of Springfield, since they are the owner of record.

Mr. Baker so moved.

Mr. Kelley seconded the motion and the motion passed unanimously with the members present.

Reverand Calvert stated that the reason they need this variance is because the air conditioning unit and heating unit were installed according to plans properly submitted and approved by the County. The building plans showed the location of the air conditioning units. The problem came up when the plans went through their architect. At the time, it was a question of determining whether you call the air conditioning unit a part of the physical building due to the fact that some did not understand that it was part of the physical building. The architect, Mr. James Smith, has been dealing in Fairfax County in building churches for several years and this is the first time something of this nature came up. It was their understanding that once that they had a building permit, they had the right to construct. They started the installation and the cement pads were poured. They had County inspectors around the area quite frequently, but no one noticed that they had those slabs, as far as saying that it was not within the building limits. They have the building 25' from the property line because they plan to add onto their building in the future. They need the room to expand. The building was constructed, the units were installed and after the installation, the inspector came out and issued them a violation stating that this was not within the building limits and protruded 7.8' into the building restriction line.

The reason they need the air conditioning units to remain as they are is the extreme cost that they would incur to relocate the units. If they tried to relocate the units to meet the setback requirement, it would be closer to their next door neighbor, Mr. and Mrs. Chase and closer to other neighboring homes. Presently, it is not in sight of their home because they have a carport on that side with a solid brick wall. If they move it to the rear, the Chases could see it from their kitchen window.

Mr. Smith asked if there was any screening between these units and the neighbors' house.

Reverand Calvert stated that they have not put in any screening, because if they came to this meeting and this Board asked them to change the units' location, they would have wasted the money they had used to screen it. They do plan to screen these units with evergreens. The screening would also eliminate noise.

Mr. Smith asked if on the site plan they required screening and fencing.

Reverand Calvert stated that they did not.

Mr. Kelley stated that this church did not come before this Board for a Special Use Permit. The church went in prior to the Ordinance that required a Special Use Permit. This Board would certainly have required screening from the other properties.

Charles B. Chase, Jr., 9530 Braddock Road, spoke in opposition. He stated that he had been a resident of Fairfax County for 25 years, since July, 1965. He lives at this address with his wife and seven children. He stated that he would like to present some photographs and read a letter from Mr. Orville C. Nelms and also submit a copy of his house plans. The photographs were taken on Monday, January 7, 1974, and there are three that were taken in the early spring of 1973.

Mr. Smith asked if the cluttered condition still exists on the property.

Mr. Chase stated that it does exist, only worse. The debris from the construction has not been corrected.

Mr. Chase read the letter from Mr. Nelms which stated:

"I have been engaged as a Excavating Constrctor in Fairfax County for the past 15 years. I own and operate my own equipment.

In June 1966, I was hired by Mr. Charles Chase, of 9530 Braddock Road, Fairfax, Virginia to grade a small section of a five acre tract owned by Dorothy Dimmock.

Located on this parcel, directly adjacent to Mr. Chase's house was a large depression, which had been dozed out to construct a Fish Pond. This area about 75 feet by 50 feet would not retain water and therefore had been transformed into a swamp.

I filled in the depression and graded the area from a point at the end of Chases lot, where a cement marker had been placed, south almost to Braddock Road, and east about 60 feet, from the Chase-Dimmock property line. The grade from the property line east, towards Dimmock's house, was at the very most 10-inches above grade. A swale about 5-feet from the property line was cut to Braddock Road, to insure proper drainage.

Mr. Chase & Miss Dimmock were more than satisfied with my work. Mrs. Chase paid me for the job."

He (Mr. Chase) stated that it is his opinion that the church building constructed on this 5-acre tract has been constructed entirely too close to the property line and to his home. The value of his property has already been reduced according to informed sources in the real estate and banking business. Almost from the day construction began, 16 months ago, every time it rains, water flows down to his property. On one occasion during a rain storm, a stream of water 14 feet in width flowed across the back of his lot and into his kitchen and dining room and down into the basement. It is almost a daily routine to have to clean mud from the floors. The church has been advised on more than one occasion how to correct this situation.

Mr. Smith asked if they had brought the drainage problem to the attention of Public Works.

Mr. Chase stated that they have. There are records of this back to February, 1973. The church has been told how to correct the problem by several different building inspectors in Fairfax County, but the situation has not been corrected.

Mr. Smith stated that drainage problems come under Public Works and the church should be required to alleviate any drainage problem.

Mr. Chase stated that as to the huge commercial type propane gas air conditioning and heating units, they have been placed on a 20-foot strip between the church building and his property line. It is impossible to properly grade the area while the equipment is there. He stated that he recommends to the Board that the variance be denied and the units required to be moved for the following reasons:

1. Because of the drainage problem which has already damaged his property and will worsen as long as this condition exists.

   Mr. Spencer, Fairfax County Building Inspector, was there yesterday and he is permitted to tell the Board that the drainage problems exist and have not been corrected.

2. Mr. Larry Stoll, Mechanical Inspector with Fairfax County, inspected this equipment and stated that it was installed without any prior knowledge of his office. He stated that he (Mr. Chase) and his wife spent two hours in his office one day.

Mr. Smith asked if the Board could get Mr. Stoll (Mr. Stoll) down to answer some questions

Reverand Calvert stated that this equipment was installed by a registered heating and air conditioning contractor, F. W. Harris.

Mr. Smith stated that F. W. Harris should have been aware that it was installed illegally. This is a residential neighborhood. This property is zoned RE-1 and is surrounded by R-17, so the Fairfax County Zoning Maps indicated.

He stated that located within 10' of the property line are several beautiful trees and a swing set enjoyed by his children and there was grass there. Now, there is mud, just mud. They reseeded three times during the spring and summer of 1973 and watched it being washed out to Braddock Road and into the sewer which was stopped up on more occasions than he can remember. This area was enjoyed by his family since 1965 until it was destroyed by erosion and noise. He asked the Board to imagine how the noise of 470,000 BTU's of equipment would sound.

Mr. Smith stated that the building was not in violation. It is permitted to be 20 feet from a property line. It is the air conditioning and heating equipment that is causing the problem.

Mr. Chase stated that he also feels propane gas that close to his home is dangerous. He stated that it is difficult to understand why the above-mentioned equipment was not installed on the east side of the building. There is nothing there except the parking lot and over 100' to the rear property line of the houses facing Twinbrook Road. He asked if it could have been because it is unsightly and grotesque to the parishioners who park their cars in their parking lot and walk into the church. He urged the Board to deny this application inorder that he and his family could again enjoy their home with the peace and quiet that was there prior to this installation and construction of this building.

Mr. Larry Stoll, Mechanical Engineer with Fairfax County, spoke before the Board. He stated that when they got the mechanical plan, it was shown on that plan, the location of the air conditioning units, but they have nothing in the mechanical ordinance that prohibits it in that location. The equipment was inspected, but never has been approved. The plan was approved, but they do not require the applicant to do the drawings to scale and they do not check the zoning requirements. Many times the equipment is not even put in at the location where it is drawn on the plans the mechanical inspection office receives.

The final has not been signed, because of the problems that exist with zoning, and other problems that have come up. They had a problem with the LP tanks. There were no permits obtained for the LP tanks. They put them on the side of the building. They were set there temporarily, but they moved them when they were issued a violation. As far as having signed off on the equipment, they have never signed off on it because of the zoning requirement.

Reverand Calvert spoke in rebuttal. He stated that they have an approved set of building plans with a statement that says that the plans were checked by the mechanical inspector and initialed by DJH. He stated that they now have a permit for their tank. It has been inspected and approved.

The Board then discussed the LP tank.

Reverand Calvert stated that the drainage was caused originally by the fact that Mr. Chase put in a 50 gallon septic tank next door for Mrs. Dimmock. This problem was not caused by the church. They have a complete set of plans from Jim Smith that says that there was not a swale when this survey was made up. They did comply with the exact requirements of the County. They have not completed the stablizing of their back yard, but this has nothing to do with the location of the air conditioning and heating units. The neighbors who lived across the street had water in their basement. It may be that that is an inherent engineering problem with their house when it was first constructed. As far as the sewers being stopped up, he stated that he cleaned those sewers out personally and every single time it was due to the fact that they took this thing against them. There was a drainage problem there that had been there, but that has nothing to do with the location of their units and they do plan to correct the drainage problem that is in the back.

Reverand Calvert stated that as to the noise, it was turned on on Saturday night, October 27 at 8:30 to get ready for their next morning's service. Mr. Chase called at 11:15 and it was turned off immediately. 11:15 isn't the normal time for it to be on.

Mr. Covington suggested that the Board take a look at this property.

Mr. Kelley stated that he could not understand, with 5 acres of land, why they had to put it right up to the 20' line in the beginning. He stated that it seemed to him that they have enough space there to put this equipment in a location where it would not bother the neighbors. This is a residentially zoned area surrounded by residences. He stated that he certainly could see why Mr. Chase was so unhappy with this. Mr. Kelley then read the staff report which stated:

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"Zoning Administration Comments:

Applicant constructed a church building on property located on the north side of Braddock Road at its intersection with Twinbrook Road in Annandale District, and the accessory air conditioning equipment was installed beside the church building such that the equipment is 12.2 feet from the side lot line. The minimum required side yard is 20 feet, and since the equipment encroaches 7.8 feet into that required yard, a Notice of Violation was issued, and the applicant is seeking a variance to the requirement in order to clear the violation and allow the structure to remain where it is.

In justification, applicant states that the units were installed according to plans approved by the County, that they cannot be moved without major reconstruction of the buildings at enormous cost, and that the only alternate site for the units, while meeting setback requirements, would be closer to neighboring homes than the present location.

Preliminary Engineering Branch Comments:

A site plan has been approved for the subject site. However, a revision to the approved site plan must be submitted and approved for the subject structure if the requested variance is approved."

Reverand Calvert stated that they had an estimate made by Mr. Sadler as to what it would cost and it would be quite high. Also it is not good sense to put the air conditioning and heating unit all the way to the end of the building.

Mr. Kelley stated that it seemed to him that the planning was very poor.

Reverand Calvert stated that this was an oversight on the part of the architect. He also stated that they have checked with Mr. Sadler and he told them that there were cones they could install to buffer the noise. He stated the estimated cost of moving the units would be about $14,000 and that is not covering the engineering revisions that would have to be made. They probably would have to increase the size of their units.

Mr. Kelley stated that it is incredible to him that in a project of this size this would not be checked out.

Reverand Calvert, in answer to Mr. Smith's question, stated that this is an LP gas operated heating unit and an electric air conditioner. They have a 1,000 gallon tank above ground 150' to the rear of their building.

Reverand Calvert stated that they have laid straw over the rear yard until spring and they will seed at that time.

Mr. Smith stated that apparently there was no intention to violate the Ordinance.

Mr. Covington stated that he felt these units were put there for aesthetic purposes.

Mr. Smith stated that the Board would have to take into consideration the fact that the County did not catch this in the planning stages.

Mr. Kelley stated that the contractors certainly should know the Zoning Ordinance and if they were installed in violation to the County Ordinance, it should be the contractors' responsibility.

Mr. Smith stated that this is a civil matter and he did not want to get into it.

Mr. Covington stated that these air conditioning and heating units were not on the site plan and they certainly should have been. It was only on the mechanical permit. The architect reacts to what the people want constructed. Mr. Chase also has other remedies other than to this Board. This County also has a noise ordinance.

Mr. Smith stated that he felt they could alleviate the noise problem with screening and buffers.

Mr. Baker stated that it should be the people who installed this equipment who are required to make the adjustment.

Mr. Runyon stated that according to the ordinance that this Board operates under, the justification would have to assure the Board that it would not be detrimental to the use and enjoyment of the people in the vicinity. This really doesn't come up too much in this County, but in the City of Falls Church this is the first thing that they review. It is a problem with a commercial building being next to residential. A church is certainly more intense than a residential building as far as size, shape and noise. Whether this is inside or outside of the building restriction line, there should be a brick wall around it and a considerable amount of shrubbery. He stated that he would like to look at it and have them turn the units on for them to see how loud they are. Anything they plant would have to be pretty tall. He would like the church to come in with additional information as to baffling these units and putting in extensive screening and perhaps a brick wall surrounding it. He moved that the Board defer this until January 22nd to give the Board an opportunity to view the property and have the applicant submit some buffer proposals.

Mr. Baker seconded the motion and the motion passed unanimously with the members present.

Mr. Smith stated that he felt they should screen, buffer and also put in a wall. He stated that the Board would not take any additional testimony unless the Board has questions of the applicant in connection with the plans submitted. It would be good if the applicant could present to the Board any information pertaining to this equipment as to the size, the horsepower and BTU rating and the normal hours of operation of the equipment.

Mr. Covington stated that Mr. Maize, who is a specialist in the field of noise calabrations, should review the plans.

Mr. Smith stated that he would rather let the people who are installing the equipment make the comments, but if Mr. Maize wants to review them, fine.

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12:00 - NORTH WASHINGTON PROPERTIES, INC., application under Section 30-7.2.10.5.9 of Ordinance, to permit restaurant addition to motel, 6650 Arlington Blvd., 50-4((1))24 & 28, CDM & C-G, Providence District, S-258-73.

Mr. Runyon stated that he would abstain from this application as he did the engineering work. He stated that he did advise the applicant that it would not be necessary for him to be here today as the Board would have to defer his case for a period not to exceed 60 days because of the Board of Supervisors' action.

Mr. Kelley stated that because of the emergency amendment to the Zoning Ordinance adopted by the Board of Supervisors on January 7, 1974, amendment to Chapter 30, specifically Chapter 30-19, he would move that this application, S-258-73, by North Washington Properties, Inc. be deferred for a period not to exceed 60 days to allow the Board of Supervisors to hold a public hearing on this ordinance.

Mr. Baker seconded the motion.

The motion passed 3 to 0.

Mr. Barnes was absent and Mr. Runyon abstained.

Mr. Runyon stated that this is one of those additions and improvements to an existing Special Use Permit that the Board should bring to the attention to the Board of Supervisors, formally, that these items should be removed from the jurisdiction of this ordinance. It is an improvement to an existing kitchen to help bring it to the standards of the Health Department. He suggested a letter from the Chairman to the Board of Supervisors would be a good mediatory for some of these ideas.

Mr. Smith stated that he had requested Mrs. Packard to be present at the meeting this moring, but it was a late request and she wasn't available, but he did intent to convey the Board of Zoning Appeals' thinking to the Chairman of the Board of Supervisors on this matter.

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Mr. Kelley suggested that they go back to the Fairfax Baptist Temple application and amend the application to be heard under the Mistake Clause, Section 30-6.6.5.4 of the Zoning Ordinance. He made that his motion.

Mr. Baker seconded the motion.

The motion passed unanimously with the members present.

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2:00 - COURT HOUSE COUNTRY CLUB OF FAIRFAX, INC. , application under Section 30-7.2.6.1.1 of Ordinance to bring existing non-conforming country club use into conformance under Special Use Permit, Country Club of Fairfax, 5110 Ox Road, 68-1((1))20 and 18, (151.3463 acres), Springfield District, RE-1, S-255-73.

- COURT HOUSE COUNTRY CLUB OF FAIRFAX, INC. application under Section 30-6.6 of Ordinance to permit variance in height of fence to exceed 4' in front setback, 5110 Ox Road, 68-1((1))18 and 20, (151.3463 acres), Springfield District, RE-1, V-260-73.

Quin Elson, attorney-at-law, 4150 Chain Bridge Road, Fairfax, represented the applicant before the Board. He stated that he did not know quite how to proceed today with regard to the various items that he had been reading. He stated that he did not know whether or not the Board would be in a position to consider or want to consider this application today.

Mr. Smith stated that the Board would accept the notices at this time. The case probably would be deferred as the rest of them have, but he did want to accept the notices and the only requirement when this case is heard at a later date would be to notify the same people of the hearing. There would not have to be any posting or advertising.

Mr. Elson stated that he wanted to make it clear that the Country Club of Fairfax is coming before the Board on the basis of the erection of a 6' fence and the issue of whether or not the Board would grant a variance on the setback requirement. There will be no change in the Country Club, or any change in the use other than the fence.

Mr. Smith stated that the policy of the Board has been to bring a non-conforming use into conformity with any addition to the use. He stated that the Board has taken 2 or 3 actions in connection with the Country Club and Mr. Barnes was surprised because they know they have had some matters before the Board in connection with this Club with Mrs. Henderson was on the Board. It any event, the policy has been if one comes before this Board for an extension or addition to a non-conforming use, it has to be brought into conformity under a Special Use Permit. This is one of the areas the County Attorney is trying to work on to alleviate any hardship so the Board can hear them. This use has been existing for a number of years.

Notices to property owners were in order. The contiguous owners were William A. Linne, 11035 Brookline Drive and Milton V. Petersen, 11036 Brookline Drive.

Mr. Kelley stated that he wanted to point out that the only reason he was participating in this hearing is the fact that they only have two Board members other than himself. He stated that he would abstain from any decision on this case.

Mr. Runyon moved that, in applications S-255-73 and S-260-73, because of the action of the Board of Supervisors on January 7, 1974 in passing an emergency amendment to Chapter 30, specifically 30-19 of the Zoning Ordinance, this Board defer these cases for a period not to exceed sixty (60) days in order for the Board of Supervisors to hold a public hearing on the ordinance and hopefully sanity will prevail.

Mr. Kelley seconded the motion.

The motion passed 3 to 0.

Mr. Barnes was absent and Mr. Baker had to leave early.

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DEFERRED CASES:

2:20 - REGINALD AND ROSE-ANNE BARTHOLOMEW, application under Section 30-6.6 of Ordinance to permit shed (8' x 12') closer to side lot line than allowed by Ordinance, 7416 Rebecca Drive, 93-3((4))2, (15,701 square feet), Mt. Vernon District, R-17, V-231-73. (Deferred for complete hearing at applicant's request from 12-19-73).

Mrs. Bartholomew appeared before the Board.

Notices to property owners were in order. The contiguous owners were Raymond and Mary Kitchell, 7414 Rebecca Drive, Alexandria, and Paul Hoover, 7418 Rebecca Drive, Alexandria.

She certified that she personally secured the signatures on the notices.

She stated that their house is sited to face away from the street. They wish to construct this shed which will have black and white trim to match the existing house. She stated that there are a number of trees they would have to cut down if they constructed the shed elsewhere. There is a slope from the level of the street to that shed. Beyond the driveway there is another slope so that the level of the street is about to the top of the shed. It would be visible in the wintertime from a certain angle from the street, but it would not be visible in the summertime. The Hoover residence is to the south of their house and the Hoovers have stated that they have no objection to this shed. They have owned the property since last September and plan to continue to live there. The house was constructed about 13 years ago.

There was no opposition to this application.

In application No. V-231-73, application by Reginald & Rose-Anne Bartholomew, under Section 30-6.6 of the Zoning Ordinance, to permit shed (8' x 12') closer to front and side property line than allowed by ordinance, on property located at 7416 Rebecca Drive, Mt. Vernon District, also known as tax map 93-3((4))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 16th day of January, 1974; 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 15,701 square feet.
4. That the request is for a 7.8 foot variance from the side lot line and 10.3 foot variance from the front line.
5. That the property is in a subdivision which was recorded prior to the adoption of the present Zoning Ordinance.

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:

070

(a) topographic problems of the land
(b) unusual 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 to be used in proposed addition 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. Runyon seconded the motion.

The motion passed 3 to 0, with Messrs. Barnes and Baker absent.

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2:40 - REGLA ANGULO, application under Section 30-7.2.6.1.3 of Ordinance to permit operation of a ballet school in basement or premises, 3300 Glen Carlyn Road, 61-2((6))11, (10,006 square feet), Mason District, Pinehurst Subdivision, R-12.5, S-239-73. (Deferred for proper notices and lease).

Mr. Frank Perry, attorney for the applicant, 1017 Chain Bridge Road, represented the applicant before the Board. Notices to property owners were in order. The contiguous property owners were Diocese of Richmond, Most Rev. Walter Sullivan, P. O. Box 2G, Richmond, Virginia and Hudson Nagle, 3304 Glen Carlyn Road, Falls Church, Virginia 22041.

Mr. Smith explained to Mr. Perry the problem with the emergency amendment.

Mr. Runyon then moved that in application S-239-73, because of the action of the Board of Supervisors on January 7, 1974 in passing an emergency amendment to Chapter 30, specifically 30-19 of the Zoning Ordinance, this Board defer this applciation for a period not to exceed sixty (60) days in order for the Board of Supervisors to hold a public hearing on the ordinance and hopefully sanity will prevail.

Mr. Kelley seconded the motion and the motion passed 3 to 0.

Messrs. Baker and Barnes were absent.

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AFTER AGENDA ITEMS:

HARRISON W. GALE, S-202-72, for riding stable, granted January 24, 1973.

Mr. Smith read a letter requesting a 6-month extension. He also read the report from the Inspector which stated:

"The Gales have made application for a Non-Residential Use Permit, a plumbing permit has been issued for the required restrooms and they have a surveyor preparing the plats required to obtain a permit from VDH to do the work on the entrance. A site plan waiver has been applied for and is being processed by the Preliminary Engineering Branch.

The Gales only board horses at this time and there are no lessons being given."

Mr. Runyon moved that the Board grant the extension for 180 days from January 24, 1974.

Mr. Kelley seconded the motion and the motion passed unanimously with the members present.

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PINEWOOD DEVELOPMENT CORPORATION

Mr. Smith read a letter from Preliminary Engineering stating that the developer at the time of the rezoning had made certain promises to the Board of Supervisors that they would allow membership in the pool from the Newington area.

Mr. Covington submitted a letter from Ken Sanders, attorney for the applicant, to the President of the Newington Civic Association, stating that they would be allowed to become members of the pool.

Mr. Smith stated that the Board needs to get the applicant in to ask them what their intent is. At the time of the public hearing, the Board was not informed of their promises to the citizens and the Board of Supervisors. The BZA granted a Special Use Permit for the 150 families that would live in the Pinewood Development and they only provided parking spaces to serve that development.

He asked the Clerk to contact the applicant and request that they be present next week about 10:30 a.m. to discuss this matter.

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Earlier in the meeting Mr. Baker moved that the minutes of November 21, 1973, November 28, 1973, December 5, 1973, December 12, 1973 and December 19, 1973, be approved with minor typographical corrections.

Mr. Kelley seconded the motion and the motion passed unanimously with the members present.

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Mr. Covington read a letter from William Hansbarger, attorney for the Weinberg case, requesting clarification of whether or not the Board would grant an extension because of the fact that this construction is being held up due to the sewer moritorium.

Mr. Smith stated that all the Board could do would be to grant a 180-day extension. Mr. Covington asked if there is any way the Board could stipulate that if it is the County's fault that construction has not begun, he would be allowed to retain his variance.

Mr. Smith stated that that is one of the questions that is before Mr. Ruck, the County Attorney, at the present time. At that time, if the sewer moritorium still exists, the Board has the authority to grant the extension further.

Mr. Covington stated that then the Board feels that they would not be limited to one extension only in this case or in any case where a problem such as a sewer moritorium exists.

Mr. Smith stated that at the time when this variance is about to expire if the sewer moritorium still exists, the Board has authority to extend it further.

Mr. Covington stated that he had to come back the last time.

Mr. Smith stated that he had to come back because the applicant let the variance expire.

Mr. Covington asked if Mr. Smith would be in agreement if he wrote a letter to Mr. Hansbarger that if the sewer moritorium still exists, he could still get an extension to his variance.

072

Mr. Smith stated that "No", he would not agree to that. When the variance is about to expire and Mr. Hansbarger comes in, there will be 5 responsible members on this Board, maybe not particularly the same members as are there now, but there will be 5 responsible members on this Board to make a just decision.

Mr. Smith stated that they kept a service station going two or three years because it was in Court. If there is a sewer moritorium, the Board has the same jurisdiction there if it is not the fault of the applicant and if the applicant has diligently pursued the development of his land.

Mr. Covington stated that this sewer moritorium is not his fault.

Mr. Runyon stated that what Mr. Smith is saying is that the applicant should wait until he gets near the expiration of the variance and they will extend it for 180 days and at the end of that time, the Board then will make a decision with reference to the sewer moritorium, if that is still a problem.

Mr. Covington asked if he could advise Mr. Hansbarger of that.

Mr. Smith stated that he did not think he should. It is possible that something might happen in the interim. In the emergency amendment, the applicant is granted an automatic 180-day extension. That would take care of the sewer moritorium too, so the Board could act in accordance with that, if he needed additional time on it.

Mr. Covington stated that it expires August 1, 1974.

Mr. Smith stated that this question is premature at this time and the Board should not even be talking about it.

Mr. Covington stated that Mr. Hansbarger doesn't want to wait until the last minute. He is now asking Mr. Knowlton to grant the variance extension administratively.

Mr. Smith stated that he did not see how Mr. Knowlton could do that. He stated that he did not think he should take action on it. He suggested that Mr. Covington leave it in the file and the Board can take action before the expiration date. That is 8 months away. He stated that in fact, the Board just recently got a letter from one of the Supervisors congratulating them on the action the BZA took on this case.

Mr. Covington stated that he would tell Mr. Hansbarger that the Board feels that this is premature and to resubmit it 60 days before the expiration date and the Board will take proper action at that time.

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Earlier in the day, Mr. Baker thanked the Board members and Mrs. Kelsey for the plant and cards that they had sent while he was in the hospital.

Mr. Smith stated that the Board members were certainly glad to have Mr. Baker back.

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The meeting adjourned at 4:00 p.m.

BY: Jane C. Kelsey, Clerk

and Joyce Salamon

Daniel Smith, Chairman

APPROVED: February 20, 1974
Date

**REQUEST FOR EXTENSION-LUTHER RICE COLLEGE--Mr. Smith read a letter from the applicant requesting an extension to their Permit as they had had problems with their Site Plan and have not received their building permit to begin construction. The Staff indicated that their Site Plan had been approved, but the policy is to hold it 10 days before releasing it. They should be able to receive their building permit on January 28, 1974, two days after their Use Permit expires. It was the Board's decision, under these circumstances, to extend their Permit three months as they felt the applicant had diligently pursued their Use Permit.

The Regular Meeting of the Board of Zoning Appeals Was Held on Tuesday, January 22, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Joseph Baker, George Barnes and Charles Runyon.

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

Mr. Smith stated that this meeting is being held in accordance with the recently adopted emergency amendment to Chapter 30 of the Zoning Ordinance of the 1961 Code of Fairfax County, as amended, specifically Chapter 30-19.

10:00 - CAPITOL CARS & CAMPERS, INC. & ROBERT W. & NANCY L. PEVER, application under Section 30-7.2.10.5.4 of the Ordinance, to permit new franchise dealership for recreational vehicles and boat sales, 8142 Richmond Hwy., 101-2((5))(2)3 & 4, (40,000 square feet), Rolling Hills Subdivision, Lee District, C-G, S-259-73.

Gary Weinstein, 1513 King Street, Attorney for the applicant, represented them before the Board.

Mr. Smith stated that he would like to make an announcement as far as notices are concerned. The posting of these properties was only actually nine (9) days. If anyone wants to question the 9-day posting, they can do so. This came about because the meeting day was changed from Wednesday to Tuesday. If the notifications are proper as far as the applicants are concerned, and if there is no objection, the Board will consider the posting and notifications proper. If there are any questions on the posting, the Board will take it under consideration.

There were no questions raised regarding the posting of this property.

Notices to property owners were in order. The contiguous owners were Charles E. Reaves, 1211 Tatum Drive, Alexandria, Stone Truck Company with principal offices at 2600 Huntington Avenue, and Mr. and Mrs. Albert Enfield, 3601 Rolling Hill Avenue, Alexandria, Virginia.

Mr. Baker asked if there is a vacant lot between his property and that of Mr. Reaves.

A gentleman from the audience stated that Mr. Reaves owns the vacant lot also.

Mr. Smith asked Mr. Weinstein if he was familiar with the emergency amendment to the Zoning Ordinance adopted by the Board of Supervisors on January 7, 1974.

Mr. Weinstein asked if this was with regard to construction in Fairfax County.

Mr. Smith stated that it is more than construction. It pertains to Use Permits and other facts of the ordinance as well. This particular Use Permit comes under that Section, and in view of that, the Board has been for the past two meetings, deferring the applications for a period not to exceed 60 days until the Board of Supervisors can hold a public hearing on the Ordinance and make any changes, if there be changes, adopt it as it is, or drop it for lack of further action.

Mr. Weinstein stated that he must admit that he was not familiar with this ordinance. He stated that he would like to make a couple of brief statements even if it was going to be deferred. He began to discuss the plans that had been submitted.

Mr. Smith stated that the Board is not going to discuss the case, or hear the merits of the case at all. He stated that if Mr. Weinstein has questions regarding the posting, advertising or the deferral, they would allow him to ask those questions.

Mr. Weinstein stated that he had no questions or statements with regard to those items. Proper notice has been given and they are ready to present their case.

Mr. Smith stated that this case would not have to be readvertised, or reposted, but they would have to renotify the same property owners of the time of the hearing as they had done this time.

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Mr. Weinstein stated that Mr. Beaver was with him in case the Board had questions of him.

Mr. Kelley stated that,because of the adoption by the Board of Supervisors of an emergency amendment to Chapter 30, specifically 30-19 of the Zoning Ordinance, he would move that the Board of Zoning Appeals hereby defer this application, S-259-73, for a period not to exceed 60 days in order to give the Board of Supervisors an opportunity to hold a public hearing on this emergency amendment.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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The Board then recessed for a conference with the Chairman of the Board of Supervisors, Mrs. Jean Packard, to discuss several aspects of this emergency amendment to the Zoning Ordinance.

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The Board reconvened at 10:45 a.m. and took up on the 10:20 application of Tuckahoe Recreation Club, Inc.

10:20 - TUCKAHOE RECREATION CLUB, INC., application under Section 30-7.2.6.1.1 of Ordinance to permit construction of 12 x 16 ft. cement block storage and semi-office building adjacent to existing tennis courts, 1814 Great Falls St., 40-1 & 40-2((1))1 & 2, (7.19102 acres), Dranesville District, R-12.5, S-261-73.

Mr. Echols, general manager of Tuckahoe, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Mr. Harris who lives immediately to the south of the Tuckahoe property and Robert Satre, 1812 Great Falls Street.

Mr. Echols certified that he obtained these signatures himself, and these were the signatures of the persons noted.

Mr. Smith asked him if he was familiar with the emergency amendment to the Zoning Ordinance that the Board of Supervisors passed on January 7, 1974.

Mr. Echols stated that he was.

Mr. Smith stated that the Board would accept the notices as proper notification, unless there was someone in the audience who wanted to question the posting.

No one questioned the posting.

Mr. Kelley stated that, because of the adoption by the Board of Supervisors of an emergency amendment to Chapter 30, specifically 30-19 of the Zoning Ordinance, he would move that the Board of Zoning Appeals hereby defer this application, S-261-73, for a period not to exceed 60 days in order to give the Board of Supervisors an opportunity to hold a public hearing on this emergency amendment.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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10:40 - KOONS PLAZA DEVELOPMENT CO., application under Section 30-7.2.10.3.8 of Ordinance to permit construction of additional buildings for sales, parts display and service for new car dealership, 2000 Chain Bridge Rd., 29-3((1))31, (5.3741 acres), Centreville District, C-D, S-262-73.

Mr. Ralph Louk, 4101 Chain Bridge Road, Fairfax, Virginia, attorney for the applicant, represented them before the Board.

Notices to property owners were in order. The contiguous property owners were Trulie Investment Corp., et al, Real Estate Department, 6000 Manchester Turnpike, P. O. Box 418, Kansas City, Mo. 64130, and Samuel C. Redd, et al, c/o Douglas S. Mackall, III, 4031 Chain Bridge Road, Fairfax, Virginia.

Mr. Smith asked the date of notification.

Mr. Louk stated that the notices were mailed on the 10th, a Friday.

Mr. Smith stated that that would give him the required 10 days. The Board would accept these as proper notices.

Mr. Smith asked Mr. Louk if he was familiar with the emergency amendment to the ordinance adopted January 7, 1974.

Mr. Louk stated that he was, that he had a couple of questions.

Mr. Smith stated that, as Mr. Louk had heard on the earlier cases, the Board is operating based on that emergency amendment.

Mr. Louk stated that the Board's rules and regulations require that certain plats be filed and certain evidence be given the Zoning Administrator and he would like for the Board to recognize that this is a proper file. He stated that he thought that determination had been made.

Mr. Smith stated that that determination was made prior to the scheduling of this application for a public hearing.

Mr. Louk stated that he also wanted the Board to recognize that notices had been filed and the advertising and posting were proper.

Mr. Smith stated that the posting of the property was only for a period of nine (9) days which does not meet the requirement, but unless someone contests this fact, the Board will accept this as proper notification.

Mr. Louk asked the Chairman to call and ask if anyone in the audience was interested in this application.

The Chairman did so and there was no one in the audience interested in this application.

Mr. Louk asked the Chairman to verify that this application was advertised for two successive weeks in a newpaper of general circulation.

Mr. Smith stated that this was done in accordance with the procedural requirements of the Board and in accordance with the County and State Codes.

Mr. Louk asked if anyone answered any telephone calls or told anyone not to be present for this hearing today.

Mr. Smith stated that he had no calls in relation to this.

Mr. Louk asked him if he informed anyone not to be present.

Mr. Smith stated that he did not.

Mr. Louk asked the Clerk if she had informed anyone not to be present.

Mrs. Kelsey stated that she had not.

Mr. Louk stated that on behalf of his client, they are ready, willing and able to present their application for this Special Exception or Use Permit as contained in the notices and application. He stated that he might point out that in Chapter 30-19.2 of the emergency amendment to the Zoning Ordinance, the Board did not say that you cannot hear this case. It says you cannot act favorably on it during the period while it is in full force and effect for all real property in Fairfax County, and that no application shall be accepted or approval granted and that "... I submit to you, Mr. Chairman, that you can hear the case under this ordinance and defer decision as you have done in the past, and I would like the Board to hear the case, and I would like the Board to make a decision today. I want to point this out."

He stated that he assumed that this is what the Board of Zoning Appeals referred to when they stated that because of this emergency amendment to the ordinance, specifically 30-19 which includes 30-19.2.

Mr. Smith stated that in all fairness to all applicants, the Board has seen fit to defer public hearings since they are precluded by law to grant approval of them. They are awaiting final determination by the legislative body and there is a public hearing on February 11th before the legislative body to take public testimony regarding the emergency amendment to the ordinance and he was sure that shortly thereafter and certainly before the 6th of March, 1974, the Board would make a determination as to whether to adopt this as a permanent amendment or make revisions and adopt a revised amendment or other alternatives to it. The Board has seen fit to defer all applications until that time to make a final determination as to whether it has jurisdiction as far as granting these additional uses or extensions of existing uses. There will probably be some provisions made. Certainly, the matter will be considered giving thought to extensions of existing uses where these expansions will not effect the intent of the Board, which is set forth in the emergency adoption.

Mr. Louk asked Mr. Smith if he was ruling that,because of 30-19.2A, specifically, they were not hearing the case.

Mr. Smith stated that they were not permitted by law to grant approval of this application, and it would be unfair to the applicant to hear it based on this provision, awaiting the final determination by the legislative body as to what this Board will be permited by law to do.

Mr. Louk stated that he had one other question and that is, had Mr. Ruck advised the Board and is the Board acting on his advice.

Mr. Smith stated that the Board is acting on a determination made by this Board after considerable consultations with several County officials based on the information the Board received and certainly based on the emergency amendment. If is very specific as to what the Board can and cannot do. The Board has not acted on his advice.

Mr. Louk asked if the Board did not meet with Mr. Ruck.

Mr. Smith stated that the Board had met with Mr. Ruck and other County officials, the Zoning Administrator, people in Public Works and County Development and other Departments so that the Board would have i put and to make the officials aware of the position of the Board members and the problems in connection with the emergency amendment, but the Board has not acted on the advice of anyone, only information on the adoption of the amendment.

Mr. Louk asked if the Board did receive the advice of Mr. Ruck.

Mr. Smith stated that the Board had not received specific advice from Mr. Ruck. The Board has asked questions of him.

Mr. Louk stated that he understood that the Chairman was speaking for the Board on the contents of this ordinance and the Chair had indicated that it would be continued for a period not to exceed 60 days. He stated that he would ask the Board to defer it to a time certain.

Mr. Smith stated that in this case, the Board would set a certain date. He stated that the reason the Board has been deferring for a maximum of 60 days is to give the Board an opportunity to reschedule these cases at an appropriate date shorter than 60 days. It is very possible that the Board of Supervisors will make a final decision shortly after the 11th of February. They may make a decision before the 6th of March. If the Board of Zoning Appeals is setting a date certain they should set it after March 6th.

Mr. Louk stated that he would like a date certain after February 11th.

Mr. Smith stated that this emergency amendment covers a 60-day period and if he is reading it correctly, it would take up the 6th day of March. He stated that he thought it would not be appropriate to schedule prior to that date.

Mr. Louk stated that the emergency ordinance was adopted so that the permanent ordinance could be advertised. There are two revisions to that ordinance that will be heard on February 11th.

Mr. Smith stated that he would assume the Board will want to consider all of the information heard at the public hearing. Whether they take specific action that day or not, none of us are wise enough to predict. The emergency amendment can go for 60 days under the State Code unless changes by the Board of Supervisors.

Mr. Louk stated that he urged the Board to vote to hear his case today, notwithstanding the emergency amendment, which he feels is not proper, and even if proper, the Board can still hear this case today.

Mr. Smith stated that he wanted to restate the Board's position of being fair and to say that the procedure they have followed in the past two meetings has been a 60-day maximum deferral, other than that, he stated that if Mr. Louk wanted a date certain, it will be set after March 6th.

Mr. Louk stated that he did not request that. He requested a date prior to that time.

Mr. Barnes stated that the Board would have to have several additional meetings to get all these deferred cases in.

Mr. Runyon suggested the Board set an earlier date and defer it again.

The Board continued to discuss this.

Mr. Smith stated that the Board had set a precedent in deferring all the cases for a maximum of 60 days and it would be unfair to the other applicants to set this one sooner than March 6. He stated that the Board had no other alternative other than deny it based on the existing ordinance.

Mr. Runyon stated that he did not support this emergency amendment to the ordinance and the Chairman was giving the people the impression that it is fair and square. This Board is just deferring this for a specific amount of time. If the applicant wants the hearing after the 11th, let's give it to him.

Mr. Kelley stated that the Board deferred cases on January 9 and 16. He stated that everyone knows how he feels about the situation without going into details, but that he would hope that some of these things would be worked out. This is what the discussion was about this morning at the conference and he would hope that some of these cases could be scheduled to the least inconvenience of the applicant.

Mr. Smith stated that the original application was for 15.92 acres of land and this application is basically for the same land area. The applicant in the original application was John W. Koons, Jr.; in this application it is Koons Development Corp.

Mr. Louk stated that this is a family partnership. This application is part of the same 15 acres that was in the original application.

Mr. Smith asked Mr. Louk to give the Board a letter to that effect for the file setting forth the relationship between the original application which was filed in the name of John W. Koons, Jr. and the present application filed in the name of Koons Development Corp. He asked that this be filed prior to the deferral hearing date.

Mr. Runyon stated that because of the adoption of the emergency amendment to the Ordinance by the Board of Supervisors on January 7, 1974, to Chapter 30, specifically Chapter 30-19, he would move that the Board of Zoning Appeals defer this hearing to February 27, 1974 in this application No. S-262-73 by Koons Plaza Development Company. That would give the Board of Supervisors two weeks to make a decision on this amendment.

Mr. Kelley seconded the motion.

Mr. Runyon stated that the reason for that date is that it is the next meeting they would have after the 11th, but he did not think that the Board of Supervisors would make a decision on that date and neither did Mr. Louk think that, and the Board of Zoning Appeals will meet on the 20th, Tuesday, of the following week, and the Board of Supervisors would be meeting on Wednesday, the 21st, therefore, the next logical meeting date would be the 27th of February. That would give the Board of Supervisors the 11th, 20th and 25th to hopefully make a decision of sanity.

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The motion passed 4 to 1 with Mr. Smith voting "No." He stated that he felt all cases should be scheduled in rotation.

Mr. Kelley stated that this is the first applicant that has asked for a specific date.

Mr. Runyon stated that this is his point also.

Mr. Smith asked Mr. Runyon if it was his intent to defer the case again on the 27th should the Board of Supervisors not have made a decision on the amendment.

Mr. Runyon stated that that is his intent if they have to. The Board of Zoning Appeals may want to hear the case and they may do something different that day

The Board set the time for the hearing for 10:00 a.m. and stated that it would not be necessary to renotify property owners as this case is being deferred //to a specific date and time.

11:00 - W. HOWARD ROOKS, app. under Sec. 30-7.2.10.5.9 of Ord. to permit motel, 2908 Belvoir Drive, 93-3((2))(2)1,2,3,9,10,14 (168,804.66 square feet) Hybla Valley Farms Subd., Mt. Vernon District, (C-G), S-263-73

No one was present to represent the applicant in this case.

Mr. Barnes stated that, because of the adoption by the Board of Supervisors of an emergency amendment to Chapter 30, specifically 30-19 of the Zoning Ordinance, he would move that the Board of Zoning Appeals hereby defer this application, S-263-73, for a period not to exceed 60 days in order to give the Board of Supervisors an opportunity to hold a public hearing on this emergency amendment to the ordinance.

Mr. Baker seconded the motion.

The motion passed unanimously.

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11:20 - STEPHEN W. POURNARAS, app. under Sec. 30-6.6 of Ord. to permit construction of office building on side lot line, 6870 Elm Street, 30-2((10))(6)1, (15,000 square feet), Ingleside Subdivision, Dranesville District, (C-OL), V-264-73

Mr. Pournaras represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Werner Krebser, P.O. Box 26, McLean, Virginia and Mrs. Louise L. Smith, 6854 Elm Street, McLean, Virginia.

Mr. Pournaras stated that on March 24, 1971, he filed a request to the BZA for a waiver of the setback requirements for the front lot line and the side lot line. At that time, he had proposed to construct a building on the west lot line. At the time of the hearing before the BZA, there were some objections to the construction on the west lot line and it was proposed that the building be constructed on the east lot line in order to facilitate the extension of Fleetwood Drive. Based on this hearing , the Board recommended a deferral of thirty days.

During the ensuing thirty days, negotiations with the Supervisor of the Dranesville District and the adjoining property owners resulted in an agreement concerning the extension of Fleetwood Drive which included a swap of land thirty feet in width between Mrs. Smith, the adjoining property owner on the east side of his property. Based on this agreement and information received from the Director of County Development indicating that the Director had authority to grant both these variances, he requested that his application for a variance before the Board of Zoning Appeals be withdrawn.

On July 22, 1971, the Board of Supervisors discussed the proposed extension of Fleetwood Drive and the exchange of the 0.10 acres between he and Mrs. Smith. Based on this exchange, the Board of Supervisors approved the proposed extension of Fleetwood Drive. On November 24, 1971, the Board of Supervisors, on their own motion, rezoned the 0.10 acres on an emergency basis from R-12.5 to C-OL, and on January 20, 1972, the Planning Commission recommended to the Board of Supervisors the same zoning for this piece of land which was approved by the Board of Supervisors on May 20, 1972. On May 17, 1972, the McLean Planning Committee forwarded a letter to Design Review recommending approval of the twenty-foot setback from the front property line and a variance to permit construction along the side property line. On February 29, 1972, he submitted a pre-site plan to the County and after their review he revised it and submitted it to Design Review on April 18, 1972. After their comments, another final site plan was submitted on September 25, 1973, and in all the site plans the building is shown on the east property line.

Since the question now arises as to whether the Director of County Development had the authority to grant this variance he is submitting again to this Board a request for this variance so that he may proceed with the construction of this building which meets with the approval of the McLean Planning Committee, as well as the adjoining property owners, in order to facilitate the eventual extension of Fleetwood Drive to Elm Street.

Mr. Kelley noted that the Board did have a copy of the Staff Report from Preliminary Engineering explaining Mr. Pournaras's problem and the history behind this request, and also pointing out that because of the extremely narrow width and the small size of this site (100' wide by 149' long), it is necessary that the building be located along either one or the other of the two side property lines in order to allow parking and a driveway along the side of the building for access to the rear parking area. Since Fleetwood Road is proposed to run right along the west property line of this site, locating the building on the west property line that close to the intersection of Fleetwood and Elm would pose serious sight distance problems, therefore, it has been shifted to the east property line so as not to create this problem when Fleetwood Road is extended.

There was no opposition to this application.

Mr. Kelley asked for an explanation as to why the application stated that there was 15,000 ± square feet of land area and the plats show 13,000±, approximately.

Mr. Pournaras stated that it was because of the dedication of Elm Street that the land area was reduced.

Mr. Barnes stated that this certainly has been a hard struggle for Mr. Pournaras.

In application No. V-264-73, application by Stephen W. Pournaras, under Section 30-6.6 of the Zoning Ordinance, to permit construction of office building on side lot line, on property located at 6870 Elm Street, Dranesville District, also known as tax map 30-2((10))(6)1, County of Fairfax, Virginia, Mr. Runyon 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 January, 1974; 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-OL.
3. That the area of the lot is 13,499 square feet.
4. That site plan approval is required.
5. That the solution is proposed by Design Review.

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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 and building 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.

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 with the members present.

Mr. Baker was absent.

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12;00 - CHARLES D. KISE, JR., application under Section 30-6.6 of Ordinance to permit 7'8" high fence and to permit a goat on lot less than two acres in area, 8408 Highland La., 101-3((4))30, Gillingham Subdivision (36,745 sq. ft.), Lee District, R-17, V-265-73.

Mr. Kise represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Deborah Carter and Mr. John Total, 8409 Leal Road, Alexandria.

Mr. Kise certified that he had secured the signatures personally on the day indicated.

Mr. Kise stated that he had several letters from neighbors who had no objections to this variance of the fence height and the other variance to permit a goat on a lot less than 2 acres in area. He stated that Mr. Total was present if the Board wished him to make a statement.

Mr. Smith asked if the fence was 2 feet off the property line.

Mr. Kise stated that he thought it was as the people who installed the fence had to stay on his property in order to erect it. The fence is white cedar stockade.

Mr. Smith stated that it would have to be 4 feet from the property line if it was not fire proof. He stated that if this were a chain link fence he would not have needed the variance as long as he stayed 2 feet off the property line. Mr. Smith then asked Mr. Kise to justify his request according to the Ordinance, Section 30-6.6.

Mr. Kise stated that actually they were not aware that they had to keep the fence 7 foot high and they hired a fence company to install the fence. He stated that he was not aware whether or not the company obtained a building permit.

Mr. Smith stated that the fence becomes a structure if it is over 7 feet in height and would require a building permit.

Mr. Kise stated that because of the difference in height of the neighbor's lot as compared to theirs, this height was necessary. They have received a lot of harassment from these neighbors.

Mr. Smith stated that the Board was not going to get into any personal matters concerning he and the neighbors.

Mr. Kise stated that that was the reason they need a fence though, to ease the problem there to satisfy both parties concerned. They wanted to put up something of quality. It cost $1,200. The fence has done a lot to cut down the harassment. He stated that they did not know the fence would be higher than the Ordinance prescribes.

Mr. Smith stated that actually this should be heard under Section 30-6.6.5.4 of the Ordinance. This is the mistake section of the ordinance.

Mr. Kelley stated that he had not heard anything that had to do with justification under the Ordinance. The fence contractor should know the Ordinance of Fairfax County if he was doing the work here. This is their responsibility to protect the people.

Mr. Kise stated that the neighbor's house sits 6 inches or so higher than theirs.

Mr. Smith stated that it would be good if the Board had information as to whether or not this company has a home improvement contractor's license to do business in the County.

Mr. Runyon suggested that it would be a better procedure to have this case heard under the mistake section of the Ordinance and see if it could be justified on that aspect since the fence is in place and the Board is to determine whether or not it stays in place. He moved that the Board amend the application to include this under the mistake section, because there is no hardship other than the mistake.

Mr. Smith stated that it is all one application. He stated that he felt the Board could consider the fact that it should have been filed under that section. The Board could hear it under the mistake section if there were two applications, but since there aren't, he felt the best procedure would be to continue with the hearing under this Section, 30-6.6.

Mr. Gilbert Knowlton, Zoning Administrator, stated that he might be able to help the applicant. The specific ordinance under which the Board of Zoning Appeals may authorize a variance under any specific requirement are cases of exceptionally irregular, shallow or steep lot or other unusual features of building development on adjacent land as a result of which such application would result in practical difficulty or hardship that would deprive the user of the reasonable use of his land. He stated that there was one point the applicant mentioned which might bear on one of these. The topography of the area is flat, but the applicant did mention that the house next door is higher than his and he might want to give the Board some specifics on how much higher, etc.

Mr. Kise stated that the topography between the two homes is that the house next door is higher than theirs. It is a stair-step situation for most of the houses on that block. The height is greater to the degree that their windows on that side come up higher and they can look straight into their house. It is the bedroom windows that are most affected.

Mr. Kise stated that they have a large lot, 36,000 square feet, but the lots are very narrow. It would be difficult to cut the fence down because of the cross-piece.

Mr. Barnes stated that he felt they should find out who the fence company is.

Mr. Smith stated that the Board would now hear the part of the variance in connection with keeping the animals on a lot with less than two acres in size.

Mr. Kise stated that the first priority is their children who have an allergy and must drink goat's milk. This is difficult to find.

Mr. Smith asked what made his children different from other people's children who have allergies and need to drink goat's milk. He stated that again this variance must be heard under the hardship section of the Ordinance.

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Mr. Kise stated that they would have to go out quite a ways to buy goats milk. They live a life where they like as much natural foods as possible and they feel a goat is the answer to the problem. The children use their goats as pets for 4-H projects. The vet who is around the corner came and looked over the situation and said that they had an ideal situation for the goats.

Mr. Smith stated that all the Board is interested in is the lot size and what makes their situation different from other people who might like to keep a goat or a cow on their property with less than the required amount of acreage.

Mr. Kise stated that these goats make no noise and do not smell. The vet suggested that they keep two. Goats are quieter than dogs and are cleaner. One of them is a little African goat and they have two Swiss goats. He stated that at the time they made application for a variance, they only had one goat. Then that goat had twins. They then decided to get rid of these goats and keep the goats they now have.

Mr. Kise then read several letters from several adjacent landowners who stated that they had no objection to their goats nor their fence. One of the letters was from Deborah Carter, one of the contiguous property owners. Mr. Gertoll, another adjacent property owner, was present, but he stated that he had nothing to add other than what Mr. Kise stated.

Mr. Ed Padberg, 8417 Highland Lane, Alexandria, spoke before the Board in opposition to this application. He stated that he was present last year when Mr. and Mrs. Kise applied for a day care center.

Mr. Smith asked him to direct his remarks to this application.

Mr. Smith asked him if he felt this fence causes a detrimental effect on his property.

Mr. Padberg stated that this is a most unusual fence one ever saw. On his side is the wire fence and on the other side you have an 8' stockade fence. He stated that he felt the fence was put up to keep the two families apart. One family, his family, has lived there 35 years and one has lived there only two years. The two people who have written to the Board that they have no objection to this application have only lived there a short time.

Mr. Padberg submitted a Petition to the Board with signatures of people who stated that they were in opposition to this application. There were 14 signatures on the Petition, some of the signatures were by both the husband and the wife.

Mr. Kise spoke in rebuttal. He stated that the reason the back of the fence is like it is is because Mr. and Mrs. Padberg would not let the fence people come into their yard. He stated that he felt the fence looks good. He stated that he also has a letter from Mrs. Dean, an adjacent property owner, who has lived at this location for quite awhile, stating that she has no objection. He stated that most of his neighbors feel the fence looks very nice.

Mr. Kelley stated that he had listened to all of the testimony and he still thinks that the Board has an Ordinance to live by. It is the responsibility of the fence company who erected the fence to abide by the Ordinance. He stated that so far he had not heard a justification under the hardship section of the Ordinance relating to topography. He stated that he did not feel the goat should be allowed.

Mr. Kelley made a motion to deny the application.

The motion died for a lack of a second.

Mr. Runyon stated that in this application, a mistake has been made with regard to the fence and he felt the Board should amend the application to fit under that portion of the Ordinance. He moved to amend the application to fit under Section 30-6.6.5.4.

Mr. Barnes seconded the motion.

Mr. Smith stated that the fence might be a mistake, but the goats were placed there by the applicant.

Mr. Barnes stated that he felt the Board should grant in part.

Mr. Kelley stated that he did not know anything about this fence being a mistake under the hearing today. The Staff Report did not mention it. The advertisement did not mention it.

Mr. Runyon stated that that is why he is suggesting that it be changed. This has been done in the past.

Mr. Smith suggested that the motion to amend be withdrawn as he wasn't going to vote for this change in the application when the goats are included in the same application.

Mr. Kelley stated that ignorance is no excuse under the law.

Mr. Barnes withdrew his second.

The motion failed for a lack of a second.

Mr. Smith stated that the applicant did state that in order to properly screen his property, the height of the fence was necessary because of the terrain and the topographic situation down there.

In application No. V-265-73, application by Charles D. Kise, Jr., under Section 30-6.6 of the Zoning Ordinance, to permit 7'8" fence to remain on property located at 8408 Highland Lane, also known as tax map 101-3((4))30, County of Fairfax, Virginia, Mr. Runyon 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 January, 1974; 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 36,745 square feet.
4. That pro rate share is due.

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/or building involve by keeping goats, but

2. That the Board has found that non-compliance of the fence was the result of an error in the location of the fence subsequent to the building thereof, and

3. 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 in part and denied in part with the following limitations:

1. This approval is granted for the location and the specific fence 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.

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. This granting is conditioned upon the applicant's submitting to the Board:

1. Copy of the contract for the fence is to be submitted within 30 days.
2. Proper certified plat showing location of and height of the fence is to be submitted within 30 days.
3. Goats are to be removed within 30 days.

Mr. Barnes seconded the motion.

Mr. Smith stated that in granting this fence, the Board is denying the applicant the right to have the goats. He asked if this is the understanding of the Board of the Resolution.

The Board agreed.

The vote was Messrs. Smith, Barnes and Runyon, Aye.
Mr. Kelley, No.

The motion carried. Mr. Smith stated that in order for the applicant to keep this fence at this height, he would have to bring in an amended plat showing the exact location of the fence, and a copy of the contract with the fence company who installed the fence. This must be done and the goats must be removed from the property within 30 days from today.

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DEFERRED CASES:

RICHARD W. & FAYE G. WHYTE, application under Section 30-6.6 of Ordinance to permit less lot width at the building setback line on proposed lots 1, 2, 3 and 4, than allowed by Ordinance, (resubdivision of lots 26-41, Block 7, Franklin Park Subdivision), (2.59 acres), 41-1((13))(7)26-41, 1941 Rhode Island Avenue, Dranesville District, RE-0.5, (Deferred from 12-19-73 for decision only for viewing by Board members and further study).

Mr. Kelley stated that he had viewed the property and had gone over the plats and he feels that the applicant is upgrading the area.

In application No. V-234-73, application by Richard W. & Faye G. Whyte, under Section 30-6.6 of the Zoning Ordinance, to permit less lot width at the building setback line on proposed lots 1, 2, 3 and 4 than allowed by Ordinance and resubdivision of lots 26 through 41, Block 7, Franklin Park Subdivision, on property located at 1941 Rhode Island Avenue, also known as tax map 41-1((13))(7)26-41, Dranesville 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 19th day of December, 1973 and deferred for decision and viewing of the property until January 22, 1974; 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 2.5595 acres.
4. That applicants want to resubdivide their land located at the northeasterly corner of Rhode Island Avenue and North Kensington Street in the substandard subdivision, Franklin Park, in Dranesville District, such that four of the proposed seven lots would have less than the minimum required frontage of 100 feet, and they are requesting a variance to that requirement for the four lots. The amount of variance requested is 13 feet for lot #1, 8 feet for lot #2, 22.55 feet for lot #3, and 23 feet for lot #4.

In justification of the request, applicants state that this would allow the most feasible development of the property, that the lot areas generated by the proposal are much greater than the minimum permitted, and that other lots within the neighborhood average only 80 feet in frontage.

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) unusual arrangement of streets in area.

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 indicated in the plats included with this application only, and is not transferable to other land.
2. This variance shall expire one year from this date unless the subdivision is recorded within one year from this date or 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.

Mr. Barnes seconded the motion.

The motion passed unanimously.

Mr. Smith stated that for the record, the Board has received additional information and letters from property owners in the area of this application objecting to the application and also there is a signed Petition objecting to this request. These have been made a part of the official record of the hearing.

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H. DIXON SMITH, application under Section 30-6.6.5.4 of Ordinance, to permit shed to remain 0.7' from rear lot line, 1124 Chadwick Ave., 102-2((14))(C)3, and part of 2, (11,250 sq. ft.), Mt. Vernon District, RE-0.5, Collingwood Manor Subdivision, V-248-73.

Reports had been received from the Electrical and Building Inspections and a report from the Fire Marshal. The Board members reviewed these reports. Mr. Smith stated that the Electrical work had been approved. The Fire Marshal had stated that they found the equipment in use to be approved by Underwriters' Laboratories for the use to which it is being put.

They stated that they could find nothing that would cause any fire hazard about this building or its contents.

The report from Joseph Bertoni, Chief Building Inspector, stated that they had found a couple of deficiencies and had issued a violation of Section R-109 of the One and Two Family Dwelling Code, 1971 Edition. The certified plat shows this building to be within 7" of the property line. The BOCA Basic Building Code, Article 3, Section 305.0 "Restrictions Outside Fire Limits" and Section 305.1 "Lot Line Separation" prohibits this frame construction. The Inspector, Mr. Schneider, reports that by correcting some minor structural deficiencies,altering the exterior grade and meeting the requirements of Section 305.1 this building would be acceptable by the Code.

Mr. Barnes stated that there are some new certified plats from the next door neighbor, Mr. Wilson, showing that the shed is only 0.04' from the property line.

In application No. V-248-73, application by H. Dixon Smith, under Section 30-6.6.5.4 of the Zoning Ordinance, to permit shed to remain 0.7' from rear lot line, on property located at 1124 Chadwick Avenue, Mt. Vernon District, also known as tax map 102-2((14))(C)3 & part of 2, County of Fairfax, Virginia, Mr. Runyon 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 held by the Board of Zoning Appeals on the 9th day of January, 1974 and deferred for reports from the Inspectors and decision to the 22nd day of January, 1974; and

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

1. That the owner of the subject property is H. Dixon & Nelle D. Smith.
2. That the present zoning is RE-0.5
3. That the area of the lot is 11,250 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 not the result of an error in the location of the building subsequent to the issuance of a building permit.

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 with the members present.

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FAIRFAX BAPTIST TEMPLE, application under Section 30-6.6 of Ordinance to permit accessory structure to remain in side yard area, 9524 Braddock Road, 69-3((1))21, (5 acres), Springfield District, RE-1, V-257-73.

Reverand Roy Calvert, Bristow Drive, Annandale, represented the church before the Board. He submitted the requested plats to the Board showing the proposed screening for the air conditioning and heating units.

Mr. Smith asked him if they had given any thought to brick instead of wood fencing.

Reverand Calvert stated that they had considered it, but their architect and mechanical engineer felt that their proposal would be sufficient, since the Chase's have a solid brick wall on that side of their house facing the church.

Mr. Kelley stated that he had four or five pages of typewritten reports here which he had not had an opportunity to read. He stated that he felt the Board should have time to study these reports. He stated that he wanted to point out that he viewed this property and it is inconceivable to him that they would locate the air conditioning and heating units where they are. Even if they had stayed within the 20' requirement, he would still think that they would have moved it over. He could not imagine the architect doing this, if that is who made this decision to locate these units in this location.

The Board read Mr. Chase's letter. Mr. Smith stated that perhaps the Board should defer this in order for the church to give some more thought to this and perhaps come up with a better plan. He stated that the insert in Mr. Chase's letter regarding the explosion in Bowie was rather unfair to this application because the propane in Bowie was not properly installed or inspected and there were other factors involved there, too. It was a very unfortunate accident, but they were repairing automobiles apparently and using the propane gas for welding.

Mr. Smith stated that the Board should consider that if the church places this at another place, they might very well place it in an area that would have a worse impact on the adjacent property owners and they might not screen it as well as the Board could require at this location. He also stated that he felt the Board should make an effort to try to alleviate as many of the problems attached to the existing location as possible by way of screening and baffling. If the applicant moved it to the back, it would be closer to

the residential property than it now is. He stated that he did not feel Mr. Chase should have to donate any money to this project.

Mr. Kelley agreed and stated that any costs should be borne by the applicant. Mr. Chase was not at fault in any way.

Mr. Smith stated that Mr. Chase would prefer an 8-foot fence. The applicant would either have to set this fence 2 feet from the property line or the Board would have to grant a variance for it to be on the property line.

Mr. Kelley stated that the Board should meet with Mr. Chase and the church and go over these suggestions as a body and figure out the best way to handle the problem.

Mr. Smith stated that the Board could require an 8' fence of brick placed 2 or 4 feet inside the property line with any baffling devices that might be acquired to bring the noise level within the limits of the proposed Fairfax County Ordinance.

The Board continued to discuss possible alternatives to the problem.

Mr. Smith suggested that the church also enclose the above-ground tanks that are in the rear of the church with a chain link fence for safety reasons.

Mr. Smith read the report on the sound level pressure readings by Jack Maize, Inspector Specialist, with the County. His report dated January 22, 1974 stated:

"On this date readings were taken at the lot line of the Fairfax Baptist Church located at 9524 Braddock Road. Attached is a test date sheet containing data obtained during that study.

The following observations may be useful to you in your evaluation.

1. The "proposed standards" have not been adopted but are included in the new Zoning Ordinance of the County of Fairfax.
2. The "background" noise is high at this location due primarily to the vehicular traffic on Braddock Road. It exceeded the standards in 5 of the 9 octave bands indicated.
3. The air conditioning equipment, when operating, exceeded the standards in 6 of the 9 octave bands indicated. This equipment appears to be producing substantial sound pressure levels in the 500, 1,000 and 8,000 octave bands.
4. Shrubbery does little to absorb or deflect sound energy. A dense material such as brick or concrete is most desirable for such purposes.
5. When the background traffic noises become more subdued (at night or early morning) the noise eminating from this air conditioning equipment will become more pronounced. Turning the equipment off at night would eliminate that portion of the problem."

Mr. Smith asked Reverand Calvert the hours this church operates.

Reverand Calvert stated that they are out of the building by 9:00 p.m. as a group. There are occasional small groups meeting in the church building at night.

In application No. V-257-73, application by Fairfax Baptist Temple, under Section 30-6.6.5.4 of the Zoning Ordinance, to permit accessory structure to remain in side yard area, on property located at 9524 Braddock Road, Springfield District, also known as tax map 69-3((1))21, County of Fairfax, Virginia, Mr. Runyon 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 January, 1974 and continued for additional information and decision to the 22nd day of January, 1974; and

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

1. That the owner of the subject property is Central Baptist Church of Springfield, Trs.
2. That the present zoning is RE-1.
3. That the area of the lot is 5 acres.
4. That a valid building permit was obtained.

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 equipment subsequent to the issuance of a building permit.
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 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.
3. Equipment shall be screened by 8' compatible brick wall around all sides with gate on rear wall. Enclosure of approximately 14' x 35'.
4. Evergreen screening of one staggered row of 6' Canadian Hemlock 5' on center fronted by another staggered row of 3' hybrid holly stock 5' on center shall also be provided.
5. Further baffle equipment may be required at a later date to further reduce the noise rating to meet the proposed noise control 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 with the members present.

Mr. Smith stated that he wanted it understood that if the church cannot accomplish this noise reduction by the fencing and screening, they will have to go to some other device to bring the noise level into conformity to the proposed new Fairfax County Noise Ordinance.

Reverand Calvert stated that he understood.

Reverand Hisland, the Assistant Pastor, was also present.

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Mr. H. Dixon Smith appeared before the Board and inquired as to what he might do to cover his equipment and still be in conformity with the Ordinance. Mr. Smith suggested that he see Mr. Knowlton or Mr. Covington, the Zoning Administrator and Assistant.

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Discussion on the Pinewood Development Corporation Case. The Board asked last week that there be a representative of this corporation present at 10:30 this morning to answer questions that the Board had regarding a memorandum from Preliminary Engineering stating that the developer, at the time of the rezoning, had made certain promises to the Board of Supervisors that they would allow membership in the pool from the Newington area.

Mr. Ken Sanders, attorney for the applicant, appeared before the Board.

Mr. Smith asked him if they did intend to allow the use of this pool by any other user than that indicated in the application for the Use Permit.

Mr. Sanders stated that he would like to know why, specifically, they were called back to the Board.

Mr. Smith then read the memorandum from Preliminary Engineering which stated:

"In connection with the subject swimming pool, I would like to call your attention to the fact that the pool is to be available for use by the present residents of the Newington area according to the letter submitted by the developer at the rezoning hearing.

A search of the Board of Zoning Appeals resolution for the Special Use Permit reveals there is no mention of the commitment, nor has there been provisions for on-site parking as there was in the plan submitted to the B.Z.A.

We request your decision on whether or not this plan should be resubmitted to the B.Z.A. to incorporate commitments made to the Board of Supervisors."

Mr. Smith stated that this Special Use Permit was granted as the applicant had applied, for the residents of Pinewood Development only and would be limited to the use of those residents indicated on the development plan that was submitted at the time of the hearing and not to the entire area or the other users as indicated at the time of the rezoning. He stated that apparently there is some conflict between the rezoning and the Board of Zoning Appeals' action.

Mr. Gerald Fitzgerald, Vice-President of Pinewood Development Corporation, appeared before the Board, and stated that it was still their intent to determine the feasibility of making some pool memberships in that pool available to some members of the Newington area which is undefinable, but within a close proximity to the pool and if it is practical and possible, with the normal development of that tract.

Mr. Smith asked if he understood that if they make any change or if they enlarge upon their Use Permit beyond the scope that it was granted by the B.Z.A., they would be required to file a new application. He stated that this Use Permit was granted based on the parking for that Pinewood area only and that particular use which would not encompass an additional area.

Mr. Fitzgerald stated that they put 15 parking spaces in there when they designed the plan in case they needed additional parking.

Mr. Smith stated that 15 parking spaces was the minimum requirement based on the townhouse development for the number of people that they had indicated at the time of the original hearing. They did not take into account that they were going to solicit membership to residents of the Newington area. The applicant did not make the Board aware of that at the time of the hearing, nor did the B.Z.A. know what their commitments were to the Board of Supervisors. Under this granting, they would not be permitted to allow membership to the Newington area and the number of parking spaces shown on that plan are to serve that development's membership of 150. He stated that they have answered the Board's question that they are limiting the usage of the pool at this time to the residents of the Pinewood Development and not to present residents of the Newington area. He stated that the discussion or commitment at the time of the rezoning is something they will have to work out with the proper authorities and if they propose to make a change in the Use Permit, they are now aware of the procedure they will have to follow, with a new application to cover the present residents of the Newington area. He asked if that was agreeable.

Mr. Fitzgerald stated that it was.

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FORESIGHT INSTITUTE -

The Board discussed this case. Mr. Smith stated that the Board had heard this case and had deferred action until there was a full Board, as Mr. Runyon is abstaining since he has been retained to do the engineering work.

Mr. Kelley stated that he did not realize this morning that this was the reason for deferral and he had wanted to re-review the trip generation report and the new plats. He asked Mr. Runyon if he felt the applicant would be agreeable to another deferral with the hope that on February 13, they would have a full Board.

Mr. Runyon stated that he did not know.

Mr. Kelley moved that the case be deferred until the February 13, 1974 if there is a full Board.

Mr. Barnes seconded the motion.

The motion passed 3 to 0 with Mr. Runyon abstaining and Mr. Baker absent.

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FRANK LEWIS & RON THOMPSON, S-1-73, granted February 14, 1973 - REQUEST FOR EXTENSION

Mr. Smith read the letter requesting an extension to their permit as they have now pursued this project through all proper County channels since the granting and are now awaiting approval of their building permit. Final approval of the site plan has just been completed. The delay was, in part, due to the changing policy on sewer allocation which has now been settled in their favor. The delay now jeopardizes their possibility of beginning construction by February 14, 1974. They have requested a foundation permit.

Mr. Smith stated that the Staff indicated that the Bonding Office has received the applicant's bond and everything is going smoothly. After the bond is issued, they have to hold up the site plan for 10 days before they can release it and allow the applicant to obtain a building permit.

It was the Board's decision that under the circumstances that exist in this particular case, they would grant a 6-month extension.

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UNITY OF FAIRFAX, S-7-73, granted February 21, 1973 - REQUEST FOR EXTENSION

Mr. Smith read a letter from the applicant stating that they have encountered delays in obtaining from the State and County information regarding the improvement of Hunter Mill Road. This delayed their submission of site development plans to the County. They are now encountering difficulty in obtaining financing as a result of the tight money situation.

Mr. Barnes moved that this Permit be extended for 6 months.

Mr. Runyon seconded the motion and the motion passed unanimously.

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Mr. Smith noted that the Staff has noted that Bonding mailed the applicants the bond forms on September 11, 1973 and as yet they have not received any answer.

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The hearing adjourned at 4:00 P.M.

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BY: Jane C. Kelsey, Clerk
and
Joyce Salamon

Daniel Smith
Daniel Smith, Chairman

APPROVED: February 20, 1974
Date

The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, February 13, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Joseph Baker, George Barnes and Charles Runyon

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

Mr. Smith announced that this meeting will not be recorded and asked everyone to speak clearly in order that the Clerk would be able to get accurate notes. The recording equipment was at George Mason University.

10:00 - BERNARD & SHELLEY LARSEN, application under Section 30-6.6 of Ord. to permit construction of garage 11.1' from side property line (8.9' variance), 4628 Guinea Road, 69-2((6))41, Rutherford Subdivision, Section 2, Annandale District, 22053 square feet, RE-0.5, V-1-74.

Mr. Larsen, 4628 Guinea Road, represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Arthur Small, 4632 Guinea Road and James Stockard, Leghorn Place. Mr. Stockard owns the property next door at 4624 Guinea Road. That is the property that would be most affected by this request.

He stated that their lot is too narrow to build this garage without a variance There will still be in excess of 43' from the garage to Mr. Stockard's house, which is more than the 40' minimum between houses that the zoning regulations visualize for RE-0.5 zoning. All of the adjoining properties have signified in writing that they are pleased with this proposed addition and the three property owners across the street have also indicated this. The only other place to build this garage would be behind the house and there they have a telephone easement along the property line and a storm sewer easement also. The fact that the rear of the property has a drainage problem is evidenced by the storm sewer easement. It is low and swampy and is an impossible place to build. In addition, the house is oriented toward the rear. When they purchased the house in June they assumed there would be no problem with building the garage, but when they came into the County they found they could not build without this Board's approval.

Mr. Runyon stated that under a cluster subdivision this side yard would be only 10' anyway. This is not a cluster subdivision and Mr. Larsen does have a good sized lot.

Mr. Smith stated that not many properties would have that many easements on them.

There was no one in the room to speak in favor of the application, nor in opposition to the application.

Mr. Larsen stated that the material that would be used for the garage would be the same as the house and is an extension of the roof of the house.

In application No. V-1-74, application by Bernard & Shelley Larsen, under Section 30-6.6 of the Zoning Ordinance, to permit construction of a two-car garage 11.1 feet from side property line, on property located at 4628 Guinea Road, Rutherford Subdivision, Section 2, also known as tax map 69-2((6))41, Annandale 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 13th day of February, 1974; 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 22,053 square feet.
4. That the request is for a variance of 8.9' to the requirement.

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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) storm sewer easement across rear of property and electric and telephone easement across front of property
(b) 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. Architecture and materials to be used in proposed addition 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. Barnes seconded the motion.

The motion passed unanimously.

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10:20 - FAIRFAX COUNTY FIRE & RESCUE SERVICES, application under Section 30-7.2.6.1.2 of Ordinance, to permit governmental center to include fire station, policy station and general offices, Rolling Road, 300 feet south of Tuttle Road, 79-3((4))32, 33, and 34, 7.11± acres, Springfield District, RE-1, S-2-74.

Mr. George Alexander, Director of Fire and Rescue Services for the County of Fairfax represented the applicant before the Board.

Notices to property owners were in order. Some of the contiguous property owners were Warren McConnell; Margaret Johnson, 8450 Boyer Drive; Bruce Brock, P. O. Box 37, Springfield; and Nathaniel Moyer.

Mr. Alexander stated that the engineer has indicated on the plan the limits of the Special Use Permit as it will apply to the Fire Department. This is a plan of the entire governmental complex which will house various satellite offices of the County government. This is a typical Fire Department operation. There will be no sirens to summons the fire department people. The building setback will comply with the Zoning Ordinance. The Fire Department will have 21 employees assigned, 7 or 8 will be on duty at any one time. He stated that there is a free standing tower that will go in between the Fire Department building and the Policy Department building which will be 80' fn height. It will set back well over the 80' height. This tower will take care of the Police and Fire Department as well as the various County inspectors from County Development that will be working out of the satellite offices. There will be one emergency cut on Rolling Road and they are aligning the ingress and egress with Roxbury Avenue.

Mr. Smith asked if there would be a variance required for the tower.

Mr. Covington, Assistant Zoning Administrator, stated that the setback of the tower is well within the requirement.

Mr. Smith asked if the Fire Department would be the first phase of construction.

Mr. Alexander stated that the entire government complex will be constructed at the same time.

There was no one in the audience to speak for or against the application.

Mr. Alexander asked if the Board would like to see the landscape plan.

Mr. Smith stated that if it has been approved by the Director of County Development, then it would not be necessary for the Board to review it. The Board usually puts in the motion that landscaping shall be approved by the Director of County Development, in order that he can work with the neighbors of the area.

In application No. S-2-74, application by Fairfax County Fire & Rescue Services, under Section 30-7.2.6.1.2 of the Zoning Ordinance, to permit governmental center to include fire station, policy station and general offices, on property located at Rolling Road, 300 feet south of Tuttle Road, also known as tax map 79-3((4))32, 33, 34, Springfield District, County of Fairfax, Mr. Runyon 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 February, 1974; and

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

1. That the owner of the subject property is Board of Supervisors of Fairfax County.
2. That the present zoning is RE-1.
3. That the area of the lot is 7.1412 acres.
4. That site plan approval is required.
5. That the Planning Commission on July 30, 1970 recommended approval.

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

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. 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 granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation TO OBTAIN NON-RESIDENTIAL USE PERMIT AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES AND THIS SPECIAL USE PERMIT SHALL NOT BE VALID UNTIL THIS HAS BEEN DONE.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping, screening and/or fencing shall be provided to the satisfaction of the Director of County Development.

Mr. Baker seconded the motion.

The motion passed unanimously.

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FORESIGHT INSTITUTE - Deferred for full Board.

This case was deferred for a full Board and this morning there is a full Board, therefore, the Board took this case under consideration.

Dr. Salih was present to answer any questions that the Board might have.

Mr. Smith stated that the Board had just received a letter from Mr. Garza with the Technical Branch of Zoning Administration regarding the adequacy of the street on which this school will have ingress and egress. The letter stated:

"Access to the site could be from Woodburn Road via Frost Way and Shelley Lane to Woodbine Lane or from Little River Turnpike via the service drive and Shelley Lane to Woodbine Lane. There are traffic lights on Little River Turnpike at Wakefield Chapel Road, where the service drive has access, and at Prosperity Avenue. Therefore, access to and from Little River Turnpike should not be a problem.

Shelley Lane has a cross section of 30 feet from curb to curb. According to the present Fairfax County Subdivision Design Standards, a 30-foot wide street has a capacity of 210 vehicles per day. The 1971 Virginia Department of Highways traffic count data shows 225 vehicles per day using Shelley Lane. Since that time, additional traffic from Winterset Subdivision has been added, probably around 600 vehicles per day. The Subdivision Design Standards show that a 44-foot wide street is needed to carry this amount of traffic. Therefore, the staff feels that no additional traffic should be allowed to impact Shelley Lane. The other subdivision streets and the service drive, which is only 26 feet wide, have similar deficiencies.

If the Board of Zoning Appeals feels the merits of the case justify approval, the staff suggests that no parking be allowed on Woodbine Lane or on that part of Shelley Lane between Woodbine Lane and the service drive, as is already the case on the service drive. The staff also suggests that the hours of operation be limited in such a way as to prevent school traffic from impacting the road system during the rush hours."

Mr. Smith stated that the traffic is one of the major concerns of this Board. This particular application does not meet the guidelines set out in the Ordinance for a school with this many students. However, the applicant has stated that he does intend to bus these children. Therefore, the impact would not be as great as if these children were being transported by car-pools. He stated that he could not support a motion to grant a school for 350 children.

Mr. Kelley stated that he would like for Mr. Mitchell to report on this. He visited the site just this morning with Mr. John Herrington who wrote the letter. Mr. Kelley stated that he had made quite a study of this and has been down to the site several times to look at it and to view the traffic situation.

Mr. Mitchell stated that the letter related traffic capacity to the design standards for subdivision streets, which in this case is 210 vehicles per day, but that standard does not, in and of itself, determine traffic impact on whether there is a traffic problem. If you could spread the 210 vehicles per day uniformly through 24 hours per day, there would be "no traffic" at all on that road. He and Mr. Herrington arrived at the site at 8:30 a.m. and they discovered that there already were "no parking" signs on that section of the service road, and no vehicles were parked there. At 8:30 a.m. the community college was already in session, the rush hour was over and their car was the only traffic on the road, and if the proposed school were to begin at that hour, its traffic would have little or no impact on the access roads. At the opposite end of the service drive, near Pleasant Valley Cemetery, there were no "no parking" signs, and apparently students from the community college across Little River Turnpike were parking down there. If that were tolerated on the part of the service drive that serves as an entrance to this property, there just could not be any additional traffic as it would be only one lane. But, with the situation as it is, the Staff has concluded that if the Board looks favorably upon this Use Permit, it might consider adjusting the hours of operation in such a fashion that the school traffic would not be at the time of the rush hour traffic, thereby assuring that the impact of the school traffic on the area would be minimal.

Dr. Salih stated that he is a psychiatrist and he lives one-half block from

where this school will be. He is a practicing child psychiatrist here in Fairfax County.

Mr. Smith inquired as to the exact number of students they plan to have, as there have been several different numbers mentioned in the different papers in the file.

Dr. Salih stated that this is a unique type of school and is not known in the County and there are very few in the nation. They work with children who have a specific type problem that the child is very intelligent, but for some reason he is not learning. Thomas Jefferson had this problem, but his mother taught him. General Patton also had this. Dr. Salih stated that he too was a diplexia child. He has a son who is 5 years old who is diplexia. Therefore he has some feeling for this field. Three percent of the children in a classroom have diplexia, or one child in each classroom. The teacher describes him as bright, but lazy and doesn't put effort into his work. This child's I.Q. approaches 120, but he cannot learn. The usual child who has an I.Q. of 80 or 90 would learn. This child needs special tutoring. This child is not regarded, but just doesn't learn. 350 students are too many. He stated that he would assume that at full capacity, there would be no more than 200. It is a loosing operation. This type of school will not make money. It will be non-profit. He stated that he would be giving his time free and he will spend as much time there as needed. The best age group to work with is between the years of 5 to 8. This is the ideal age for the child, so he will not have the stigma of being called emotionally distrubed or dumb, when he is neither. It is usually the second grade where the teachers call the parent to say that there is something wrong with Johnnie. This problem is coming to the attention of the teacher more and more. This is a highly specialized school. He stated that he is a teacher, not an administrator. Mr. Smyth will be the Administrator.

Mr. Kelley stated that he has the information that was given at the public hearing and that is that this operation would be for 350 students. This is the number that was approved by the Health Department. Of this 350, 160 would be under the age of five. The hours of operation were to be from 8:00 a.m. to 5:00 p.m., 5 days per week, Monday through Friday. Mr. Kelley stated that if the hours were changed from 8:00 a.m. to 9:30 a.m. and 3:00 in the afternoon, up to 4:00 p.m., this would eliminate traffic problems.

Dr. Salih stated that he could do that, but they would like to have evening hours for parents. He stated that this type problem requires help from the parents.

Mr. Kelley stated that the road to Pineridge Elementary School is the same width as the street the Board is talking about here. There are only about 400 to 500 feet involved in this and there is no parking there at all.

Mr. Smith stated that he would agree if he would say 3:30 p.m. because there is construction traffic around 4:00 p.m. that is almost as bad as rush hour. He stated that he would not agree to 350, but he would to 150, perhaps.

Mr. Kelley stated that with the maximum of 360 students, there would be a maximum of 264 trips during the daytime according to the schedule that was submitted for the file. He stated that he would go for 200 students, because you have to have enough to accommodate the operation.

Dr. Salih stated that 200 students would probably be adequate.

He stated that they have one (1) teacher for every 8 students and sometimes it is on a 1 to 1 basis.

The Board then discussed the architecture of the school. There was a rendering in the file that had been submitted by the applicant originally. This rendering was of a modern design.

Mr. Smith stated that he thought that he remembered it would be brick. He stated that he would like to see it brick colonial.

In application No. S-116-73, application by William L. Smyth, et ux, and H. A. Salih, M.D, T/A Foresight Institute, under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit diagnostic center and school on property located at Western Teminal of Woodbine Lane, also known as tax map 59-3 ((1)) part of parcel 1, Providence District, County of Fairfax, Mr. Kelley

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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 accordanee 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, 1973 and deferred numerous times, final decision being made on the 13th day of February, 1974.

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

1. That the owners of the subject property are the heirs of Amy Johnson.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 3.1632 acres.
4. That compliance with all County and State Codes is required.
5. That site plan approval is required.

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

1. That the applicant has presentes 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,

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. 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 granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation TO OBTAIN NON-RESIDENTIAL USE PERMIT AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES AND THIS SPECIAL USE PERMIT SHALL NOT BE VALID UNTIL THIS HAS BEEN DONE.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The maximum enrollment shall be 200 students, ages 4 to 12 years.
7. The hours of operation shall be 9:00 a.m. to 3:30 p.m. and 7;30 p.m. to 9:30 p.m., 5 days per week, Monday through Friday.
8. The operation shall be subject to compliance with the inspection report the State Department of Welfare and Institutions, the requirements of the Fairfax County Health Department and obtaining a non-residential use permit.
9. The minimum number of parking spaces shall be 41.
10. Landscaping, screening and/or fencing shall be as approved by the Director of County Development
11. All buses and/or vehicles used for transporting students shall comply with State and Fairfax County School Board requirements in light and color standards.
12. No parking for this use shall be allowed on Woodbine Lane, Shelley Lane or the service drive.

Mr. Barnes seconded the motion.

The motion passed 4 to 0 with Mr. Runyon abstaining as he is doing the survey work for the job.

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M. S. GHAUSI & C. S. ROBERTO, Correction of minutes of October 17, 1973.

In the Findings of Fact, it was stated that the owner of the property was M. S. Ghausi and C. S. Roberto. That is incorrect. The owner of the property should be M. S. Ghausi only.

Mr. Baker moved that the minutes be corrected to reflect this.

Mr. Barnes seconded the motion and the motion passed unanimously.

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JOSEPH SHOLTIS, S-224-73, Clarification of Motion - No. 8 of the Conditions states: "Hours of operation shall be 9:00 a.m. to 8:00 p.m., 6 days per week, Monday through Saturday, by appointment only."

Mr. Adams requested for Special Use Permit to be amended to remove the part about their being able to operate by appointment only, five days per week.

Mr. Smith stated that that was in the original permit. He stated that he wanted to see that condition in the permit. That was their own request at the time of the original hearing.

Mr. Kelley stated that he voted for that permit because of that condition. That building behind that house is a commercial building and the Board let them use it, the landscaping was waived because they have natural screening and the only thing they have to do is dedicate a small amount of frontage. The reason he voted for this, he again stated, was because it was by appointment only. He stated that it is his opinion that this is like a commercial use in a residential neighborhood.

Mr. Smith stated that he supported the motion because it was by appointment only.

Mr. Barnes reread the motion. He stated that he did not realize that he had included this in the motion, but after reading it, he did remember putting that condition in.

Mr. Runyon suggested that the motion be left like it is. He moved that the Board sustain their action taken on January 9, 1974.

Mr. Baker seconded the motion. The motion passed unanimously.

Messrs. Smith and Kelley stated that if this condition was changed, they would change their vote.

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POTOMAC SCHOOL, S-142-73, Granted July 25, 1973, for swimming pool and locker room in conjunction with summer program. Request to permit the hours of operation to remain at 9:00 a.m. to 9:00 p.m, but allow them to operate 7 days per week.

Mr. Smith read the letter requesting this change.

Mr. Kelley stated that he felt changes such as this should not be made without a public hearing. The people at a public hearing who might oppose these uses hear the permit changed one way, then at a later date, the Board changes it unbeknown to the neighbors who might be affected and he stated that this is not a good practice and should not be done.

Mr. Runyon stated that the pool is there and should be used.

Mr. Smith stated that they should come in right away if they want to make a change, not wait this long.

Mr. Baker suggested that the Board leave the motion as it was originally and give the applicants an opportunity to come in and present their case. He stated that he did not feel this change should be made without a public hearing.

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Mr. Runyon moved that the Board of Zoning Appeals hold a re-evaluation hearing on this request. This type of thing could cause a lot of problems.

Mr. Smith stated that they would have to pay the fee involved.

Mr. Covington stated that the fee would only be $10.00.

Mr. Smith inquired as to who let this fee go through that low. That is not even anough to pay the cost of advertising the case.

The motion for the re-evaluation hearing passed unanimously.

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MCI TELECOMMUNICATIONS CORP. & MRS. AND MRS. RICHARD B. WINFIELD, S-173-73, Deferred in order for the Planning Commission to hold a public hearing on the case -- The Planning Commission denied the applicant to place this on the public facilities map. It was appealed to the Board of Supervisors and the Board of Supervisors denied the request for an appeal.

Mr. Smith suggested that this be deferred for another week so that the Board can give it some more thought as to what they should do in this situation.

Mr. Baker so moved. Mr. Runyon seconded the motion and the motion passed unanimously.

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JANE A. ROGERS - Request for a rehearing on their application that was denied on December 12, 1973.

Mr. Smith read a letter from Mr. Rogers which stated that they were not given the 10 minutes to present their case, thus, their case was inadequately presented. He stated that his examination of the recorded transcript indicates that they were allowed little more than one (1) minute. He stated that there appeared to be explicit prejudice by at least one Board member against expansion of their school, and the staff memo stated in part that the application does not meet the specific requirements which can be modified by the B.Z.A., the property is located on a local thoroughfare instead of a Collector Street which is suggested by the Ordinance. The Board failed to recognize the need for the school's expansion. He further stated that there was an obvious misunderstanding by local residents appearing against the school's expansion in that they felt the permit could be transferred by sale to someone else. He stated that the Board should have counted those errors. He asked the Board to review the records of December 12, 1973.

Mr. Smith asked Mrs. Kelsey, Clerk, to make a copy of this letter for all the Board members and also to check the time that was allotted to Mr. Rogers during the hearing.

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RIVERSIDE GARDENS

Mr. Smith read a letter from Vernon Long, Supervising Field Inspector, Zoning Inspections Branch, Division of Zoning Administration, to Mr. Arthur T. Strickland, 8627 Buckboard Drive, Alexandria, regarding Riverside Gardens Recreation Association. The letter stated that the Riverside Gardens Recreation Association had been issued a violation notice for (a) failure to replace fence along Elkins Street, (b) failure to provide canvas on the north and south sides of tennis court fencing, (c) failure to provide plantings at a minimum of six feet in height as required. They are required to rectify the above items by February 28, 1974. The BZA by recent action allowed the "barbed" wire to remain on top of the perimeter fence and insofar as the barbed wire overhanging their property, he was told by Mr. Long that that is a civil matter between Mr. Strickland and the Association.

Mr. Smith asked Mr. Covington to keep the Board informed as to the progress of this notice, as to whether or not they clear the violation by the deadline date. This should come back to the Board with a report on March 13, 1974.

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COLONEL CUMINGS -- Variance for bubble over pool denied by BZA -- later allowed by Zoning Administrator, Mr. Knowlton.

The Board discussed this case at length and decided to request Mr. Knowlton to come before them on February 20, 1974 and explain why he allowed the bubble to be erected after they had denied it. If it could have been allowed by the Zoning Administrator, the BZA should never have had the application.

Mr. Covington stated that Mr. Knowlton ruled that if the bubble wasn't over 7' high, Colonel Cumings could put it in.

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The meeting adjourned at 12:01 p.m.

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Daniel Smith, Chairman

BY: Jane C. Kelsey, Clerk
and
Joyce Salamon

APPROVED: _____
Date

The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, February 20, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Joseph Baker, George Barnes and Charles Runyon.

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

10:00 a.m. - ROBERT E. PRINCE, application under Section 30-6.6 of the Ordinance, to permit addition to existing house, 4.5' from property line, 6907 Duke Drive, Bucknell Manor Subdivision, 93-1((23))(9)34, Mt. Vernon District, (R-10), V-3-74.

Mr. Prince, 6907 Duke Drive, represented himself before the Board.

Notices to property owners were in order. The contiguous owners were James M. Babbs, 6909 Duke Drive, Alexandria, Virginia, and Mr, Haskell Lane, 6905 Duke Drive, Alexandria.

Mr. Prince stated that he had lived at this location for five (5) years and he would like to build a dining room. The reason he needs the variance is because his lot is too narrow to build on the side and that is the only logical place for this dining room because of the way the house is laid out. The proposed dining room is to be 15' x 25'. This is for the use of his own family and not for resale purposes.

Mr. Smith asked why he could not build this dining room to the rear.

Mr. Prince stated that in order to build in the rear they would have to cut through the kitchen and remove all the cabinets, etc.

Mr. Covington, Assistant Zoning Administrator, explained that this is a substandard lot and a substandard subdivision.

Mr. Smith stated that the Board could only grant a minimum variance.

Mr. Covington stated that there is much of the same type of construction in this area. He stated that he felt the Board is empowered to grant the variance based on the fact that this is a substandard lot, 9 feet narrower than normal. They could build an open carport within 5' of the property line and have an 18-inch wall. The impact of this room would be no greater than a carport.

Mr. Smith asked how many variances the Board had granted in the Bucknell Subdivision.

Mr. Covington stated that he did not know the statistics, but from traveling through the area, he knew that there were quite a few houses with similar additions to them.

Mr. Smith stated that it seemed to him that all the other property owners would have the same problem.

Mr. Covington stated that he would be allowed to build within 10' of the property line by right. The Zoning Administrator has the right to grant a 15 percent reduction for a substandard lot which would only be 1.50 feet.

Mr. Smith inquired of the applicant whether or not he could cut the addition down to 12' wide rather than 15'. He stated that he would support the application if the applicant cut the request to only have a 12' addition.

There was no one in the room to speak in favor or in opposition to the application.

In application No. V-3-74, application by Robert E. Prince, under Section 30-6.6 of the Zoning Ordinance, to permit addition to house within 4.5' from south-side line, on property located at 6907 Duke Drive, also known as tax map 93-1((23))(9)34, County of Fairfax, Virginia, Mr. Runyon 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 February, 1974, 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 7,320 square feet.
4. That the lot is a substandard 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/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 is for a 5' side yard on the south side.
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 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 and the motion passed unanimously.

Mr. Smith stated that he disagreed with Mr. Covington that living quarters provide no greater impact than a carport being grounds for this Board to grant a variance. If this is the case, then the ordinance should be changed to allow this also. He stated that basically he agreed that as far as impact, aneenclosed additionadoes not provide any greater impact than a carport.

Mr. Runyon stated that the main thing in this case was the substandard lot.

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AFTER AGENDA ITEMS:

JANE A. ROGERS, Request for Rehearing, S-230-73, (deferred from February 13, 1974 to allow Clerk to listen to records and find out how much time the applicant had to present his case. Original request denied for expansion of Tara School.

Mr. Smith read the Clerk's memorandum relating to the amount of time this hearing on this case took and the amount of time given the applicant to present his case.

Mr. Smith then read the new letter from Mrs. Rogers that had been sent last week again asking the Board for the rehearing of the case.

The letter contained the wording that Christian Schools should be given more positive encouragement in Fairfax County by Fairfax County officials than has been evident to them.

Mr. Smith stated that he disagreed that Fairfax County officials have not been positive in their thinking toward Christian Schools. This Board has been lenient with all schools and the applicant herself in her letter mentioned several schools in Fairfax County that were granted by this Board. This Board is interested in Christianity. However, what the applicant is basing her reasons for a rehearing on is the type of school she is opening rather than the merits of enlarging the school. He stated that there was no new information submitted that he could see.

Mr. Baker moved that the appeal for the rehearing be denied.

Mr. Kelley seconded the motion.

Mr. Smith then read the third (3rd) paragraph on the second page of the original hearing that the Board had read last week requesting the rehearing which stated:

"There was an obvious misunderstanding by local residents appearing against the School's expansion in that they felt the permit could be transferred by sale or otherwise to someone else. This was very explicit in the letter given the Board from Mr. Bywater, a contiguous property owner. There were several references to "Commercial Property;" one presentation stated"... the property would never revert to a residence." The Board should have counted these obvious errors, stating that such permits cannot be sold, and must be rejustified. This is especially important for Tara School where the permit is made out to only one of the joint property owners; the permit cannot even be transferred to the other property owner."

Mr. Smith stated that he felt the Board did clear up this misunderstanding at the time of the hearing on the case. This applicant wanted to build a new building on his land.

Mr. Kelley stated he had seconded the motion to deny the application. He stated that at the time of the hearing he pointed out that there was a lot of opposition at the original hearing when the Board granted them a permit to have 25 children. This is a residential area. The Board granted the permit in the beginning because it was for very few students and in the beginning they indicated, as he recalled, that they did not want to expand. He stated that he felt that it would not be appropriate to put this large school in this neighborhood and on this street.

He further stated that he did not make his decision based on the testimony of the local residents that were here, but he made his decision based on the facts of the case.

Mr. Baker stated that that is what he made his motion on just now.

The motion passed unanimously.

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BRENTWOOD ACADEMY - JOHN EDWARD CROUCH, Inspection report and memorandum from Wallace S. Covington, Assistant Zoning Administrator.

Mr. Smith read the letter from Mr. Covington and the Zoning Inspector regarding the problem with this Special Use Permit. They reported to the Board that the applicant had not complied with the condition of the Special Use Permit that was granted in 1965 relating to the construction and maintenance of Nalls Road, which is in front of the applicant's property.

Mr. Baker moved that the Board revoke the applicant's Special Use Permit. He has ten days in which to request a Show-Cause hearing on this revocation.

Mr. Kelley seconded the motion.

Mr. Kelley suggested that the Chairman, in his letter to the applicant, point out that he does have 10 days in which to appeal this.

Mr. Smith stated that he would do so if the Board directs him in that way.

This was agreed and the motion passed unanimously.

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PAUL D. AUSTIN, S-54-73, Granted April 25, 1973, Request for extension of time.

Mr. Smith read a letter from the applicant requesting an extension to this Special Use Permit.

Mr. Barnes moved that this request be granted and that this permit be extended 180 days from April 25, 1974. This is the first extension and so notify the applicant. In addition, notify the applicant that this is the only extension that can be granted.

Mr. Runyon seconded the motion.

The motion passed unanimously.

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MCI TELECOMMUNICATIONS CORPORATION, & MR. AND MRS. RICHARD B. WINFIELD, S-173-73 (Discussed last week and deferred until this week.

Mr. Smith stated that he felt this Board should not make a decision since it is now mute. In denying the appeal, the Board of Supervisors really denied the application that was before the BZA. He stated that he did not think that the Board of Zoning Appeals should place any of these cased on the Agenda until such time as the Planning Commission has had the 30 days to hear the application. If the Board of Zoning Appeals accepts an application, the applicant should be notified that the BZA will not place the application on their Agenda for a period of 60 days to allow the Planning Commission an opportunity to hear the case. We have a 30 day requirement in the State Code and the Planning Commission hasn't taken it seriously. He stated that he was going to put the monkey on the Zoning Administrator's back. Probably this application should not have been scheduled before this Board because it had not been placed on the public facilities plan. In all cases where it is a requirement that the Planning Commission place a case on the public facilities map, and the Zoning Administrator rules that it is a public facility, it should not be scheduled before this Board until the action is taken by the Planning Commission. The State Code states the Planning Commission has 30 days in which to hear and make a decision and refer the case back to the Board of Zoning Appeals. He stated that this is something that should be given a lot of thought. In this particular case, the Planning Commission did not pull this case to be heard. After the Board of Zoning Appeals had scheduled the case for public hearing and on the hearing date, the Board deferred the case in order for the applicant to get together with the citizens in the area, and after the Planning Commission decided to hear the case, the Zoning Administrator ruled that this was a publid facility. This decision should have been made at the time the application was filed.

Mr. Covington stated that probably he didn't realize it at the time.

Mr. Smith stated that if the Board was in agreement, it would just pass over this.

There was no objection. The Board members agreed that this was the thing to do.

Mr. Knowlton came into the meeting and the Board continued to discuss the case.

Mr. Knowlton suggested that it would be best that the application be accepted, but not scheduled for the Board of Zoning Appeals hearing until the Planning Commission has acted on it. He stated that in the new ordinance, there is the possibility of some reconsideration on the procedures of advertising and notice in connection with the Planning Commission's 456 items and possibly even a fee for that application.

Mr. Smith agreed that there should be a fee.

Mr. Knowlton stated that it is possible that the application should be accepted and not ask for the fee until the case has been processed to that point.

Mr. Smith stated that he did not think this particular case was bad. It would have been a good thing as far as the County is concerned. It is a

good public use. It doesn't make a noise and it doesn't pollute. He stated that he felt it was a good use and if it had come to a vote, he would have supported it.

Mr. Runyon agreed.

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KISE, CHARLES D., V-265-73

The Clerk stated that this applicant has until February 22, 1974 to submit their certified plat of the property showing the fence. She stated that she had received a telephone call and the letter, and a copy of the contract is on the way requesting an extension of time to get the certified plat in.

The applicants have called the Engineer who did the original plat and he wants $80.00 to come out and check that fence and put it on the plats. They said they could take the fence down 7 inches, but the 8th inch is the brace. The fence company wants $500 more to cut down that fence or to take the entire thing down. She said that they talked with Mr. Pammel and that he had told them that they could submit those plats with the fence indicated in red. She said that Mr. Pammel also had told them that there was a good chance that the BZA would allow them to keep the goats, therefore, they went ahead and put up the goat pen, which cost $375. Now, they are paying on that goat pen and are not allowed to keep a goat and they are also paying on the other fence. She stated that she called the Zoning office before they put up the fence and a zoning girl told her that the fence would not come under the Zoning Office's jurisdiction because this was a Day Care Center. It would come under the Health Department's jurisdiction. The Health Department ok'd the fence, and therefore, they felt it was alright to build it.*

Mr. Smith inquired as to whether or not they had gotten rid of the goats.

Mr. Knowlton stated that there had been no inspection as yet as their time was not up until the 22nd of February.

Mrs. Kise told the Clerk in her telephone conversation that they had gotten rid of the goats.

Mr. Barnes moved that Mr. and Mrs. Kise be given 15 additional days to get the certified plats in.

Mr. Runyon seconded the motion and the motion passed 4 to 0 with Mr. Kelley abstaining.

*Mr. Smith stated that this was an error and was not the correct interpretation of the Zoning Ordinance.

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Colonel Comung's bubble over swimming pool. Explanation from the Zoning Administrator as to why he allowed it after the Board of Zoning Appeals denied it.

Mr. Knowlton had submitted a letter to the Board explaining his reasons for allowing the bubble over Colonel Cuming's swimming pool.

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CLARIFICATION ON FAIRFAX BAPTIST TEMPLE VARIANCE THAT WAS GRANTED BY BOARD. Zoning Inspector needs to know how long they have to place the brick fence and screening around heating and air conditioning units. The Resolution reads that "This variance shall expire one year from this date unless construction has started", therefore they feel they have one year to put up the brick wall and screen.

The Board discussed this and stated that the time limitation was left off inadvertently. They certainly would want to have the wall up by summer.

It was the Board's decision that construction on the brick wall and the screening shall begin no later than the 1st of April and be completed by June 1, 1974. This would be condition Number 6 of the Condition granting the variance.

Mr. Barnes seconded the motion. The motion passed unanimously.

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LETTER FROM DON STEVENS RE: SCHOOL BUS LIGHTING AND COLORING, SPECIFICALLY THE CASE OF MILDRED FRAZIER.

The Board then discussed school bus lighting. Mr. Donald Stevens, attorney for the applicant, Mildred Frazier, who runs Grasshopper Green School and to whom the Board recently granted an addition to the existing school to allow a greater number of children, had written the Board a letter regarding his interpretation of the State Code as it relates to the painting and lighting of school buses and vehicles used to transport children.

Mr. Kelley stated that it was 4 pages of typewritten material and he would like a week to read and digest it. He stated that this Board set this as a condition. Mr. Stevens states that these station wagons that are used for this facility to transport children stop at every doorway and driveway, therefore, Mr. Kelley stated that this is all the more reason for having these vehicles painted and lighted in accordance with the State Code.

Mr. Smith stated that the Board probably should have set this as a specific condition so they could not interpret it as being a State Code condition, but a Board of Zoning Appeals' condition.

The Board decided to discuss this again next week.

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Mr. Knowlton submitted a letter to the Board from Public Works regarding a fence surrounding a silt pond that they (Lake Barcroft) would like to fence with a 6' fence.

The Board stated that the earliest day they could hear the case would be March 13, 1974, if all the materials are in.

Mr. Barnes so moved that this be heard on the 13th day of March if they call get all the materials in.

Mr. Baker seconded the motion and the motion passed unanimously.

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Mr. Baker moved that the minutes for January 9, 1974, January 16, 1974 and January 22, 1974 be approved with minor corrections.

Mr. Runyon seconded the motion and the motion passed unanimously.

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Mr. Knowlton discussed with the Board a request from the Northern Virginia Transportation Division and RAMADA which involves the location of 700 bus shelters, most of which will be on public property in the right-of-way, but some few of them will be located on private property which will be obtained as easements in residential, commercial and industrial areas. He stated that he had some misgivings about granting a blanket variance and they are now trying to get some plats showing the location of these and unless the Board has some other ideas on this, they are going to try to amend the Ordinance to allow these to be so located.

The Board members agreed that this would be the proper way to handle this.

Mr. Smith stated that the only thing about granting this type of shelter that bothers him is that the same exemption should be given for school bus shelters.

BY: Jane C. Kelsey, Clerk
and
Joyce Salamon

Daniel Smith, Chairman

Approved: _____
Date

*The meeting adjourned at 11:45 A.M.

The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, February 27, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Joseph Baker, George Barnes and Charles Runyon.

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

10:00 - KOONS PLAZA DEVELOPMENT CO., application under Section 30-7.2.10.3.8 of Zoning Ordinance to permit construction of additional buildings for sales, parts display and service for new car dealership already under Special Use Permit, 2000 Chain Bridge Road, 29-3((1))31, (5.3741 acres), Centreville District (C-D), S-262-73 (Deferred from 1-22-74).

Mr. Ralph Louk, 4101 Chain Bridge Road, attorney for the applicant, represented the applicant before the Board.

Notices had been presented and accepted as in order at the previous hearing January 22, 1974.

Mr. Louk stated that the area of land is 5.3741 acres and completes the Sherwood Development except for the bank site which is under lease to the First Virginia Bank. This application is to amend Special Use Permit No. S-174-72, granted December 13, 1972, to John W. Koons, Jr. for a Chevrolet dealership on property located in the westerly quadrant of the Tysons Corner interchange of Leesburg Pike and Chain Bridge Road in the Centreville District, by changing the name of the permittee to Koons Plaza Development Company and by including construction on the undeveloped portion of the original tract of additional buildings for sales, parts, display and service for a new car dealership.

Mr. Louk stated that there is a letter in the file indicating ownership is the Koons Plaza Development Company of which John K. Koons, Jr. is a member.

The Staff Report from Preliminary Engineering stated"that the service drive along Route 123 is to turn north along the subject property's west property line. In keeping with this service drive alignment, it is suggested that the applicant construct the service drive to its full width along the west property line in that land area which has been reserved for public street."

Mr. Louk stated that as far as the service drive, he felt that the location of that should be determined by the owner of the Redd property upon its development. He suggested that the Board put in the Resolution, if this is granted, that the applicant will build its one-half of the service drive, if required by the County, when the adjoining property (the Redd property) is developed.

Mr. Louk stated that he feels his case meets the criteria in the Zoning Ordinance for a Special Use Permit. The entire tract of land at the time of rezoning was indicated as an automobile dealership and the last time they were before this Board, it was for 15 acres, but since then they have dedicated the service drive and also leased the bank property.

He stated that the service drive on Chain Bridge Road and Route 7 has been constructed. There is a bond held by the County on the existing service drive along 123. There is about 50' of service drive there that is not constructed because the County only wanted them to go to the entrance on 123. *

Mrs. Donald Spiece, 8705 Higdon Drive, Vienna, Virginia, was the first speaker in opposition. She stated that she is a representative of Tysons Green-Ankerdale Civic Association. She had submitted her statement for the file earlier in the day. She suggested that before the Board makes a decision, it should take a took at the JKJ Dealership at Tysons Corner. She stated that the landscaping is pitiful and they are using the GEM parking lot to park their cars. They have completely disregarded the desires of the community to make this an attractive development. The lights from the parking lot shine out onto the highway blinding the drivers who drive from the shopping center toward Vienna on Route 123. She recommended that this application be denied. (Her complete statment is in the file)

*So, there is a bond now being held by the County for further construction of the service drive parallel to Route 123 of about 50' if the existing constructed service drive is extended.

Mrs. Spiece also submitted a letter from Mr. Colton Montague, 8624 Coral Gables Lane, Vienna, Virginia, President, Tysons Green and Ankerdale Civic Association stating that he represented 265 families who have been both astonished and saddened by what happened to the Northwest quadrant of the Greater Tysons Corner area with the recent addition of JKJ Chevrolet. They had hoped that aesthetic planning and design would enhance that commercial area, but they see not much difference in this from the Pentagon parking lot -- totally lacking of all greenry and punctuated with buildings which are inconguent with what could have been developed into a pleasing commercial corner. They have made no effort to coordinate any plans for development of this corner with the surrounding community, a community which has a record of having a realistic and constructive outlook on growth. They urged the Board to deny this request, at least until some aesthetic plan could be developed and approved by the County. (His letter is in the file)

Mr. Louk spoke in rebuttal to the opposition and stated that the parking on the GEM lot was a temporary thing.

Mr. Smith stated that it is in violation to the Special Use Permit and he advised Mr. Louk to have the situation corrected.

Mr. Louk admitted that they had not finished their landscaping work. He stated that there was a landscape plan filed with the site plan staff of the County and they have not been able to complete work on that plan as yet. He stated that he personally is proud of this facility and feels that the neighbors will feel differently once they have completed the work on the site.

Mr. Kelley moved that because of the emergency ordinance passed by the Board of Supervisors on January 7, 1974, that this case be deferred until March 13, 1974, for decision only.

Mr. Barnes seconded the motion and the motion passed uannimously.

Mr. Smith stated that the Board would like to see the lighting problem corrected and the landscape plan developed and completed as soon as possible on the existing Special Use Permit.

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10:20 - DAVID L. SCHAP, app. under Sec. 30-6.6 of Ord. to permit waiver of front footage requirement at building setback line on Route 50 side of Lot 16, 4001 Middle Ridge Drive, Greenbriar Subd., 45-2((3)) (3)16, (11,874 square feet), Centreville District (R-12.5 Cluster) V-4-74

Mr. David Schap reppesented himself before the Board.

Notices to property owners were in order. The contiguous property owner was C. W. Webster. He stated that he and his wife own the contiguous lot next door to the subject property.

Mr. Schap stated that he is requesting a variance of 40' because of the odd shape of the lot and its location. It has 11,874 sq. ft., which is one of the largest lots in the subdivision. He would like to construct a colonial type home, approximately 28'x50'. This lot has water and sewer taps and the building and the materials used would be compatible to the other homes in the subdivision. He stated that he had spoken with some of the neighbors and their concern was that he might construct a modern type structure on this property, but that is not the case. The house would be similar to the Georgetown type homes that are constructed in the subdivision. He has owned the lot for two years.

Mr. Smith asked if he was aware of the fact that this is an outlot, and that construction is not permitted on an outlot
Mr. Schap stated that he was aware that it is an outlot, but when he bought the home next to the outlot they gave him the impression that they were selling him an extra lot that already had sewer and water. They told him that the house would be limited in size. He stated that he did not live next door. He is building this house to sell. The reason for the hardship is when he purchased the property, he had every intention of

of moving into the house. There was about seven months from the date of the contract to purchase until settlement. His wife was transferred to the Baltimore Federal Court and the appointment is for four years. They had to move to Baltimore as it is 80 miles one way. They put the home on the market for sale, without success. Now, it is up for rent. They haven't been able to rent it either.

Mr. Donald Taylor, 4124 Marlow Hill Lane in the Greenbriar Subdivision spoke in oppositionto the application. He stated that he is representing Greenbriar Civic Association. He presented a letter to the Board. He stated that these two lots were recorded as one separate lot in the land records of Fairfax County. In the Deed Book, it shows Outlot 16 with a restriction as an unbuildable lot because it does not meet the zoning requirements. He stated that Mr. Schap should have been aware of the restriction not only as a buyer, but also as an employee of Levitt & Sons, Inc., the builder of the Greenbriar community. Levitt & Sons, Inc. designed the entrance to the Greenbriar subdivision and constructed a wall on this lot. While Levitt owned the property, the Civic Association was allowed to have the right to keep this wall, provided that they maintained it and the grounds. Mr. Schap has been so gracious as to continue this arrangement. They have maintained the wall and the grounds and spent several hundred dollars last fall to put this area in first class condition. They have used a picture of this lot on the cover of their 1973-74 community telephone directory. He submitted copies of this to the Board.

Dr. George Chapman, 12801 Melvern Court, spoke in opposition. He stated that he is opposed to further development on this particular lot.

Mr. Schap spoke in rebuttal to the opposition. He stated that the fact that Levitt & Son is his employer has nothing to do with him and his lot. He stated that part of the lot was given to the County for the widening of Middle Ridge Drive. This causes the lot to be called an outlot. This is 2 lots and he pays taxes on each lot individually.

Mr. Kelley asked Mr. Schap if since he did work for Levitt at the time the entrance wall was put in, did he not think it was put there for the purpose of leaving this as open space.

Mr. Schap stated that he did not think they left it there for the purpose of open space. If they had, he would not have purchased it. He stated that there is no easement provided for that sign that is on his property.

Mr. Smith stated that it seemed to him that if he put a house on this lot, he would just have more problems than he has already. This is certainly pretty close to the street.

Mr. Runyon stated that this is not the only remedy to this problem. He stated that they could resubdivide the lot. This is a huge lot. That would be one method of achieving the same results, but it is not the only way.

Mr. Arnold Jernigan, 3020 Maple View Drive, Greenbriar, spoke before the Board. He stated that he is not an engineer, but he is a friend of Mr. Schap and Dr. Chapman is his dentist. He stated that this outlot came about when the County wanted additional land for the right-of-way.

Mr. Smith stated that by virtue of the fact that the sign has been placed there and the applicant has allowed it to stay there would certainly be a vested right for it to stay there.

Mr. Runyon stated that he did not feel the Board has a choice. The Ordinance says if there are other remedies, this Board should not grant a variance. There are other remedies.

The other Board members agreed with Mr. Runyon.

There was no one else to speak in favor or in opposition to this application.

In application No. V-4-74, application by David L. Schap, under Section 30-6.6 of the Zoning Ordinance, to permit waiver of front footage requirement at building setback line, on property located at 4001 Middle Ridge Drive, Greenbriar Subdivision, also known as tax map 45-2((3))(3)16, Centreville District, County of Fairfax, Virginia, Mr. Runyon 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 was heard by the Board of Zoning Appeals at their meeting of the 27th of February, 1974, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners.

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

1. That the owner of the subject property is David L. and Shirley M. Schap.

2. That the present zoning is R-12.5, Cluster.

3. That the area of the lot is 11,874 square feet.

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

1. That the applicant has not satisfied the Board of Zoning Appeals 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: exceptionally irregular shape of the lot, exceptionally narrow lot, exceptionally shallow lot, exceptional topographic problems of the land, unusual condition of the location of existing buildings; and

2. Because other remedies exist for the problem.

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.

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February 27, 1974

DEFERRED CASE:

RONALD F. LEWIS, TRUSTEE FOR FULLERTON JOINT VENTURE, V-236-73, application under Section 30-6.6 of Ordinance to permit reduction of 100 foot setback requirement adjacent to residentially zoned land to 25 feet and waiver of standard screening, Fullerton Street, 98-2((5))3 & 4 and 99-1((2)) 30, 31, and 32, Parcel A & B (Total area: 1,513,001 square feet), Springfield District, I-L

(Deferred from December 19, 1973 for Planning Commission hearing on rezoning application C-526 on adjacent Lynch property -- Rezoning application held up because of the Interim Ordinance -- Applicant will be present)

Mr. Walt Robbins, 9600 Ferry Harbor Lane, testified before the Board.

Mr. Smith stated that, Mr. Cowles, who represented the applicant at the previous hearing, came down here with an impossible task when he asked for such a large variance.

Mr. Robbins stated that the reason for the request is they would like to develop now and the rezoning application on the adjacent land is being held up because of the emergency Interim Development Ordinance. If this rezoning were granted, they would not need the variance and could build right up to the property line.

Mr. Smith stated that he felt the request is a valid one, but the request for a setback of that size is certainly one that this Board could not justify.

Mr. Robbins stated that they would be satisfied with a 40' to 50' setback. He stated that they have approached the property owner to the rear and they have a letter supporting that fact that they would like to submit for the file. He stated that they also have new plats showing the setback of 40'. He stated that there is 240' difference in topo between Rolling Road and the bridge. These will be one-story structures.

It was agreed that the applicant restrict the height to 40'.

Mr. Smith stated that they would have a screening requirement of 25'.

The Board reviewed the new plats.

The applicant had also brought before the Board a model showing the layout of the property, the topography and its relation to the structures they wished to construct.

In application No. V-236-73, application by Fullerton Joint Venture, under Section 30-6.6 of the Zoning Ordinance, to permit reduction of 100 ft. setback requirement adjacent to residential zoned ground to 40 ft. required, on property located at Fullerton Industrial Park, Springfield District, also known as tax map 98-2((5))3 & 4 & 99-1((2))30, 31, 32, Parcel A & B, County of Fairfax, Virginia, Mr. Runyon 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 19th day of December, 1973 and deferred until February 27, 1974, and

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

1. That the owner of the subject property is Ronald F. Lewis, Tr., Joint Venture for Fullerton.
2. That the present zoning is I-L.
3. That the area of the lot is 1,513,001 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:

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

// Mr. Baker seconded the motion. The motion passed unanimously to grant a variance of 60' from the property line.

AFTER AGENDA ITEM:

REPORT ON VULCAN QUARRIES

Mr. Jack Maize, Zoning Inspector Specialist, spoke before the Board. He stated that a large section of the eastern rim of the Vulcan Quarry (Occoquan) fractured and slipped into the quarry.

The slide occurred on January 26th or 27th. Because of this slide, they are now closer than 150' from Route 123. They are now approximately 75' from Route 123. In an effort to prevent further slides and to conform to the Board's criteria with reference to mining, Vulcan has submitted a proposal for the Board's consideration. There are eight actions that they propose to take to control future slides. He read and discussed the following:

1) The selective removal of material along the rim of the quarry (by ramping down and hauling away) to a level deemed to be stable. This operation would eliminate some pressure because of the removal of mass.

2) As soon as the weather will permit, to remove the material in the slide to a level consistent with the desired grade of the new ramp.

3) Construct intercept ditches to control runoff water inthe area outlined in item one (1) above.

4) Shift the permanent haul road alignment to approximately as shown on the print. This will be a deviation from the original plan of only using 50'-60' along the wall. This proposed realignment would extend from the point of "solid rock" on one side of the slide to a similar point on the other side of the unstable area.

5) Considerable time will elapse before they will be blasting to "go down" again in the immediate area of the slide. They will, however, plan to quarry in lifts not to exceed thirty-five (35) feet in this part of the pit.

6) Their operations personnel will continously observe this area for signs of impending and/or actual movement. If any definite signs are observed, they will immediately contact Mr. Maize or any other person designed by the Board.

7) If, during the period of time until they are ready to blast again in the slide area, and if it is deemed advisable by their operation personnel and Mr. Maize, they will further limit their blasting operation in the area immediately adjacent to the slide area. They feel that a decision of this kind and scope can best be made on the site at that time.

8) They will make every effort to perform work in this area during the summer months.

Mr. Maize stated that safety is enforced by the State Mine Inspector. However, he felt that overall operating conditions would be improved by implementing the 8 points listed above.

Mr. Smith stated that at the bottom of their letter, they stated that this was an act of God. He felt that this is an inaccurate statement. Man created this situation, not God. Going too deep is one factor that caused this slide. Vulcan should have been more aware of the dangers of going down to that depth. He stated that he tried to limit the quarry depth, but was not successful.

Mr. Maize stated that this slide occurred in just one section, approximately 250' long, where the rock is rotten.

He stated that there are additional fissures adjacent to the area, where small masses of rock should be removed. He mentioned that the State Mine Inspector's instructions to Vulcan relates to the safety of men who work

inside the pit. Hazardous rock that is liable to fall and injure miners must be removed. In this case, the removal of rim material moves the quarry opening closer to Rt. 123, which is a contradiction to the original order of this Board to stay a fixed distance from Rt. 123.

Mr. Smith asked how this particular slide would affect the landscape plan.

Mr. Maize stated that it would not seriously affect it.

Mr. Maize stated that he has an old aerial photograph that showed what this quarry looked like years ago.

Mr. Covington suggested that there be some stakes or markers inside the pit as a guide in limiting extraction or blasting activities.

Mr. Smith stated that Vulcan should have done such a long time ago.

Mr. Covington stated that some of the blasting was done before Vulcan got a Use Permit.

Mr. Smith asked Mr. Maize to keep the Board informed of the progress and situations that occur down there.

The Board reached the following conclusions:

1) They concurred with the eight (8) proposed actions submitted by Vulcan for consideration. (Listed page 111)

2) They directed that the perimeter fence be completely installed by May 1, 1974.

3) That pertinent landscaping activities be undertaken without delay to meet the objectives set forth in their restoration plan.

Mr. Barnes made the motion to approve these three items above.

Mr. Kelley seconded the motion. The motion passed unanimously.

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Mr. Baker left the meeting at 12:05 P.M.

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MILDRED FRAZER, S-192-73, Granted addition to Special Use Permit for child care center on November 14, 1973.

Mr. Donald Stevens, attorney for the applicant, Post Office Box 547, Fairfax, Virginia, wrote the Board regarding the condition the Board placed on this Use which stated: "All busses and other vehicles used for transporting children shall comply with State and County standards in color and light requirements. Time span on painting busses is 90 days from this date."

Mr. Stevens wanted the Board to reconsider this request.

It was the Board's decision that they would clarify their motion, specifically Condition No. 8 of the Resolution granting the Special Use Permit No. S-192-73 to permit an additional 120 students for a private school, to show that it was the Board's intent in referring to the painting and lighting and lettering in accordance with the State and County Code that for the safety of the youngsters, all motor vehicles used in Fairfax County's private schools by the private schools for the transportation of students shall conform to the color and lighting requirements of the State and County Codes, not that Code only, but that the color, lettering and lighting for all vehicles used for the transportation of students to and from that school shall comply with the State and County Codes. This does not include parents' carpools.

Mr. Smith stated that there are two violations at this private school at the present time and the original school does not have a Non-Residential Use Permit even though an inspection has been done setting forth the repairs and corrections that need to be made. The Board urged that Mrs. Frazer comply with all these regulations immediately.

Mr. Smith told Mr. Covington that all schools should comply with this and he should start bringing the ones in that are not and will not comply.

The above was agreed to by Messrs. Barnes, Kelley and Smith. Mr. Runyon stated that he disagreed. Mr. Baker was absent.

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COLLEGE TOWN ASSOCIATES, S-14-73, Granted March 14, 1973

Mr. Smith read a letter from Mr. Donald Stevens, attorney for the applicant, Post Office Box 547, Fairfax, Virginia, requesting the Board extend the above-captioned Special Use Permit because this case is in a Court suit.

Mr. Smith stated that the Board should give him a six month extension at this time and ask the applicant to keep the Board informed as to the progress of the suit.

Mr. Kelley so moved. Mr. Barnes seconded the motion.

The motion passed unanimously.

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The Board then worked on rescheduling the cases that had been deferred because of the emergency ordinance passed by the Board of Supervisors that caused the Board not to be able to hear the Special Use Permits that had been scheduled for the months of January and February.

The Clerk suggested that the cases be rescheduled in the order that they were deferred and schedule them in such a way as to expedite the hearing of the cases as soon as possible.

Mr. Smith stated that he felt the Board should hear these cases as soon as possible to alleviate any hardship this has caused the applicants.

The Board approved the suggested list of scheduled cases for the months of March and April.

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The meeting adjourned at 1:15 P.M.

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By Jane C. Kelsey
Clerk

APPROVED: Daniel Smith, Chairman

DATE: March 20, 1974

The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, March 13, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy P. Kelley, Vice-Chairman; George Barnes, Charles Runyon and Joseph Baker.

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

10:00 - J. BENHAM MALCOM, II & MAUREEN M. MALCOM, app. under Sec. 30-6.6 of the Ordinance to permit addition closer to rear property line than allowed by Ordinance (.9 foot variance needed) 9129 Glenbrook Road, Mantua Hills Subdivision, 58-2((10))69, Providence District (R-12.5) - 10,500 square feet lot area, V-5-74

Mr. Malcom, 9129 Glenbrook Road, represented himself before the Board.

Notices to property owners were in order.

Mr. Malcom stated that he had lived in this location for 10 years and he would like to add a family room to the rear of his residence. The only possible location of this room would cause it to come into the 25' setback area. Other locations would cause it to block the stairs coming from the house and to shorten the addition would not be practicable. He showed a chart showing the location he desired and explained that the room crossed the setback line by 10 inches.

Mr. Malcom also requested that he be allowed to construct a slab patio; however, Mr. Covington, Assistant Zoning Administrator, explained that he was allowed by right to construct this patio as long as he didn't construct a fence around it and a variance was not required.

Mr. Malcom stated that he was not desirous of selling the house and would continue to live there.

There being no one present who wished to speak in favor or opposition, the public hearing was closed.

Mr. Smith explained that because of the irregular shape of the lot, this was the only location that this addition could be located.

Mr. Smith asked if the addition would be compatible with the existing dwelling and Mr. Malcom said it would be.

In application No. V-5-74, application by J. Benham Malcom, II and Maureen Malcom, under Section 30-6.6 of the Zoning Ordinance, to permit addition closer to rear property line than allowed by Ordinance (9 ft. variance) on property located at 9129 Glenbrook Road, Mantua Hills Subdivision, also known as tax map 58-2((10))69, Providence 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 13th day of March, 1974; 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 10,500 square feet.
4. That the request is for a one (1) foot variance to the respective requirement.

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 condition exists 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.

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 used in proposed addition 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 (Residential Use Permit), and the like through the established procedures.

Mr. Barnes seconded the motion and the motion passed unanimously.

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10:20 - ALAN FURNESS WHITE, application under Section 30-6.6 of Ordinance to permit erection of two car garage closer to side property line than allowed by Ordinance (within 4') 7012 Girard Street, Rosemont Subdivision, 30-3((13))32, Dranesville District, (R-12.5) 10,530 square feet lot area, V-6-74

Mr. Alan F. White, 7012 Girard Street, McLean, represented himself before the Board.

Notices to property owners were in order.

Mr. White stated that he had purchased the property in April, 1973, and he requested that he be allowed to build a garage to house two antique cars and to allow him a suitable place to work on them at night and on weekends. The house is placed on the lot in such a way that the only suitable location for this proposed garage is in the back yard, which would be impracticable because it would consume the center portion of his yard. A fence would have to be moved, and it would be more expensive to build as heat would have to be added in the addition.

Mr. Runyon noted that his lot was only one foot over the minimum for R-12.5 and was very narrow.

Mr. Kelley asked if a one car garage would suffice; however, Mr. White again requested a two car garage and explained how he had tried to purchase a strip of adjacent land in order to build this garage to the property line and have an area around it.

Mr. Smith asked how many houses in this subdivision have garages and Mr. White explained some models have attached garages, but only one has built one in the back yard and it was because of the appearance and location of this one that he requested that he be allowed to build on the side He then submitted photographs of his house with the proposed garage drawn in on them.

Mr. White stated that the garage would be built of brick and would be compatible with the existing house.

Mr. Kelley pointed out that if this building were permitted it may set a precedent in this neighborhood.

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There being no one present who wished to speak in favor or opposition, the public hearing was closed.

Following a discussion regarding the fact that Mr. White could build within 2 feet of the property line in the back yard, but must keep to 12 feet on the side yard, Mr. Runyon moved the adoption of the following resolution:

In application No. V-6-74, application by Alan Furness White, under Section 30-6.6 of Ordinance, to permit garage addition four (4) feet from the side property line, on property located at 7012 Girard Street, Rosemont Subdivision, Dranesville District, also known as tax map 30-3((13))32, County of Fairfax, Virginia, Mr. Runyon 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 March, 1974, and

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

1. That the owner of the subject property is Alan F. and Patty White.
2. That the present zoning is R-12.5.
3. That the area of the lot is 10,530 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 condition exists 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.
3. *
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, residential use permit, and the like through the established procedures.

*3. Architectural detail shall conform to that of the existing building.

Mr. Baker seconded the motion and the motion passed 3 to 2 with Messrs. Kelley and Smith voting "Nay".

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10:40 - RE-EVALUATION HEARING -- THE POTOMAC SCHOOL, S-142-73, Granted July 25, 1973, for swimming pool and locker room, 1301 Potomac School Road, 31-1((1))part lot 5, Dranesville District (RE-1) REQUEST: To expand operation of pool to include Sat. and Sundays)

Mr. Lee Fifer, 4085 University Drive, Fairfax, attorney for the applicant, represented them before the Board.

Notices to property owners were in order. The contiguous owners were Benjamin Weems Dulany, 1302 Potomac School; Mrs. S. Jones Hill, 1326 Potomac School Road; Mr. Frederick B. Lee, 1327 Potomac School Road.

Mr. Fifer explained that the original application requested that the swimming pool be allowed to operate for seven days, but the Resolution allowed only five day a week operation. He explained that the day camp was in operation from 11:00 A.M. to 3:00 P.M. and the pool was available for family use thereafter until 7:00 P.M.

Mr. Fifer explained that the original request is what they would like to have to allow them to use the pool 7 days a week between the hours of 10:00 A.M. to 7:00 P.M.

Mr. Smith inquired if the pool was ever open after 7:00 P.M. and Mr. Fifer explained that it would be open for private parties until 9:00 P.M.

Mr. Kelley asked if it was ever open after 9 P.M. and Mr. Fifer explained that the original permit granted restricted the hours from 9:00 A.M. to 9:00 P.M.

Mr. Kelley explained that if the School desired a swimming party after those hours, that permission would have to be granted by the Zoning Administrator and only several per year would be granted.

Mr. Fifer stated that the pool would be used by the neighboring community as a local pool or swim club.

Mr. Smith said it was his understanding that the membership would be limited to 50 families but Mr. Fifer said it was limited to 100 families and further that the pool had 200 parking spaces.

Mr. Barnes noted that there was a pond on the grounds and Mr. Kimball, President of the Potomac School explained that it was a nature pond which was used for nature studies only and because it contained no fish and was usually quite muddy was not used for any recreational purposes and children were never allowed near the pond except when under supervision.

Following a discussion as to whether the pond was to be fenced and whether the BZA should require fencing as a part of the permit, Mr. Kimball explained that the pond was 6 to 8 feet deep and further explained that the pond was used for drainage purposes, and was in an entirely different area than the swimming pool.

Mr. Smith pointed out that the liability would be with the school and the property owners in the event of a drowning, not with the County of Fairfax because the danger of this pond had been pointed out even though the County apparently does not require fencing.

Mr. Runyon entered a letter into the record from Mr. Charles Ciccone in which he withdrew the objection that he originally had at the first hearing.

There being no one to speak in favor or opposition, the public hearing was closed.

Mr. Runyon moved that in application, S-142-73, re-evaluation hearing of Potomac School, that they be allowed to extend the days of operation to include Saturdays and Sundays, or a seven day per week operation, which is an amendment to Condition No. 5 of the Special Use Permit granted July 25, 1973 and further that the operation be under the control and requirements of the Health Department pertaining to the operation of pools.

Mr. Baker seconded the motion and the motion passed unanimously.

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11:00 - HOPE MONTESSORI SCHOOL, LTD., app. under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit increased enrollment to 82 pupils, 4614 Ravensworth Road, 71-1((1))57A and 62, Annandale District (R-10) 2.975 acres, S-200-73 -- Deferred from 11-21-73 and 1-9-74.

Mr. Harry E. Middleton, 6269 Leesburg Pike, attorney for the applicant, represented them before the Board.

Notices to property owners were in order. The contiguous owners were John E. Roach and Mr. R. C. Eibell, Sr., Gateway Development Corp.

Mr. Middleton explained that there would be no physical expansion of the school, that they are only requesting an increase in enrollment from 75 to 82. The children are brought to school by parents' carpools. They do not use busses.

There was no one present to speak in favor or opposition and the public hearing was closed.

In answer to questions by the Board, Mr. Middleton stated that the ages of the children would be 2 1/2 through 7, that a copy of the leasing agreement with the church and Certificate of Good Standing are in the file and that the hours of operation would be from 9:00 A.M. to 2:30 P.M., five days per week, Monday through Friday. The lease is for a one year period on a continuing basis.

In application No. S-200-73, application by Hope Montessori School, Ltd. under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit increased enrollment to 82 pupils, on property located at 4614 Ravensworth Road, also known as tax map 71-1((1))57A and 62, 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 13th day of March, 1974.

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

1) That the owner of the property is Trustees of Hope Lutheran Church of Annandale.

2) That the present zoning is R-10.

3) That the area of the lot is 2.975 acres.

4) That site plan approval is required.

5) That compliance with all County and State Codes is required.

6) The Hope Lutheran Church of Annandale, located on the westerly side of Ravensworth Road approximately 2500 feet southwest of its junction with Little River Turnpike in Annandale District, originally operated a kindergarten for 25 children pursuant to Special Use Permit No. 17652 granted July 30, 1963. That permit was amended in 1964 to increase the number of children to 30 and add a first grade class. It was amended again in 1965 to increase the number of students to not more than 50 at any one time and not more than 75 per day.

7) The current application changes the name of the applicant to Hope Montessori School, Ltd., and seeks to add a second grade class, increasing the enrollment to a maximum of 82.

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

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 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 granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to OBTAIN A NON RESIDENTIAL USE PERMIT AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES AND THIS SPECIAL USE PERMIT SHALL NOT BE VALID UNTIL THIS HAS BEEN COMPLIED WITH.
5) The Resolution pertaining to the Granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6) The maximum number of students shall be 82, ages 2 1/2 to 7 years.
7) The hours of operation shall be 9:00 A.M. to 2:30 P.M., 5 days per week, Monday through Friday.
8) The operation shall be subject to compliance with the Inspection Report, the requirements of the Fairfax County Health Department, the State Department of Welfare and Institutions, and obtaining a Non-Residential Use Permit.
9) All buses and/or vehicles used by the applicant for transporting students shall comply with Fairfax County School Board and State Standards in color, lighting, and lettering requirements.

Mr. Barnes seconded the motion.

The motion passed unanimously.

Mr. Smith pointed out that a new lease must be submitted to the Board 30 days prior to the expiration date in order to keep this in effect and if not submitted, the permit would automatically lapse.

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11:20 - DR. DAVIS REEDER HALL, III, appl. under Section 30-7.2.10.2.6 of the Zoning Ordinance to permit small animal hospital, 7013 Columbia Pike, 71-2((2))21-A, 11,677 square feet, Annandale District (C-N), Last used as a service station, Alpine Subd., Section B, S-242-73

Mr. Dana Nichelson, 416 Oak Tree Lane, Sterling, Virginia, represented the applicant before the Board.

Notices to property owners were in order.

Mr. Nickelson explained that the applicant wished to convert a vacant gas station into an animal hospital and explained that the station had not operated for approximately 1 1/2 years.

Mr. Smith question whether sewer was available and Mr. Nickelson said the County had verified that sewer was available.

During his presentation, Mr. Nickelson said he had spoken to the County inspectors regarding soundproofing and they informed him that the cinderblock construction was adequate for that purpose; however, the applicant would have to block out the windows on the left side of the building. He said the County does not have an ordinance on odor control

DR. HALL (continued)
and the existing gasoline tanks would have to be filled or removed prior to occupancy of the building and would have to be done under the supervision of the Fire Department. The restrooms would be inside. It would be a hospital serving household pets and would be open on Sundays for emergency care only. In the beginning, the only employees would be Dr. and Mrs. Hall. The hours would be from 8 a.m. to 8 p.m. 6 days a week and on Sunday only when there was an emergency call.

Mr. Nickelson requested a Special Use Permit for the following reasons:
1. It is completely surrounded by commercial.
2. It is within the Columbia Pike Highway Corridor District.
3. It will take a gas station out of the Highway Corridor.
4. A qualified animal hospital instead of a gas station will be in the best interest of the County.

Mr. Smith asked what the architectural improvements to the building would be and Mr. Nickelson explained that although a rendering was available, he had not brought it with him, but the building would be sprayed with stucco.

Mr. Kelley asked if the applicant had seen the Preliminary Engineering Branch's comments on the road widening and Mr. Nickelson indicated that he had and the requirements were noted on the plans, as submitted.

Mr. Nickelson indicated that Atlantic-Richfield, the owners of the property, would extend any dates listed in the contract as they were anxious to have the property used. Mr. Smith requested a copy of the extension that had been granted on this contract.

There was no one present who wished to speak in favor or opposition and the public hearing was closed.

Mr. Smith said the Board would require the architectural renderings and the extension to the sales contract prior to taking any action. Mr. Nickelson said he could have these documents to the Board this afternoon.

On motion of Mr. Baker, seconded by Mr. Barnes and carried by a unanimous vote, this application was held over until 2:00 P.M. to allow the applicant to bring in further information re the proposed use.

At 2:00 P.M. the Chairman recalled this case.

Mr. Smith noted that the requested architectural renderings and addendum to the sales contract had been submitted as requested.

The Board reviewed the renderings.

There being no one present who wished to speak in favor or opposition, the public hearing was closed.

In application No. S-242-73, application by Dr. Davis Reeder Hall, III, under Section 30-7.2.10.2.6 of the Zoning Ordinance, to permit small animal hospital on property located at 7013 Columbia Pike, Annandale District, also known as tax map 71-2((2))21A, 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 13th day of March, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Atlantic-Richfield. The applicant is the contract purchaser.
2. That the present zoning is C-N.
3. That the area of the lot is 11,677 square feet.
4. That compliance with all County Codes is required.
5. That site plan approval 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

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. 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 granting does not constitute exemption from the various requirements of this County. The applicant shall be himself responsible for fulfilling his obligation to obtain NON RESIDENTIAL USE PERMIT and the like through the established procedures and this Special Use Permit SHALL NOT BE VALID until this has been complied with.
5. The Resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Certificate of Non-Residential Use on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. All operations shall be within an enclosed building, such building being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area, and plans and provisions for such construction and operation SHALL be approved by the Health Department prior to issuance of any building permit or Non-Residential Use Permit.
7. Hours of operation shall be from 8:00 A.M. to 6:00 P.M., 6 days per week, Monday through Saturday.
8. Landscaping, screening and/or fencing shall be to the satisfaction of the Director of County Development.
9. The minimum number of parking spaces shall be eight (8).
10. Curb, gutter, and travel lane to be constructed in accordance with plats submitted with this application.

Mr. Barnes seconded the motion.

The motion passed unanimously.

Mr. Baker was absent from the room at this time.

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11:40 - WESTGATE CHILD CENTER CORP., app. under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit day care center for ninety (90) children, hours between 6 A.M. and 6 P.M., 1731 Great Falls Street, 30-3((1))21A (178,881 square feet) Dranesville District, (RE-1), operation from Garfield Memorial Church, S-244-73 (Deferred from January 9, 1974 because of Emergency Amendment to Ordinance passed by Board of Supervisors on January 7, 1974)

Mrs. Nita Raichelson, 5112 Stone Haven Drive, Annandale, Virginia, the Director of the Center, made the presentation before the Board.

Notices to property owners were in order. The contiguous owners were Mr. and Mrs. W. A. Duggan, 1706 Margie Drive, McLean, Virginia 22101 and Mr. and Mrs. Warren Culpepper, 1702 Margie Drive, McLean, Virginia 22101.

WESTGATE CHILD CENTER CORP. (continued)

Mr. Smith noted that the lease in the file indicates that it is for one year with a contingency to extend.

Mrs. Raichelson explained that she planned to run a day care center at Garfield Memorial Church which had met all County Code regulations for such a use. The only requirement lacking was a fence around the play yard which was to be installed on Saturday. The hours of operation would be 10 to 12 hours per day. Two programs would be carried on at the same time -- full day care for 60 children and hourly care for 10 children per hour - or a total of 70 children at any one time. The staff to child ratio would be 1 to 7 and the staff training would exceed federal standards. The school would open on March 18th, if this application is granted.

Mr. Smith inquired if final inspections had been completed and Mrs. Raichelson stated that the inspectors had been at the church last week but she had not received anything in writing.

Mr. Smith noted that the Preliminary Engineering Branch indicated that no additional sewage capacity was needed.

In answer to questions, Mrs. Raichelson stated that the ages of the children would be from 2 to 5 and the hours of operation would be probably from 6 A.M. to 6 P.M., but definitely no later than 7 P.M. The parents would be responsible for transportation. She expected to have a staff of 13 persons including herself. The kitchen was inadequate to provide hot meals although it would be at the school's disposal for coffee, cookie baking, and other small projects. Meals would be catered by the National Food Service.

Mr. Smith requested that the Board have a copy of the agreement with the National Food Service and an agreement that the kitchen would not be used for lunch food purposes.

Mr. William A. Duggan, 1708 Margie Drive, Rev. Joseph Fish, 912 Frederick Street, Vienna and Mrs. Ethel Butt, Annandale, spoke in favor of the application.

Hearing no objection, the hearing was recessed until later in the day in order to allow the applicant time to submit the requested documents.

The hearing was recalled later in the day.

Mr. Smith noted that a copy of the contract with the National Food Service had been submitted for the catering of lunches.

Mr. Smith again asked about the ages of the children enrolled in this program. Mrs. Raichelson explained that she had earlier said the ages would be from 2 to 5 years, however, she had neglected to mention that the Center would have after-school care and thus the ages of the children would be from 2 to 12 years. She added that there were various rooms available to enable the separation of the after-school children from the day care children.

There being no one present who wished to speak, the public hearing was closed.

In application No. S-244-73, application by Westgate Child Center Corp. under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit day care center for 90 children, hours between 6 A.M. and 7 P.M., on property located at 1731 Great Falls Street, Dranesville District, also known as tax map 30-3((1))21A, County of Fairfax, Mr. Runyon 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

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WESTGATE CHILD CARE CENTER (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 13 th day of March, 1974.

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

1. That the owner of the subject property is Christian Church - Capital Area.
2. That the present zoning is R-12.5.
3. That the area of the lot is 178,881 square feet.
4. That Site Plan approval is required.
5. That the property is subject to Pro Rata Share for off-site drainage.

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

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 operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the building 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 granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain NON RESIDENTIAL USE PERMIT and the like through the established procedures and this Special Use Permit SHALL NOT be valid until this has been complied with.
5. The Resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Hours of operation are from 6 A.M. to 7 P.M.
7. Ages of the children to be 2 to 12 years.
8. The maximum number of children to be 90 at any one time.
9. The play area shall be fenced as per the Health Department.
10. The operation shall be subject to compliance with the inspection report, the requirements of the Health Department, the State Department of Welfare and Institutions, and the requirements for Day Care Centers.
11. This shall run concurrent with the existing lease or any lease renewal and BZA will consider a Re-Evaluation Hearing at end of 3 years.

Mr. Barnes seconded the motion.

The motion passed unanimously. Mr. Baker was absent at this time.

No. 11 added on April 24, 1974.

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12:00 - METROPOLITAN CHRISTIAN CENTER, app. under Sec. 30-7.2.6.1.11 of Ordinance to permit erection of church, 5411 Franconia Road, 81-4((1))66, (2.52 acres), Lee District (R-12.5), S-247-73 (Deferred from January 9, 1974 because of the Emergency Amendment to the Ordinance passed by the Board of Supervisors on January 7, 1974)

Mr. Lee Fifer, 4085 University Drive, Fairfax, attorney for the applicant, represented them before the Board.

Notices to property owners were in order. Rev. Sidney White indicated that he and his wife had personally obtained the signatures on the letters of notification and that the contiguous property owners were Mr. and Mrs. James Boyer and Mr. G. D. Ballard.

METROPOLITAN CHRISTIAN CHURCH (continued)

Mr. Fifer explained that this was a request for a church building for an interdenominational christian faith and would be used as a church as is normally used, on Sundays and weeknights. The facility will contain a large hall for church activities as well as worship services. Because Gum Street is being widened, the Church has been in discussions and has agreed to dedicate the necessary right-of-way and put in the curb and gutter if the road widening is started within a reasonable time, 24 months. A sewer tap is available.

Mr. Smith noted that the proposed membership is 500 and that the church has exceeded the required number of parking spaces (206).

Mr. Fifer said the building will be of white brick.

Mrs. D. M. Hall requested that screening and buffering be placed along the fence between her property and the church and there being no one else who wished to speak, the public hearing was closed.

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In application No. S-247-73, application by Metropolitan Christian Center, under Sec. 30-7.2.6.1.11, of the Zoning Ordinance, to permit erection of a church, on property located at 5411 Franconia Road, Lee District, also known as tax map 81-4((1))66, 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 13th day of March, 1974.

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

1. That the owner of the subject property is Sidney S. White, et al., Trustees, the applicant is the contract purchaser.
2. That the present zoning is R-12.5.
3. That the area of the lot is 2.52472 acres.
4. That compliance with all County Codes is required.
5. That Site Plan approval 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

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. 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 granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain a NON RESIDENTIAL USE PERMIT and the like through the established procedures and this Special Use Permit shall NOT be valid until this has been complied with.

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METROPOLITAN CHRISTIAN CENTER (continued)

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The seating capacity of the church to be 500.
7. 206 parking spaces to be provided as shown on plats.
8. Landscaping and screening shall be provided to the satisfaction of the Director of County Development.
9. Road widening, curb, gutter, and sidewalk to be constructed for the full frontage of the property.
10. Owner to dedicate to 45' from centerline of the existing right-of-way for the full frontage of the property for future road widening.
11. Building to be constructed of white brick. (Amended 5/15/79 by BZA to delete the word "white".)

Mr. Barnes seconded the motion.

The motion carried with a vote of 4, Mr. Baker having left for the day.

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March 13, 1974

12:20 - KENA TEMPLE, app. under Section 30-7.2.5.1.4 of the Ordinance to permit expansion of facilities, (new building for banquet and ballroom and additional parking -- applicant now under Special Use Permit, but wishes to make building smaller and change the parking layout), 9001 Arlington Blvd., 48-4((1))42A, (26.8897 acres), Providence District (RE-1), S-254-73 OTH

Mr. William L. Field, Clifton Road, Clifton, Virginia, represented the applicant.

Notices to property owners were in order. The contiguous owners were Mr. and Mrs. Joe Dillinger, 3132 Barkley Drive, Fairfax and Mr. and Mrs. Phil Bucklew, 3142 Barkley Drive.

Mr. Field stated that the K.T.S. Corp. was now the applicant, said corporation composed of the Kena Temple membership formed for the purpose of preventing any change in leadership from halting the construction of this building.

Mr. Smith requested a certification from the State Corporation Commission and Mr. Field stated that he had submitted one when the application was originally filed.

Mr. Smith noted that subsequent to the issuance of the Special Use Permit the applicant changed the application to delete the swimming pool and changed the size of the building and thus was required to submit a new application.

Mr. Smith asked if the building as proposed would meet the setback requirements and Mr. Field said it would.

Mr. Field explained that it would be considered as a two-story building as the lower floor was partially above ground and it would be constructed of brick with a Williamsburg type roof, and 467 parking spaces would be provided and the building would be 80 by 156 feet.

Mr. Smith asked if the applicant has a sewer permit and the answer was "yes".

There being no one present to speak in favor or opposition, the public hearing was closed.

KENA TEMPLE (K.T.S. CORP-holding corporation)

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In application No. S-254-73, application by Kena Temple and K.T.S. Holding Corporation, under Section 30-7.2.5.1.4 of the Zoning Ordinance to permit expansion of facilities (new building for banquet and ballroom and additional parking) on property located at 9001 ARlington Blvd., Providence District, also known as tax map 48-4((1))42A, County of Fairfax, Mr. Runyon 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 January, 1974 and deferred to March 13, 1974.

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 26.8897 acres.
4. Site Plan approval required.
5. That the site is presently under S.U.P. S-108-73.

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

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. 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 granting does not constitute exemption from the various requirements of this county. This applicant shall be himself responsible for fulfilling his obligation to obtain a Non Residential Use Permit and the like through the established procedures and this Special Use Permit shall NOT be valid until this has been complied with.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. 467 parking spaces shall be provided.
7. All other requirements of the original SUP, shall remain in effect not changed on the new plats submitted herewith.

Mr. Barnes seconded the motion.

The motion carried with a vote of 4, Mr. Baker having left the meeting earlier.

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KOONS PLAZA DEVELOPMENT COMPANY, app. under Sec. 30-7.2.10.3.8 of the Ord. to permit construction of additional buildings for sales, parts display and service for new car dealership already under Special Use Permit, 2000 Chain Bridge Road, 29-3((1))31, (5.3741 acres) Centreville District (C-D), S-262-73 (Deferred from 1-22-74 to 2-27-74 for full hearing; deferred 2-27-74 for decision only)

Mr. Ralph Louk, 4101 Chain Bridge Road, attorney for the applicant, represented the applicant before the Board.

Following a discussion regarding the complaint lodged at the hearing and subsequent police investigations regarding the outside lighting, Mr. Louk explained that one light of the four had been left on for security reasons; however, following the complaints, all four had been turned off and could not be turned on again until the electrician had climbed the poles and adjusted the lights to shine only on the applicant's property. The Police Department had inspected the lights and were satisfied that they were acceptable.

Mr. Kelley made a brief report on the landscaping being done.

Mr. Smith again pointed out that this should be discussed as a separate use permit as it is not part of the original building development, but is a separate dealership under a separate license. There may be a problem separating the parcels in the future if it is done under one use permit.

In application No. S-262-73, application by Koons Plaza Development Company under Section 30-7.2.10.3.8 of the Zoning Ordinance, to permit construction of additional buildings for sales, parts display and service, on property located at 2000 Chain Bridge Road, also known as tax map 29-3((1))31, Centreville District, 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 27th day of February, 1974 and deferred to March 13, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Sherwood, Sherwood & Corbalis.
2. That the present zoning is C-D.
3. That the area of the lot is 5.3741 acres.
4. That site plan approval 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

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 unless construction or operation has started or unless renewed by action of this Board upon whichever of the following events shall last occur:
(a) Twelve (12) months from this date.
(b) Three (3) months after Fairfax County permits connection with the existing sewerage facilities thereon.
(c) Six (6) months after Fairfax County permits a site plan to be filed thereon.

3. This approval is granted for the buildings and uses indicated on plats submitted with tis 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 granting does not constitute exemption from the various requirements of this County. The applicant shall be himself responsible for fulfilling his obligation to obtain a NON-RESIDENTIAL USE PERMIT and the like through the

established procedures and this Special Use Permit shall NOT be valid until this has been complied with.

5. The Resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. Landscaping, screening and/or fencing shall be to the satisfaction of the Director of County Development and the Fairfax County Arborist.

7. The applicant is to construct the service drive one-half of its full width along the west property line in the land area which has been reserved for public street in accordance with Preliminary Engineering Branch suggestions and site plan control and upon dedication and construction of other half by adjoining property owner.

Mr. Barnes seconded the motion and the motion passed 3 to 0. Mr. Baker had left the meeting earlier and Mr. Runyon abstained.

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The Board recessed for lunch and returned to take up the request for a change in name in an existing Use Permit, S-174-72 granted to John W. Koons on December 13, 1972. Mr. Louk stated that the dimensions of the building had been changed and he felt the Board should amend the Special Use Permit to comply with the plats that he had submitted this date to the Board with the Koons Plaza Development Company, S-262-73 application. He stated that the sign area had also changed and was in compliance with the Fairfax County Sign Ordinance.

Mr. Kelley moved that the Board amend Special Use Permit No. S-174-72, granted December 13, 1972 to substitute the named permittee to Koons Plaza Development Company in place of John W. Koons, Jr.; to amend amend Special Use Permit No. S-174-72, to approve building dimensions as shown on plats filed herein and to have free standing sign area of 137 square feet instead of 100 feet as shown on the plan filed herein.

Mr. Barnes seconded the motion and the motion passed unanimously. Mr. Baker was absent.

Mr. Smith noted that the Board had received a letter from Mr. F. Tyler Swetnam, Mansion House Yacht Club regarding a request to change the site plan to remove parking from the area marked "A".

Mr. Ford Tyler Swetnam explained that this was requested for economic reasons because the Club does not desire to build a bulkhead in such deep water because of the present cost of the necessary steel.

Mr. Smith requested copies of the new plats and Mr. Swetnam indicated that he would present them to the Board at the next meeting, and further explained that 47 parking spaces had been deleted from the plans in order to bring water inland with a shallower depth.

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Mr. Smith noted that a letter had been received from Mr. Richard Hobson attorney for Lake Barcroft Recreation Center, regarding a possible settlement prior to a court hearing.

Mr. Smith noted that the Board had taken Mr. Hobson's position under advisment earlier and tried to negotiate earlier. He suggested that the Board take no action until they had talked with Mr. Symanski in the County Attorney's Office.

Mr. Kelley suggested that Mr. Hobson and Mr. Symanski meet to discuss

the issue and make a decision on what to do at that time.

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On motion of Mr. Barnes, seconded by Mr. Runyon, and carried unanimously the Board adjourned at 3:15 P.M.

By Nancy Draheim
Substitute Clerk
for Jane C. Kelsey

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED: June 5, 1974
DATE

The Regular Meeting of the Board of Zoning Appeals was held on Wednesday, March 20, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Joseph Baker, George Barnes and Charles Runyon.

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

10:00 - JOHN K. KENNETT, JR., application under Section 30-6.6 of Ordinance to permit enclosure of existing carport closer to side lot line than allowed by Ordinance, 2332 Riviera Drive, 38-3((29))26, Tanglewood Subdivision, area: 12,644 square feet, R-17C, Centreville District, V-7-74.

Mr. Sam Fulton, representing the construction company that is going to enclose this existing carport, represented the applicant before the Board. His firm's address is 2734 Gallows Road, Merrifield and his home address is 4829 Rock Spring Road in Arlington.

Notices to property owners were in order. The contiguous owners were Paul Brough, 2300 Tanglevale Drive, Vienna, and Lt. Col. Oscar Carroll, 2330 Riveria Drive, Vienna, Virginia.

Mr. Fulton stated that because of the unusual shape of the lot they will need a variance in order to enclose this carport. If either side lot line had run perpendicular, a variance would not have been necessary. They only need the variance on one corner of the carport. He exhibited a blow-up of the plot plan to the Board. He stated that the back yard is of such a grade that construction back there would not be feasible.

Mr. Smith stated that it looks like the position of the house is what makes the variance necessary. Had the house been positioned straight on the lot, they could have enclosed the carport by right.

Mr. Smith asked what the applicant would use to house his motor vehicles.

Mr. Fulton stated that the applicant does not now use the carport. They now use the carport as a patio and has it screened off. They park their cars in the driveway.

The enclosure will be constructed of aluminum siding. They will not change the roof line at all.

Mr. Covington stated that they need a 2.8' variance on one corner of the carport and it tapers down to 0' at the far end of the carport.

Mr. Fulton stated that Mr. Kennett plans to continue to reside there.

There being no one to speak in favor or opposition, the public hearing was closed.

In application No. V-7-74, application by John K. Kennett, Jr., under Section 30-6.6 of the Zoning Ordinance, to permit enclosure of existing carport closer to side lot line than allowed by Ordinance, i.e. 2.8', on property located at 2332 Riviera Drive, Centreville District, also known as tax map 38-3((29)) 26, County of Fairfax, Virginia, Mr. Runyon 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 March, 1974, and

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

1. That the owner of the subject property is John K., Jr. and Catherine L. Kennett.
2. That the present zoning is R-17 Cluster.
3. That the area of the lot is 12,644 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.

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. Architectural detail shall conform to that of the existing house.

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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10:20 - REGLA ANGULO, application under Section 30-7.2.6.1.3 of Ordinance to permit operation of a ballet school in basement of premises, 3300 Glen Carlyn Road, 61-2((6))11, (10,006 square feet), Mason District, Pinehurst Subdivision, R-12.5, S-239-73 (Deferred for proper notices and lease on 12-19-73 and deferred again 1-16-74 because of Emergency Amendment to the Ordinance.)

Mr. Frank Perry, 4017 Chain Bridge Road, Fairfax, Virginia, attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owner was Diosese of Richmond who owns both the properties that are contigious to the property in this application.

Mr. Perry stated that a Special Use Permit was granted to the previous occupant of this house in 1970. She operated a ballet school up until 6 or 8 months ago. Mrs. Angulo now lives in this house and plans to operate a neighborhood ballet school. A number of the children who will come to her school go to the church school across the street and will come over after school. The school class will be limited to 7 to 12 students at any one time. There will be no more vehicle generation than about 4 vehicles per day. She will also have a small adult class one morning a week. As far as the parking is concerned, there is a letter in the file from the church indicating that there is extensive parking that could be used which is located in their church parking lot across the street. This is the same arrangement that was used by the previous tenant, however, it was a verbal agreement and now the church has put it in the lease.

He stated that the applicant would complete the work needed to be done on the house as soon as the Special Use Permit was granted.

The total enrollment of the school will not exceed 45 and they will have no more than 7 to 12 students at any one time.

There was no one to speak in favor of the application.

There was no one present to speak in opposition. Mr. Smith read a letter from Mr. Gerald Forcier, Chairman of the Long Branch Citizens Association,

which stated that Fairview Place is a quiet deadend street in which some homes have driveways and some have to park on the street. The predecessor allowed her customers to park on the street which made the street crowded and blocked some of the driveways. Those living on the street do not object to Mrs. Angulo having this ballet school, but they do object to the parking on the street. The safety of the children is a great concern of the people living on this street. They would like the permit, if given, to be conditioned upon the denial of the use of the street for parking for this use.

Mr. Smith stated that he was surprised that the predecessor would allow parking on the street as this was one of the main points discussed at that hearing.

Mr. Smith stressed to Mrs. Angulo that her customers would not be allowed to park their cars on the street and it would be up to her to enforce this. Mr. Smith stated that this would be made a condition of the Special Use Permit.

There being no one to speak in favor or opposition the public hearing was closed.

In application No. S-239-73, application by Regla Angulo, under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit operation of a ballet school in basement of premises, on property located at 3300 Glen Carlyn Road, Springfield District, also known as tax map 61-2((6))11, County of Fairfax, Mr. Runyon 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 March, 1974

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

1. That the owner of the subject property is Catholic Church, Bishop of Richmond.
2. That the present zoning is R-12.5
3. That the area of the lot is 10,006 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

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. 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 granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation TO OBTAIN CERTIFICATES OF OCCUPANCY AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES AND THIS SPECIAL USE PERMIT SHALL NOT BE VALID UNTIL THIS HAS BEEN DONE.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Certificate of Occupancy on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Parking shall be on the adjoining church property only.
7. Hours of operation are 10:30 a.m. until 6:00 p.m., Monday through Saturday.
8. Permit subject to compliance with inspection report.

Mr. Baker seconded the motion and the motion passed unanimously.

Mr. Smith stated that the previous applicant was allowed 12 students at any one time.

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10:40 - DOMINICAN RETREAT HOUSE OF ST. CATHERINE DERICCI, INC., application under Section 30-7.2.6.1.11 of Ordinance to permit convent and retreat house, expansion of facilities, (12.4 acres), 7103 Old Dominion Drive, 30-1((1))86, Dranesville District, R-12.5, S-249-73 (Deferred from 1-15-74 because of the Emergency Amendment to the Ordinance.)

Mr. John Donovan, attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were George H. Davis, 1338 Mayflower Drive, Reston, Virginia, and Charles B. Harrison, 7297 Van Ness Court.

Mr. Donovan stated that the request is for a convent and retreat house in order to accommodate with greater convenience and comfort the people who make use of the Dominican Retreat for prayer, reflection conferences and worship. They propose to add a chapel, lounge and dining facilities. The addition, which will include about 7,700 square feet, will form a connecting link between the two buildings that presently constitute the available accommodations. The Dominican Retreat conducts weekend programs for men, women, and young people with a maximum number of forty, as a means of religious inspiration and instruction with singular opportunity for worship and fellowship. The Staff presently consists of nine religious sisters, members of the Dominican Congregation of St. Catherine deRicci, especially trained for this work. Their services are supplemented by those of one or two non-resident clergymen who assist on particular retreats.

This is for persons of any religion.

Mr. Donovan stated that the original Special Use Permit stipulated that under no circumstances would the building be closer to Monitor Lane than 135 feet. They are abiding by that restriction. The other restriction was that Monitor Lane not be opened to traffic to and from the retreat house. They are also abiding by that restriction.

Mr. Michael F. LaMay, with the architectural firm of Nobel and LaMay, spoke before the Board. He stated that for the record, the building dimensions for the dormitories are 105'2" long and 31'9" wide; the convent 66' long and 23'2" wide. The proposed addition will be extended 52' from the convent in a westerly direction. The proposed garage addition is 23'4" deep and 28'4" wide, and will be attached to the convent. The proposed complex will be 207' from the northerly property line and 280' from the westerly property line and 170' from the southerly property line and 466' from the easterly property line. They have 44 existing parking spaces and plan to keep these parking spaces. He then showed the Board some slides which he stated would show the park-like atmosphere that they plan to uphold.

Mr. Smith stated that the previous application limited the number of retreaters to 65 at any one time and he felt it should be held to that number.

Mr. LaMay stated that they do not plan any expansion, in number of retreaters.

Mr. Kelley asked if the applicants were willing to comply with the suggestions from Preliminary Engineering.

Mr. LaMay stated that they see no problem with the suggestions.

One of the contiguous neighbors, Mrs. Rita Carlone, spoke to the Board in favor of the application. She stated that she is a permanent resident of Fairfax County and she supports the application and has heard of no one in the neighborhood who objects to this.

Mr. Smith stated that he made the resolution originally granting this use and at that time there was considerable objection to it, so apparently they have proven to be good neighbors as there is no objection to it today.

In application No. S-249-73, application by Dominican Retreat House of St. Catherine deRicci, Inc., under Section 30-7.2.6.1.11 of the Zoning Ordinance, to permit convent and retreat house expansion of facilities, on property located at 7103 Old Dominion Drive, Dranesville District, also known as tax map 30-1((1))86, 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 20th day of March, 1974.

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 12.4 acres.
4. That compliance with all County Codes is required.
5. That site plan approval 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

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. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening and fencing.
4. This granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation TO OBTAIN NON-RESIDENTIAL USE PERMIT AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES AND THIS SPECIAL USE PERMIT SHALL NOT BE VALID UNTIL THIS HAS BEEN DONE.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The maximum number of retreaters shall be 65.
7. The minimum number of parking spaces shall be 44.
8. Under no circumstances shall the building be closer to Monitor Lane than 135 feet.

9. Monitor Lane shall not be opened to traffic to and from the retreat house.
10. Landscaping, screening and/or fencing shall be as approved by the Director of County Development
11. Owner to dedicate to 45 feet from the existing centerline of right-of-way for the full frontage of the property along Old Dominion Drive for future road widening.

Mr. Barnes seconded the motion and the motion passed unanimously.

Mr. Kelley stated that the condition regarding the landscaping is just part of the form, in this case, there did not seem to be any need for landscaping.

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11:00 - NORTH WASHINGTON PROPERTIES, INC., application under Section 30-7.2.10.5.9 of Ordinance to permit restaurant addition to motel, 6650 Arlington Boulevard, 50-4((1))24 & 28, CDM & CG, Providence District, S-258-73,(Deferred from 1-16-74 because of Emergency Amendment to the Ordinance.)

Mr. John Taylor, 115 Park Avenue, Falls Church, Virginia, represented the applicant before the Board.

He stated that he is one of the officials in the North Washington Properties, Inc. and they own the Governor's Motel.

Notices to property owners were in order. The contiguous owners were Harold Johnson, 2767 Annandale Road and Mollie W. Tinner, Tax Department, Post Office Box 2237, Princeton, New Jersey.

They plan an addition to the 3 Chef's Restaurant to upgrade this facility. They presently have a seating capacity of 90 and they propose a seating capacity of 68 additional seats. They do want to improve their facilities there. The kitchen facilities are in much need for improvement.

Mr. Smith asked if this addition would alleviate any parking spaces.

Mr. Taylor stated that it would not. He stated that they have three parcels of land, of which Parcel 1 and Parcel 2 are involved here.

There being no one to speak in favor or opposition to this application, the public hearing was closed.

In application No. S-258-73, application by North Washington Properties, Inc. under Section 30-7.2.10.5.9 of the Zoning Ordinance to permit restaurant addition to motel, on property located at 6650 Arlington Blvd., Providence District, also known as tax map 50-4((1))24 & 28, 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 20th day of March, 1974.

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 CDM and CG.
3. That the area of the lot is 2.54 acres.
4. That compliance with all County Codes is required.
5. That site plan approval is required.
6. That the property is subject to pro rata share for off-site drainage.
7. That subject property is under Use Permit #S-993-68, granted November 26, 1968.

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 of the Zoning Ordinance; and

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. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening and fencing.
4. This granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation TO OBTAIN NON-RESIDENTIAL USE PERMIT AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES AND THIS SPECIAL USE PERMIT SHALL NOT BE VALID UNTIL THIS HAS BEEN DONE.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The maximum seating capacity is 168.
7. The minimum number of parking spaces shall be 204.

Mr. Barnes seconded the motion.

The motion passed 4 to 0 with Mr. Runyon abstaining as he prepared the plats for this application.

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Mr. Baker moved to accept the minutes of February 13 and 20, 1974 and February 27, 1974, with minor corrections. Mr. Barnes seconded the motion and the motion passed unanimously.

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11:20 - NORTHERN VIRGINIA CHRISTIAN ACADEMY, application under Section 30-7.2.6.1.3.2 of Ordinance to permit expansion of Christian Education Facility which was granted under Special Use Permit S-63-73, 23.88 acres, 4601 West Ox Road, 56-1((1))10 & 11, Centreville District, RE-1, S-250-73 (Deferred from 1-9-74 because of the Emergency Amendment to the Ordinance.)

Dr. Bonds, Minister of the church, represented them before the Board.

Notices to property owners were in order. The contiguous owners were F. R. Markwell, 12206 Ruffin Drive and Louise Cross, 4623 West Ox Road.

Dr. Bonds stated that they are seeking to present an over-all expansion plan for the future, instead of doing it piecemeal. They plan that within the next ten years that this entire plan will be completed. They are now ready to begin with the gym on the front and one classroom on the front and have a continuous development until it is complete.

Mr. Smith stated that the Board would consider this over-all plan and allow a time span that will allow the development of the entire tract as they now propose it. If, of course, they want to make any changes, they will have to come back to the Board.

Dr. Bonds stated that 5 years would be realistic, but the maximum time period would be ten years.

They will develop in stages. There is a dotted line across the plan indicating what they plan to do first and the rear portion will be done last. The first plan takes in the septic field.

Mr. Smith verified the dimensions of the buildings for the first stage: 120' x 60' for the classrooms in the front; dining hall - 120' x 109'. The classroom in the front will be one story and the other two classrooms will be two stories. The gym will be 100' x 120' with an administration office in the front of it, which will be 30' x 100'. The administration office will be two stories and the gym, of course, will be one story. The front cluster of classrooms will be elementary schools and the cluster in the back will be Jr. high school.

Mr. Smith inquired if there is to be a college program here.

Dr. Bonds stated that there is a college in their vision, but they cannot honestly say that they are going to have it. It would make a crowded campus, he stated. They will seek space at another property for a bible college. The bible college will be temporarily housed here. They plan to begin the bible college in September. It will be owned and operated by other churches as well as theirs. They hope to put the girls' dormitory in the upstairs of the Administrative Office Building and the men's dormitory will be in the single-story classroom. Within three years they plan to relocate the college to a permanent campus. The dormitories will be open and will house about 30 students in each one. They will have a temporary dining hall in the gym until they can build a permanent dining hall. In the existing education building, they have a small kitchen.

The approved septic field is approved for 300 to 400 students. The plan is for a sewer line to be brought down beyond them on Legato Road and to develop the back part of the property, they will have to have suitable sewerage facilities. Eventually, they will have that and will be able to develop the back portion of the property.

Mr. Smith asked if anyone had given them a time table on the sewer line.

Dr. Bonds stated that they had given them a time table of from three to five years. They got the information from Fairfax County's Department of County Development. He stated that as he understood it, there is a line to come down Legato Road to Jermantown Road to Fairfax City. There is a big shopping center planned for Route 50 and West Ox Road. The engineer from County Development told them they would have no trouble hooking on.

Mr. Smith stated that the Pohick plant is the only place it could go.

Dr. Bonds stated that the engineer in the City is Mr. Massey. Jim Smith is their engineer.

Dr. Bonds stated that their temporary college facility would last at least two years, and not more than four.

Mr. Smith stated that this Board has no authority to grant a temporary use for more than two years.

Mr. Kelley asked that Dr. Bonds confirm the number of parking spaces that they have.

Dr. Bonds stated that they would have 399 parking spaces.

Mr. Kelley inquired as to whether or not they planned to continue the use that was granted to them May 9, 1973.

Dr. Bonds stated that they were going to continue that use, this is just a continuation and expansion of that use in addition to temporarily housing the bible college. They will begin the college with an enrollment of between 50 and 100 in September and when it gets to 200, they will be going to a new facility.

Mr. Kelley asked if they would have evening activities.

Dr. Bonds stated that they would have an evening class. The purpose of the college is to train full-time Christian workers. It will not be accredited.

Mr. Kelley asked if they had read the report from the Preliminary Engineering Branch.

Dr. Bonds stated that they are in agreement with that report.

Mr. Smith stated that from the plan, they had indicated that on the second phase, they would have one building 120' x 60' and a library 60' x 120'.

Dr. Bonds stated that these would be two-story structures. The basketball court would be outdoors and would not be covered, nor do they plan to cover it in the future. It will also double as a tennis court. The pool will be an outdoor pool and there are no plans to cover it. There are four buildings to house the staff for the elementary and high school teachers.

Mr. Smith stated that this housing would be permitted only as long as it is in connection with the school, but there would be a question if it went beyond that.

They plan to have 12 units for each of the Staff Housing buildings. This would give a total of 48 living units.

Mr. Smith again reminded him that they could not allow anyone to be housed there that are not full-time workers in the Christian education facility that is proposed.

Dr. Bonds stated that they understand that.

Mr. Frank Wilkes, 12202 Ruffin Drive, spoke before the Board. He represented property owners adjacent to the subject property and other concerned citizens in the subdivisions adjacent to this property which will be impacted by the proposed expansion of the proposed school. They do not object to the goals or pursuits of the church. They want to suggest certain things be done to minimize the impact of this facility on the adjacent property owners. They have discussed the proposed expansion with the officials of the church and a spirit of cooperation exists between them.

Their main concern is that a proper and reasonable separation between land uses be maintained in order to minimize any adverse impact on the adjacent residential areas.

At the previous hearing on May 9, 1973 before this Board, this Board was presented with a petition signed by 85% of the homeowners in the adjacent subdivisions aforementioned. That hearing was concerned only with consideration of a special use permit for the 9.5 acres containing the existing facilities, but the application did refer to the planned expansion onto the adjacent 24 acres. Because of this, the petition, which asked that the Board consider providing an adequate buffer zone, controlled lighting and a limit on ingress and egress, was prepared and was signed by the community residents with the total projected NVCA facility, existing and planned, in mind. They, therefore, feel that that petition is relevant to the current application by NVCA and would like it entered into the record.

Among the limitations placed on this approval were the following:

1. Screening, fencing and lighting shall be in conformance with the requirements of the Department of County Development. In addition, a 50-foot buffer strip of natural foliage supplemented with six-foot evergreens shall be provided.
2. The entrance off Ruffin Drive shall be blocked during school hours, and no use shall be made thereof.

They request that the Board give consideration to imposing these same limitations on this expansion. With regard to the buffer zone, the area of the property closest to the residential lots on Ruffin Drive and Butler Drive has been cleared of all undergrowth for at least 300 feet and only mature trees remain. They, therefore, submit that the supplementing of the buffer zone with evergreen trees is extremely desirable.

With regard to the buffer zone, they understand that certain types of institutions cannot legally be located within 100 feet of a property line. If this applies in this case they request that a 100-foot buffer zone be established.

Mr. Smith stated that that does not apply in this case, but the Board can place any reasonable condition on the granting of this use. The setbacks are the same as for any residential dwelling.

With regard to the closing of Ruffin Drive, they request that this possible entrance/exit continue to be closed. Further, it appears that Butler Drive will not be used as ingress or egress to the NVCA property. They are concerned that this condition remain so as to limit traffic on the adjacent residential streets.

Mr. Smith asked Dr. Bonds if they had any plans to use Butler Drive.

Dr. Bonds stated that as previously discussed, they agreed that it would be much better to just have the front entrance. Butler Drive is on record and that is why it is on the plan. They felt it should be left on the record because who knows, at some future date, that property might be sold by the church. If it were sold and it was not on the record as ingress and egress, the back part would be landlocked.

Mr. Smith stated that the Board has no alternative but to leave it like it is, but the Board could and would restrict the use of it.

Mr. Wilkes stated that if it were going to be closed, he noticed from the plan that there is no parking area or roadway provided for the staff housing.

Dr. Bonds stated that he had suggested a parking lot in front of the building, but the engineers thought they should limit the traffic. He stated that he did not know how feasible this would be.

Mr. Smith stated that the church does have control over the people who will be living there and in many developments of this type, the walk would be much greater.

Dr. Bonds stated that they were going to insist that this be a campus and not a roadway.

He stated that the next question in his statement regarding the height of the buildings has already been answered. The height of the buildings had not been indicated in the plan, but now they have heard an explanation of how high they are planned to be. He asked the Board whether this plan that had been submitted is simply a design for the number of buildings and the general layout, or if they would have to stick strictly to the plan.

Mr. Smith stated that there is no flexibility allowed other than minor engineering details. The buildings have to be built in accordance with the dimensions, location, etc, that is on the plan that is before the Board at the time this is granted, if it is granted. There is no flexibility allowed. He stated that the type of architecture has not been mentioned. He assumed that it would be red brick similar to the church. They might have to come back because of topography problems that they might run into.

Mr. Wilkes questioned the adequacy of the septic field for 2,000 students, since Dr. Bonds stated that the septic fields were only approved for 300 to 400 students.

Mr. Smith stated that they would only be able to develop the facilities and have the number of students that the Health Department will approve as to the capability of the sewer facilities.

Mr. Uncle, 12204 Ruffin Drive, spoke before the Board.

He stated that working under the assumption that the Board will impose a 50' buffer zone such as they did in the previous application, he notes from the plans that one of the buildings is within 40' of a property line already.

Dr. Bonds in rebuttal stated that he has no objection to the 50' distance. He stated that they realize they are putting an educational facility in a residential zone, but he does question the wisdom of requiring a 50' buffer zone.

Mr. Smith stated that he felt the 50-foot buffer zone is very reasonable. Actually, no one today has objected to this use, but they do want some restrictions placed on the use for their protection and the protection of future property owners.

Mr. Smith stated that in order to leave a 50' buffer zone, they would have to move the building back father than the 50' in order to accommodate a fire lane in back of the building. Of course, that is up to the applicant, they can place it right up to the 50' buffer zone line if they wish, as far as this Board is concerned. They must meet all other State and County Codes, however.

He stated that they would have to provide this buffer zone around all of the property that is contiguous to residential land.

Dr. Bonds stated that as to the architectural design of the buildings, they would be of a colonial flavor. They will be constructed of block and brick and will be harmonious and compatible with the residential neighborhood. The gym will be steel.

Mr. Smith stated that the buildings would have to be harmonious and compatible with the residential area with no exterior use of cinderblock in these staff houses and classroom buildings. He would like to see brick used, as is in the church.

Dr. Bonds stated that they are considering closing the Ruffin Drive entrance. People still come through there and it is really a nuisance.

Mr. Smith stated that as to the lighting, all lighting shall be directed onto the property of the applicant and shall not extend over into the residential neighborhood. The athletic activities should be limited to some reasonable hour and everyone should be out of there no later than 10:00 p.m.

Dr. Bonds stated that they are not going to light the football field. All evening sports activities will be inside the building.

Mr. Kelley moved that this case be deferred in conformity with the previous discussions regarding the 50' buffer zone for new plats, etc. until the next meeting of March 27, 1974.

Mr. Barnes seconded the motion.

Mr. Smith suggested that by the next meeting, they come up with a timetable for the construction of this project, also.

The motion passed unanimously.

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12:00 - COURT HOUSE COUNTRY CLUB OF FAIRFAX, INC., application under Section 30-7.2.6.1.1 of Ordinance to bring existing non-conforming country club use into conformance under Special Use Permit, Country Club of Fairfax, 5110 Ox Road, 68-1((1))20 & 18, 151.3463 acres, Springfield District, RE-1, S-255-73 (Deferred from 1-16-74 because of Emergency Amendment to the Ordinance.)

COURT HOUSE COUNTRY CLUB OF FAIRFAX, INC., application under Section 30-6.6 of Ordinance to permit variance of height limit of fence to exceed 4 feet in front setback, 5110 Ox Road, 68-1((1))18 & 20, 151.3463 acres, Springfield District, RE-1, V-260-73. (Deferred from 1-16-74).

Mr. Kelley stated that he was abstaining from this case.

Mr. Quin Elson, 4150 Chain Bridge Road, Fairfax, Virginia, attorney for the applicant, represented the applicant before the Board.

Mr. Smith explained that there were only 4 members present. Mr. Baker has been seriously ill and had to leave at 12:00. One member indicated that he will abstain from this hearing, therefore, the Board would have to get a unanimous affirmative action in order to pass on this. If one dissents on this case, the Board would be deadlocked.

Mr. Elson asked if he could take a minute to discuss this with an interested member of the club who was present. (He did so).

Dr. William Linne, who had been to the hearing previously, stated that he was present objecting to these applications, but he had no objection to the deferral.

Mr. Elson stated that the applicant had no objection to a deferral and would like the deferral. It would also give them time to consider the request of Preliminary Engineering regarding the dedication request.

It was the Board's decision to defer this case until 10:00 a.m., April 17, 1974, for a full Board.

Notices to property owners were in order. The contiguous property owners being Mr. Milton Peterson, 11036 Brookline Drive, Fairfax, and Mr. William Rolle, 1117 Pilham Lane, and Dr. Linne, 11035 Brookline Drive.

Mr. Runyon moved that these two cases be deferred until 10:00 a.m., April 17, 1974, for a full Board.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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AFTER AGENDA ITEMS:

BRENTWOOD SCHOOL, S-662-67 and S-104-70

Mr. Smith read a letter from Thomas J. Freaney, Jr., and one from Herbert Harris regarding the fact that the Department of Public Works has been giving limited maintenance to Nalls for four years and it is their plan to upgrade this road this spring.

It was the Board's decision to suspend the revocation of the above-mentioned permits for a period of six (6) months in order to review and study the road information and in view of the information that has been received.

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COVINGTON HOMES, S-35-73, granted April 25, 1973

Mr. Smith read a letter from Donald Stevens requesting that the Board extend the Special Use Permit for a period of two years because they could not get sewer hookups.

It was the Board's decision to extend the above-mentioned Special Use Permit until six (6) months after sewer permits are available and after the provision of sanitary sewer treatment facilities in the Accotink Watershed.

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MY STAFF, INC., S-21-73

At the request of the applicant, Mr. Runyon moved to change Number 4 of the Findings of Fact in the Resolution granting this permit to read "Subject to compliance under Section 30-11".

Mr. Barnes seconded the motion and the motion passed unanimously.

Mr. Mitchell explained that there was nothing wrong with the motion as it will clarify this particular situation, but the point that Mr. Chilton overlooked is this was a finding of fact, and not a condition to the granting.

It is in the Code that Site Plan is required and that is what he had put in his Staff Report to the Board, and that is the way the Board wrote it in the Resolution. If Design Review wants to waive the Site Plan, that is up to them. They have done it before on other cases such as this when one of the Findings of Fact was that a Site Plan is required.

Mr. Smith suggested the Board get together with the Staff and the Zoning Administrator on this and several other problems that exist. He stated that after sitting in Court on one of the Board's cases, and after being on the stand for two years, he has found that there are areas where the County needs to get better information and more information and have a better spirit of cooperation between Departments.

He stated that the case of LAKE BARCROFT RECREATION CORPORATION has been in Court since last Thursday, taking up a good Judge and County Staff. He stated that sometimes the Board members are impatient with the Chairman because he wants to delay action until after the new plats have been submitted but if one would go and spend a day in Court and have to answer the questions that he had to answer on the Lake Barcroft case, they would get more strict on these things.

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The meeting adjourned at 1:25 P.M.

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BY: Jane C. Kelsey, Clerk
and
Joyce Salamon, Typist

DANIEL SMITH, CHAIRMAN

APPROVED: June 5, 1974
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held On Wednesday, March 27, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy P. Kelley, Vice-Chairman; George Barnes, Charles Runyon and Joseph Baker.

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

10:00 - CAPITOL CARS & CAMPERS, INC. ROBERT AND NANCY PEVER, app. under Section 30-7.2.10.5.4 of Ord. to permit new franchise dealer for recreational vehicles and boat sales, 8142 Richmond Highway, 101-2((5)) (2) 3 & 4, Lee District, (40,000 sq. ft.), (CG), Rolling Hills Subdivision, S-259-74, (Deferred from 1-22-74).

Mr. Robert Lainof, attorney for the applicant, 1513 King Street, Alexandria, Virginia, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Mr. and Mrs. Chas. Reaves, 1211 Tatum Drive, Alexandria, owner of the property at 8113 Janna Lee Ave. and Stone Truck Center, Inc., 9774 Lee Highway, Fairfax, Virginia owner of Lot 2 next door on the other side.

Mr. Lainof stated that Mr. and Mrs. Pever are the contract purchasers and will be the major stockholders of the corporation, Capitol Cars & Campers, Inc., which will operate this facility.

He stated that originally this was a filling station and he feels that the use contemplated will create less of a burden on the area, will cause less noise, pollution and create less traffic congestion than did the filling station. He then spoke to the mark-up of their plat by Preliminary Engineering as to the requirements under Site Plan.

There was considerable argument by Mr. Lainof as to why he felt they should not have to put in curb, gutter, etc. on Janna Lee Avenue.

Mr. Smith stated that this has been a requirement of all the businesses in that area, in order to widen Route 1 and to improve the area. He asked if this building is going to be remodeled and upgraded.

Mr. Lainof stated that it would be.

Mr. Smith told him that it would have to be and that the Board has in other cases required an architectural rendering to show the Board how the building was going to look.

Mr. Lainof stated that there would be no structural changes in the building, only a new facade.

He stated that when the building was first constructed, there was a 30' easement given for public street use and that is on the plat. The additional requirement of an additional 31' would deprive the owner of the use of the property and make it unuseable.

Mr. Smith again stated that everybody along that corridor had to do the same thing.

Mr. Lainof stated that if the County has an idea of condemnation sometime in the future, they have the right to do it, but to give up 1/3 of the property to get a use is an arbitrary act.

Mr. Smith stated that this is a change in the use. The use that is there could continue as it is.

Mr. Baker stated that right across Janna Lee Avenue there are about 3 new businesses that have gone in and they all had to widen and construct the service drive, curb and gutter.

Mr. Smith stated that he was arguing a point of development which is really secondary to this hearing. The prime purpose of the applicant being present today is to acquire a Special Use Permit for the use. The Preliminary Engineering suggestions regarding the widening and construction of the road are ones that the Board has put on all the uses in this area. It is not fair to require some of the businesses to do this and then allow others to start new businesses without requiring it of them.

Mr. Lainof stated that they do want the Special Use Permit, but he hoped that the Board would grant the Use Permit without the requirements set up by Preliminary Engineering.

Mr. Smith stated that Preliminary Engineering is separate and apart from this Board. This Board does not have the authority to waive the requirements of the Site Plan Ordinance and usually this Board follows the suggestions of that office.

Mr. Runyon suggested the Board proceed with the case. These requirements are something that this Board does not have to require. It is something that Site Plan requires and if the Site Plan office desires, it can waive these requirements for a couple of years.

Mr. Smith stated that he agrees with the Site Plan requirements. He stated that he did not think the Board should grant this use unless the Site Plan requirements are implemented at the same time.

Mr. Kelley stated that according to the plat that Preliminary Engineering has marked-up, after he dedicates the land area and puts in the standard screening, he would not have enough parking spaces. He stated that he would have to setback from the residential zone and put in standard screening, which will eliminate part of the parking spaces.

Mr. Lainof stated that he did not believe standard screening is required on the side of the property that abuts the commercial zone.

Mr. Smith inquired as to the size of the vehicles they would be selling and Mr. Lainof stated that they would be 19' or 20' recreational trailers and boats.

Mr. Smith stated that they still have to maintain the 25' from the residential property. He told the applicants to go back to the engineer and have him redraw the plats and draw them in compliance with the site plan requirements and then come up with what use they could make here and if it is something they could go through with before they proceed any further.

Mr. Kelley stated that he could notdetermine how many parking spaces there are since so many of them are in the area where screening is required and in the front setback area.

There was then a discussion between the Board and Mr. Mitchell regarding whether or not it is an ordinance requirement that the parking for this commercial use be set back 25'. Mr. Mitchell stated that it is the ordinance requirement that any structure be set back from the side property line 25' and that the screening and landscaping ordinance must be complied with. The screening requirement is that he must put in standard screening between commercial and residential property which is 12'.

Mr. Kelley inquired about the total number of employees. Mr. Lainof stated that they only have three now, and their maximum total would be eight. The operation is now in existence in Alexandria on Mt. Vernon Avenue. They now have about 20 trailers and 5 or 6 boats. They plan to move the entire operation to this location.

There was no one to speak in favor of the application.

Mrs. Russell, 1205 Cedar Dale Lane, spoke regarding this application.

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She stated that she is active in the Mt. Vernon Council of Civic Associations, but she is speaking today as a private citizen. She stated that she is here to give all due consideration to any new development along Route 1, because there is great concern for the picture that the Route 1 corridor presents to the people who live there and use it every day. They are concerned about upgrading it and presenting a better overall picture to the public, by asking for proper development along Route 1. Be having proper development, it would encourage business and encourage people to shop in the Route 1 corridor. She stated that she appreciated the comments she has heard the Board make today regarding the honoring of the setback requirements of the ordinance and being concerned about the residents who live adjacent to these commercial establishments. In this area, a business will open one week and close the next week, and if they would build an attractive place, it would attract business and everyone would benefit.

Mr. Smith stated that he felt this business would be an excellent business for the area if it is developedproperly, but the Board now needs new plats showing the 25' setback requirement for the screening.

Mr. Baker inquired as to whether or not this applicant has any connection with the trailer sales that is across the street. Mr. Lainof stated that they did not. The one across the street is Pleasureland Trailer Sales and is entirely separate from this.

Mrs. Duckworth, 3712 Maryland Street, one of the adjacent property owners, spoke before the Board. She stated that she has no opposition to the use permit per se. She stated that Janna Lee Drive is the entrance into their subdivision. She has not seen the plans that have been proposed, but the service station and the businesses on the other side of Janna Lee Drive do have the setback and the service road and it also has the screening from the residential properties. This is what she is asking for today if this is granted, that the applicant put in the service drive and screen this commercial property from the residential property and that the development be an attractive one that will be an asset for the community.

Mr. Smith stated that the dedication requirement is under the Site Plan Ordinance and they must conform to the other uses that are now going in under site plan down there.

Mr. Smith asked Mr. Lainof how long it would take him to get the plats and they agreed that they would get the plats and submit them to the staff and be back for the April 10 meeting.

Mr. Smith stated again that the applicant would have to set back 25' or he could put up a brick wall.

Mr. Lainof stated that a brick wall is too expensive, but they would maintain 25' from the residential property and 50' from Janna Lee Avenue.

REQUESTED ORDINANCE CHANGE

Mr. Smith stated that perhaps the Staff would give consideration to setting up a 50' requirement for service stations also, especially in view of the past energy crisis when the gas lines were out in the street and caused congested traffic circulation and was actually a traffic hazard. The new ordinance at this point does not reflect this, but he felt it should.

Mr. Kelley moved that in application S-259-73, this case be deferred until April 10, 1974, for new plats to conform to the discussion that just transpired.

Mr. Barnes seconded the motion and the motion passed 4 to 0, with Mr. Baker abstaining.

Mr. Smith explained that this is a recess of the public hearing. He stated that he would like to have the applicant back on April 10, in case the Board has any questions on the new plats. The record will remain open until that time.

Mr. Smith stated that he felt the applicant should indicate the type of facade planned to be used in this renovation process from a service station to a sales office for recreational vehicles.

10:20 - TUCKAHOE RECREATION CLUB, INC., app. under Section 30-7.2.6.1.1 of Ord. to permit expansion of facilities to add a 12' x 16' cement block storage shed & semi-office building adjacent to the present tennis courts, 1814 Great Falls St., 40-1 & 2((1)) 1 & 2, (7.19102 acres), Dranesville District, (R-12.5), S-261-73, (Deferred from 1-22-74),

Mr. Dimpfel, 6845 Blue Star Drive, past president and present member of the Association, spoke before the Board.

Notices to property owners were in order. The contiguous property owners were Wilson Harris, adjacent to the site at 1826 Great Falls Street, and Mrs. Robert Satre, 1812 Great Falls Street.

Mr. Dimpfel stated that this proposed building is to be used as an office and storage building. The present tennis courts are 200' back from the bathhouse and in the summer time it is just too far away. They have had trouble getting a competent tennis instructor as they have no place for him to get inside out of the heat, and there is no place to keep his records, have a telephone for his appointments or to keep the assorted things that he needs to keep up the tennis courts.

The building will be 12' x 16'.

Mr. Kelley inquired about the 12' x 28' platform that is indicated on the plat. Mr. Dimpfel stated that this is a wooden platform that was actually set there for the wives and kids so they could watch the tennis matehes.

Mr. Smith stated that if they want it to remain, they will have to set it back from the property line, as this is a structure.

Mr. Dimpfel stated that they have a 6' to 8' berm behind this building, between it and the adjacent property that belongs to Mr. Harris.

Mr. Smith asked if they were going to have an architectural facade on this building.

Mr. Dimpfel stated that it could be screened with shrubs and they intend to do that. He stated that he doubted if Mr. Harris could see this building from his house.

Mr. Smith stated that the Board would require some architectural facade for this building, not just rough cinderblock.

The Board then discussed various typs of facades that could be used.

Mr. Kelley suggested that they just move the platform back from the property line 25'.

Mr. Smith stated that after checking the file, he finds that they just received their Non-Residential Use Permit today. He stated that they should have been aware that this is a requirement of the County.

The applicant agreed that they would construct this building of brick on the bottom and frame on the top in keeping with the residential neighborhood.

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March 27, 1974
TUCKAHOE RECREATION CLUB, INC.

Mr. Runyon moved to grant.

Mr. Baker second the motion.

The motion passed unanimously.

Mr. Smith asked Mr. Runyon to add that the building be of brick.

Mr. Smith stated that they would have to get a building permit for the platform and move it over.

Mr. Dimpfel stated that they would.

Mr. Baker accepted the two changes.

In application No. S-261-73, application by TUCKAHOE RECREATION CLUB, INC., under Section 30-7.2.6.1.1, of the Zoning Ordinance to permit expansion of facilities to add a 12' x 16' cement block storage shed and semi-office building, on property located at 1814 Great Falls Street, Dranesville District, also known as tax map 40-1 & 2((1))1 & 2, County of Fairfax, Mr. Runyon 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 27 th day of March 1974.

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

1. That the owner of the subject property is Tuckahoe Recreation Club, Inc.
2. That the present zoning is R-12.5.
3. That the area of the lot is 7.19102 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 for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

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. 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 granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation TO OBTAIN NON RESIDENTIAL USE PERMIT AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES AND THIS SPECIAL USE PERMIT SHALL <u>NOT</u> BE VALID UNTIL THIS HAS BEEN DONE.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. The building is to be constructed of brick.
7. The platform that is shown is to conform to county requirements for setbacks and the acquisition of a building permit.
8. The utility building is to be removed within 90 days.

Mr. Baker seconded the motion.

The motion passed unanimously.

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11:00 - W. HOWARD ROOKS, app. under Section 30-7.2.10.5.9 of Ord. to permit motel, 2908 Belvoir Dr., 93-3((2))1, 2, 3, 9, 10 & 14, Mt. Vernon District, Hybla Valley Farms, (168,804.66 sq. ft.), (CG), S-263-73, (Deferred from 1-22-74).

Mr. Rooks, 7024 Marlin Drive, represented himself before the Board.

Notice to property owners were in order. The contiguous owners were George Landrith, 7517 Richmond Highway, Alexandria and Wills and Van Metre, 2800 Arlington Drive, Alexandria.

Mr. Rooks stated that this proposed motel is situated behind two existing restaurants and an old abandoned service station has been converted into a discount drug store. The motel, in his opinion, would be an improvement.

Mr. Smith stated that the only problem he could see after looking at the plats is the cinderblock. He told Mr. Rooks that he would have to come up with some overlay of brick where they propose cinderblock. He stated that this is next door to a traveled highway and he did not know of any place where the Board has allowed a motel to be constructed of cinderblock. He stated that also this is abutting residential property and should be compatible with this residential property. He inquired as to whether or not the apartments that are next door are brick.

Mr. Rook stated that they are brick.

Mr. Kelley inquired if Mr. Rooks was familiar with the comments of the Staff of Preliminary Engineering about the 22' travel lane.

Mr. Rooks stated that he was not familiar with this.

Mr. Runyon explained that there should be a 22' travel aisle for good traffic circulation throughout this development. In addition, they need to show the landscaping and screening requirements which are about 12' and they have indicated only 10' on the plans.

There was a discussion as to the type of facade that would be used for this motel.

Mr. Runyon stated that the Board really needs to see the elevation views on the building plans.

Mr. Smith stated that he did not want them to use the brightly colored panels.

Mr. Runyon moved to defer this case until the meeting of April 10, 1974, in order for the applicant to submit revised plats showing the suggestions of Preliminary Engineering and reflect the proper setbacks with the screening requirements and all other ordinance requirements; renderings of the proposed building and building plans are to show the architectural design of the proposed motel, its color and material.

Mr. Runyon, in clarification of his motion, stated that he did not want a beautiful rendering, but some building plans showing elevations, and they could write on there the type of material that they propose to use, the color and style of the building.

Mr. Smith stated that he could not support the granting of this permit unless they provide brick and show a rendering of the color of any panels they might use and they must make this building compatible with the residential areas surrounding this proposed use.

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11:20 - AMERICAN TRADING REAL ESTATE CO., INC. app. under Section 30-2.2.2, Col. 2, RM-2, commercial uses specified for RM-2M, including Group VI uses and uses specified in Col. 2 RM-2, Woodlake Towers, Bldg. No. II, 6001 Arlington Blvd., 51-4((1))pt of 14, Mason District, (RM-2M), S-8-74.

Mr. Stephen L. Best, 4069 Chain Bridge Road, Fairfax, attorney for the applicant, represented them before the Board.

Notices to property owners were in order. The contiguous owners were Norma Wilson, 5971 Jan Mar Drive, Mr. Aronson, 5970 Jan Mar Drive, and Mr. Lawson, 6000 Lebanon Drive, Falls Church.

Mr. Best stated that they are seeking to do the same thing here that they have done in Building No. 1, and that is to put commercial uses on the ground floor and have it so that when they get a lease and if it meets the requirements of the Code, they would come and get the approval of this Board.

They are also constructing Building No. 3, but there will be no commercial facilities in that building. This is to serve the residents of the apartment complex.

Mr. Smith stated that he felt the Board must name both the American Trading Real Estate Company and the name of the leasee.

Mr. Best stated that he saw noting in the Code that says the Board must do that.

Mr. Smith stated that even though there is nothing in the Code, when you get to Court and try to defend an action of the Board, it is undefendable unless the leasee is named.

Mr. Best stated that every lease that they have prepared does have a provision that the owner is the one who has the permit and the leasee has to conform to the conditions of the Board and if they do not, the lease is terminated.

Mr. Smith stated that the Board would include both the person implementing the use and American Trading. He stated that the person requesting the use should be present at the hearing so that he will understand the restrictions as far as the particular use is concerned. He stated that the Board should consider these uses one at a time.

Mr. Best stated that any of these uses that are allowed under the ordinance, certainly this Board will allow.

The Board deferred the case until such time as there are specific users and a party to implement the use but for not more than 6 months.

Mr. Best inquired as to whether or not they could submit more than two at the same time under the same application.

Mr. Smith stated that the Board would hear more than just one leasee in this particular application, but in the future, each separate use would require a separate application.

Mr. Kelley asked if they were ready to comply with Preliminary Engineering's recommendation.

Mr. Best stated that they were.

Mr. Covington and Mr. SMith discussed the amount of fee that would be required for these additional uses.

Mr. Covington stated that the Board would have to process these applications on an individual basis.

Mr. Smith stated that a new application would require a full fee, but that this is up to the Zoning Administrator to make this decision.

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11:40 - JOHN & ELEANOR ROACH, app. under Section 30-7.2.6.1.3 of Ord. to permit summer day camp, 10 weeks per year, 6525 Ox Rd., 80 children, 87((1))12, (10.7487 acres), Springfield District, (RE-1), S-238-74.

Mr. Donald Stevens, 10409 Main Street, Fairfax, attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Mary Raves, 10909 Olm Drive, Fairfax Station, Virginia and E. J. Copeland, 10915 Olm Drive, Fairfax Station, Virginia.

Mr. Smith stated that he would limit the applicant to 15 minutes and the opposition to 15 minutes. The speakers for both sides should coordinate their statements so as not to repeat what has been previously said and so as not to extend over the 15 minute period.

Mr. Stevens stated that there is no organized pro-granting of the permit but there are some people in the room in favor of the application.

Mr. Stevens stated that even though Mrs. Roach does not plan to use the busses that she has for the transportation of children, she will paint her busses to conform with the requirements of the Board. The children that will be at this summer day camp will be from her existing schools. The children will have an opportunity to swim and ride the horses and to be outside. Mrs. Roach plans to comply with the Health Department's requirements and make modifications to the pool as they have suggested. He stated that there are letters in the file from numerous parents of children who go to Mrs. Roach's school and they feel this summer camp program is a good thing for their children and want to have it. There are also letters in the file from neighbors of the existing school on Woodland Drive, Mrs. Bott, 7316 Fox Place, Mrs. Sally Bjorje, 13000 Elks Drive, McLean, Virginia, Carol Illeniszky, Leewood Drive, Alexandria, and Mr. Callo, 4716 Backlick Road, spoke in support of the application.

A gentleman from 7209 Braddock Road, across the road from Mrs. Roach's other school, spoke in support of the application stating that they had lived across the road from this school for 5 years and Mrs. Roach is an excellent neighbor. No one in that area has any objection to her school to his knowledge.

Mr. Smith stated that the Board is in receipt of 116 letters in support of the application from adults. The Board is also in receipt of numerous letters from the Kindergarten, First Grade, Second Grade and other students in Mrs. Roach's school, telling the Board that they hope this use is granted.

Mr. Copeland, 10915 Olm Drive, Fairfax, Virginia, spoke in opposition to this application. He submitted photos and a petition against this Special Use Permit, to the Board members. He gave the Board the background on this case beginning last summer when Mrs. Roach brought some of the children from her other schools to this location. At that time, the

neighbors complained to the county and the county issued the Roachs a violation; later, on July 18, 1973, this came before the Board of Zoning Appeals. On August 3, 1973, Mr. Koneczny reported to the Board that the violation had been cleared. Mr. Copeland than read the petition against this application into the record.

He inquired of the Board how many horses Mrs. Roach would be allowed to have and Mr. Smith replied that she could have as many horses as she wanted to have as long as it is not under a Special Use Permit. There is no regulation in the Zoning Office that specifies the number of horses, as long as she has 80,000 square feet of land;, however, according to the Board of Zoning Appeals policy, if this use comes within its purview, it can limit the number of horses to 10 per acre. Mr. Copeland stated that the yellow pages of the telephone directory clearly advertise her schools as having a "summer camp". He submitted a copy of the yellow pages to the Board.

Mr. Copeland stated that the Roachs have installed loudspeakers on the eleven acres which can be heard by the adjoining neighbors. He stated that a summer camp is where the children are outdoors totally. They have reviewed the files of the Board of Zoning Appeals for other summer camp facilities and usually it is on acreage from 20, 50 to 100 acres or more. The only camp with small acreage is Ranger Hall's at Tyson's Corner.

Mr. Smith reminded Mr. Copeland that he was using all the time allotted. Mr. Copeland stated that he had some other points to make. He stated that the undergrowth has been cleared and the applicant has indicated no further shield on the plats, thus he assumes the applicant is expecting the trees to shield this facility from the adjacent neighbors, which it will not.

He then discussed the interim land use policies which he felt were pertinent to this application.

Mr. Smith stated that he had used up more than the 15 minute time allotment, however, he would give the other two people who had indicated that they wished to speak time to speak if they had something to add that had not been previously said by Mr. Copeland.

Mr. Smith stated that there is a letter in the file from Mrs. Rave who had objected to this use last year. She now wants it to go on record that she does not object and is sorry she had objected last year and was not aware at that time what Mrs. Roach was doing.

Dr. David Miller, 7108 Larlyn Drive, near the Woodland School, spoke with regard to this application. He stated that he was not speaking against the educational quality of the school itself, but his concern is for the creditability of these people who act as business people. He stated that he had lived near the Woodland Drive school for sometime. He wrote a letter on November 1, 1973, complaining about the school at Larrlyn Drive. Mrs. Roach has a Special Use Permit to operate the school until 4:00 P.M.; however, she operates it until 6:30 P.M. That school is infringing upon a residential neighborhood.

Mr. Smith asked Dr. Miller what we are going to do with these young people if we do not have a private day care center where the people can provide for them or where social services can provide for them.

Dr. Miller stated that he was speaking to the credibility of the operator. He stated that the Special Use Permit was designed for a nursery school and kindergarten, yet thay are accepting applicants through the 6th grade. He stated that he sympathizes with the parents of these children and the children; however, they should operate in accordance with the permit that was granted to them.

Mr. Smith read a letter from the Department of Social Services addressed to the Board stating that the department has paid for the care of 22 children to use this day care facility and they have found that it has a good child development program. One of the outstanding features is the summer day camp which includes swimming, riding, arts and crafts which are activities the ADC children do not usually have an opportunity to participate in.

Dr. Miller stated that the Board has to be responsive to the needs of the people who live adjacent to these schools weighing this against the needs of the community. Dr. Miller stated that most of the students who are going to the summer day camp are not residents of that area.

Mr. Smith stated that there has been no indication of that, but he would question the attorney regarding that. He stated that it was his belief that all of the students are Fairfax County residents.

Dr. Miller stated that he could not give the Board the actual license plate numbers, but a substantial number of license plates were Maryland; therefore, he assumed that they live in Maryland.

Mr. Smith stated that that was a good point and they would check on this. Mr. Smith stated that we should attempt to provide for the needs of Fairfax County residents.

Mr. Andrew Sononeer, 10820 Woodfair Rd., Fairfax Station, Virginia, resident of the area at Wolftran Drive, spoke in opposition to this application stating that according to the Code, any area where there are children in a school should be free from stagnant water and manure piles and with up to 21 horses on this property, how could the Board allow this use without violating this Code.

Mr. Smith stated that the premises have been inspected by the Health Department and if the Board did grant this use, it would have to comply with the requirements of the Health Department and all other State and County Code requirements. In addition, they would not be allowed to have 21 horses.

Mr. Smith read the Health Department report on this property.

Mr. Stevens spoke in rebuttal to the opposition. He stated that the only explanation for the fact that she operates until 6:00 is that 8:00 to 4:30 is long enough for a school, but is not long enough for a day care center. When her permit for a day care center was granted, she assumed that she could operate it as a day care center which requires the hours of 8:00 to 6:30.

Mr. Smith suggested that she amend her Special Use Permit to reflect this and Mr. Stevens stated that there is an application which has been filed for this purpose.

Mr. Stevens requested the Board not to condition the Special Use Permit for this summer day camp on the fencing of the pond. There is a fence around the entire property now.

The Board discussed the fencing requirement at length.

Mr. Kelley stated that he could not understand a person such as Mrs. Roach with her background and qualifications not reading her Special Use Permit under which she is now operating. The permit calls for 70 children with the hours of 8:00 A.M. to 4:30 P.M. He stated that he has a page out of the telephone directory of 1973 which reads "full day care, 7:00 to 6:00 P.M., 2 years through 6th grade, summer day camp, riding, and swimming pool..."

Mrs. Roach should have known that this was not permitted. This is a violation. He questioned the Health Department report approving this 4 bedroom house being able to serve this many children and said he certainly did not agree with them. He stated that the big problem here is the violations involved and further that he could not support the application that has as many violations as Mrs. Roach's has had.

Mrs. Roach, 6525 Ox Road, Fairfax Station, Virginia, testified before the Board to answer Mr. Kelley's questions. She stated that she does live at the location where this Special Use Permit is being requested. The advertisement in the telephone directory says "farm"; she has another farm in Gainsville, Virginia and in previous years, she has taken the children to that farm. She has used Franklin Charter busses to take the children there. As to the swimming, she stated that she has rented Brookville Swimming Pool for four years for her children to swim. It is a matter of record. She would take the children there every single day.

Mrs. Roach stated that there was a lot of controversy at the time of the hearing on the school she has on Woodlawn Drive. On that day, she her husband and their attorney were walking down the hall at the old Court House and she asked her attorney to please go back and have them change the hours. He told her not to rock the boat and he would not go back. The attorney was Lewis Hall Griffith. She stated that she was not dishonest. She was extremely upset.

Mr. Smith asked if Mrs. Roach stills provides services to ADC children.

Mr. Stevens stated that she does.

Mr. Stevens, in answer to Mr. Barnes' question stated that Mrs. Roach plans to limit the number of horses on her farm to 10 which will be one per acre. She does not have any more than 10 horses now.

Mrs. Roach stated that they actually are not all horses; she has 7 ponies and 4 horses.

Mr. Smith stated that she would have to have an amendment to the present /insurance policy for this particular use.

Mr. Stevens, in answer to Mr. Barnes question, stated that the children will be supervised at all times.

Mr. Smith thanked the children who had come to this hearing for sitting so patiently during the entire thing. He also complemented the children who had sent in letters on their artistic work on the papers.

Mr. Covington stated that the children that were in the audience were the same children who sing for the County employees at Christmas.

In application No. S-298-73, application by JOHN AND ELEANOR ROACH under Section 30-7.2.6.1.3, of the Zoning Ordinance, to permit summer day camp 10 weeks per year and once a month horse shows, on property located at 6525 Ox Road, Springfield District, also know as tax map 87((1))12, County of Fairfax, Mr. Runyon 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 March 1974.

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

1. That the owner of the subject property is John E., Jr. and Eleanor E. Roach.
2. That the present zoning is RE-1.
3. That the area of the lot is 10.7487 acres.
4. That compliance with all county and state codes applicable thereto is required.
5.

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

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 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 granting does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation TO OBTAIN NON RESIDENTIAL USE PERMITS AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES AND THIS SPECIAL USE PERMIT SHALL NOT BE VALID UNTIL THIS HAS BEEN COMPLIED WITH.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Non Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Number of students not to exceed 80.
7. Students will be from 2 to 12 years of age.
8. The hours of operation will be between 9 A.M. and 2 P.M. with a 4 hour limit on any one day.
9. Supplemental evergreem screening along the residential line shall be required to screen play areas.
10. Any loudspeaker noise shall be confined to the site.
11. All buses used for transporting children shall comply with county and state standards for color and light requirements.
12. The operation shall be subject to compliance with the inspection report, the requirements of the Fairfax County Health Department, and the State Department of Welfare and Institutions.
13. Operations shall run for a period of 3 years with the Zoning Administrator being empowered to extend the operations for two, one-year periods.

Mr. Barnes seconded the motion.

The Board members discussed the different aspects of the Resolution and the horse shows that Mrs. Roach wished to have.

Mr. Stevens stated that they usually have three horse shows during the summer, once a month during June, July and August.

Mr. Smith stated that a horse show in connection with a summer day camp was not unusual at all.

Mr. Smith told Mrs. Roach and Mr. Stevens that the responsibility for safeguarding these children, if this permit is granted, is the responsibility of the applicant. The Board has found that the applicant is well aware of the pond.

The motion passed 3 to 1 with Mr. Kelley voting no. Mr. Baker was absent.

Mrs. May came forward to speak to the Board.

The hearing ended at 2:05 P.M.

The Board then recessed for lunch.

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3:45 - NO. VA. CHRISTIAN ACADEMY, app. under Section 30-7.2.6.1.3.2 of Ord. to permit expansion of Christian Education Facility which was granted under S.U.P. S-63-73, (23.88 acres), 4601 W. Ox Rd., 56-1((1))10 & 11, Centreville District, (RE-1), S-250-73, (Deferred from 1-7-74 and again from 3-20-74).

Mr. Smith stated that the Board was taking the complete development into consideration in view of the fact that they cannot begin construction on every building within the one year period and because of the size of the development and the nature of the use involved.

Mr. Jim Downy, principal of the No. Va. Christian Academy appeared before the Board to answer any questions that the Board might have.

In application No. S-250-73, application by NORTHERN VIRGINIA CHRISTIAN ACADEMY, under Section 30-7.2.6.1.3.2, of the Zoning Ordinance, to permit expansion of Christian education facility, on property located at 4601 W. Ox Road, Centreville District, also know as tax map 56-1((1))10 & 11, 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 20th day of March 1974 and deferred to March 27, 1974.

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

1. That the owner of the subject property is Bethelem Baptist Church.
2. That the present zoning is RE-1.
3. That the area of the lot is 23.88 acres.
4. That compliance with all applicable county codes is required.
5. That Site Plan approval is required.
6. That there exists on the premises now S.U.P. S-63-73, granted for a private school, Kindergarten through High 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

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. These changes include, but are not limited to, chagnes of ownership, changes of the operator, changes in signs, and changes in screening or fencing.
4. This granting does not constitute exemption from the various requirements of this county. The applicant shall be himself for fulfilling his obligation TO OBTAIN NON RESIDENTIAL USE PERMITS AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES AND THIS SPECIAL USE PERMIT SHALL NOT BE VALID UNTIL THIS HAS BEEN COMPLIED WITH.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the NON RESIDENTIAL USE PERMIT on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The eventual maximum enrollment shall be 2000.
7. The hours of operation shall be from 8:00 A.M. to 10:00 P.M.
8. The minimum number of parking spaces is 399.
9. Landscaping and screening is to be provided to the satisfaction of the Director of County Development.
10. All lights connected with this use shall be directed and confined to siad site.
11. The owner is to dedicate to 80 feet from the existing centerline of the right of way for the full frontage of the property along West Ox Road for future road widening.
12. All terms and conditions set forth in S.U.P. S-63-70, granted on May 9, 1973 are to remain in effect.
13. There is to be a 50 ft. buffer strip from all property lines for screening purposes.
14. This permit shall expire unless renewed by action of this Board upon whichever of the following events shall last occur:
    A. 5 years from this date.
    B. Three months after Fairfax County permits connection with public sewerage facilities thereon.
    C. Six months after Fairfax County permits a Site Plan to be filed thereon.

Mr. Barnes seconded the motion and the motion passed unanimously with Mr. Baker absent.

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AFTER AGENDA ITEMS

MY STAFF, INC. S-21-73

Special Use Permit was granted March 28, 1973.

Mr. Ralph Louk, attorney for the applicant, wrote to the Board to request an extension to this Special Use Permit.

Mr. Kelley so moved that they be granted a 6 month extension.

Mr. Barnes seconded the motion.

The motion passed unanimously. Mr. Baker was absent.

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KISE, app. for variance granted by Board.

Mr. Smith had requested information regarding the Long Fence Company which was the contractor that put in the fence for Mr. and Mrs. Kise that was higher than the Code allows. Mr. Covington stated that they did have a license for the year 1973; however, they had not yet applied for a renewal as of this week. Mr. Frank Lintini, Chief of the Housing and Licensing Section, Inspection Services, Department of County Development, said that since the company is bonded, it would be between the Kises and the fence company, if the Kise's want to take action against the fence company.

Mr. Smith asked Mr. Covington is he would advise the Kises about this. He stated that this is an unfortunate incident where the applicant was not aware that the fence was not constructed in accordance with County Codes. They should be informed that they should contact the bonding company to recover any money that they might have spent.

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Mr. Jim Reid, Director of Comprehensive Planning for Fairfax County, talked with the Board regarding the PLUS program.

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Mr. Knowlton discussed palmistry with the Board and stated that the only zone where palmistry is allowed is the IG (Industrial General) district.

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The meeting adjourned at 4:36.

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BY: Jane C. Kelsey, Clerk

DANIEL SMITH, CHAIRMAN

APPROVED: June 5, 1974
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, April 10, 1974, in the Board Room of the Massey Building, Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman, George Barnes and Charles Runyon. Mr. Joseph Baker was absent.

The meeting was opened with a prayer by Mr. Barnes

10:00 - EVANS FARM INN, INC., application under Section 30-7.2.9.1.2 of Ordinance, to permit sale of products from the farm and addition to restaurant, 1696 Chain Bridge Road, 30-1((1))37, 38, 39 and 40, (Parcel 4), Dranesville District, RE-1, S-10-74.

Notices to property owners were in order. The contiguous owners were Will Gates, Mr. Sneider and Richard Ryan.

Mr. Smith stated that as he recalled, the last thing the Board approved on this piece of property was the old mill and the animal house.

Mr. Evans stated that he would like to add a cocktail lounge and add an agricultural greenhouse and produce stand. The cocktail lounge will be an addition to the existing restaurant.

Mr. Smith asked if they still use the Cook House and Mr. Evans answered they do.

Mr. Evans stated that the size of the cocktail lounge is 37 x 31 x 24 plus the 6 foot entranceway into the kitchen. It will be constructed of the same material as is in the existing restaurant. There are three buildings connected with the produce stand, a Lath House, a Garden Shop and a Farmer's Market and Greenhouse. They will sell farm produce there that has been produced on his farm and on other farms in Fairfax County. They presently sell this produce in Washington, D.C.

He submitted pictures of other markets that are similar to the one he wishes to have. Mr. Smith stated that some of these markets are in commercial areas in the cities that they are in.

Mr. Smith stated that it seemed to him that Mr. Evans should be doing this by rezoning rather than by Special Use Permit.

Mr. Evans asked him how he would do that with the sewer moratorium.

Mr. Smith stated that this Board does not have the right to grant Mr. Evans the right to do anything but the sale of the products that grow on his own farm, or in Fairfax County. He would not be allowed to sell things such as souvenirs.

Mr. Barnes stated that he felt this would be an asset to the area.

Mr. Smith stated that the reason Mr. Evans was allowed to sell souvenirs in the Old Mill was to offset the cost of moving it as it is a historic building and one the County wants to preserve.

Mr. Rudolph Sealy, 1440 Kirby Road, spoke in favor of the application saying that he felt this would be an improvement to the area.

Mrs. Martin Bowe, 2027 Kirby Road, spoke in favor of the application also saying that she felt this would be an asset to the McLean area.

Mr. Sampson spoke in favor of the application.

Mr. John Chatoses, President of the McLean Citizens Association, spoke regarding this application. He stated that in the past their relationship with Mr. Evans has been excellent. They have had an opportunity to review the plans and they have supported them. This application came as a surprise and they did not know about it until they read the ad in the newspaper, which was, of course, too late to call a meeting of their Civic Associations in the area.

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They, therefore, would like to ask the Board to defer this case until they have had an opportunity to meet and consider this application and make a recommendation on it.

Mr. Evans stated that time was very important here and if the Board was going to defer his application, could they please reschedule it as soon as possible.

Mr. Barnes moved that the Board defer the case until April 24, 1974.

Mr. Kelley seconded the motion and the motion passed 4 to 0. Mr. Baker was absent.

Mr. Smith told Mr. Evans he could submit any additional information that he might have in writing.

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10:20 - THE MADEIRA SCHOOL, INC., application under Section 30-7.2.6.1.3.2. of Ordinance, to permit addition of one-story Science building for labs and associated educational facilities, 8328 Georgetown Pike, Greenway, Virginia, 20-1((1))14 & 20-2((1))1, Dranesville District, 376 acres, RE-2, S-11-74.

The hearing began at 10:40 A.M.

Mr. William O. Snead, Business Manager and Trustee of the School, represented the School before the Board.

Notices to property owners were in order. The contiguous owners were George Pollard, 9369 Campbell Road, Vienna and William Warne, 8532 Georgetown Pike, McLean, Virginia.

Mr. Snead stated that the building will be a one-story frame structure with a partial basement on slab. Naturally finished wood plank siding will be used. The shed roof will employ black metal standing seam roofing and serve also as a major component of the collector of a solar energy system used in conjunction with a conventional system to heat the building. The dimensions and floor area of the building will be: length 201 feet, width 47 feet, main floor 6,000 square feet, partial basement 950 square feet.

The laboratories, classrooms and associated facilities of the building will be used in the instruction of Madeira School students in the natural sciences. Normal hours of operation will be Monday through Friday from 8:00 A.M. to 4:00 P.M. with a limited use thereafter until about 10:00 P.M. The anticipated number of students occupying the building during normal hours is 60 to 70. The number of teachers will be 4 to 5.

An engineer from the firm of Abraham and Giles gave a brief presentation on the way solar energy would be used for this building.

There being no one to speak in favor or in opposition, the public hearing was closed.

In application number S-12-74, application by The Madeira School, Inc., under Section 30-7.2.6.1.3.2 of the Zoning Ordinance, to permit one-story addition to Science building and labs and associated educational facilities, on property located at 8328 Georgetown Pike, also known as tax map 20-1((1))14 and 20-2 ((1))1, County of Fairfax, Mr. Runyon 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 10th day of April, 1974.

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 376 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 for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permitee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Pemit SHALL BE POSTED in a conspicious place along with the Certificate of Occupancy on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. All other conditions of the existing Special Use Permit shall be complied with.

Mr. Runyon moved to grant. Mr. Kelley seconded the motion and the motion passed 4 to 0. Mr. Baker was absent.

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10:40 - NORTHERN VIRGINIA COMMUNITY COLLEGE FACULTY WIVES CHILD CARE CENTER, application under Section 30-7.2.6.1.3 of Ordinance to permit renewal of existing SUP for child care center, 60 children, ages 2 - 12, 7:00 A.M. to 5:30 P.M., Monday through Friday, Mason District, R-12.5, S-12-74, 61-2((1))25A, Culmore Methodist Church.

Mrs. Billups represented the applicant before the Board.

She submitted signed receipts, but she could not tell the Board which of the receipts were for the contiguous property owners and from the signatures on the receipts, this could not be determined.

Mr. Smith stated that the case would have to be deferred until this could be accomplished.

Mr. Kelley brought up the report from Preliminary Engineering which stated, "The service drive construction along Route #7 was waived for two years only on May 22, 1968. The church was notified by this office that the service drive must be built. It is suggested that the service drive be constructed prior to the issuance of any additional permits. The church is presently in violation of the Site Plan Ordinance in that the conditions of the service drive deferral have not been met."

Mrs. Billups stated that they began this operation in 1971. The faculty wives operate two child care centers, one in the Ravensworth Baptist Church and this one. Originally the one at Ravensworth was meeting in the First Presbyterian Church, but it started in 1971, not 1968 and it was granted for an indefinite period of time. ACCA also runs a day care center at this location and its permit is for an indefinite period of time. If there is anything else that would hold this permit up, they would like to know it now. There was no reason given at the time this Special Use Permit was granted in 1971 as to why there was a time stipulation on it.

Mr. Smith stated that this Site Plan recommendation sounded like a condition to operating and constructing the church, not this day care facility. This Board has no power to get the church to construct this. This church went in before the Ordinance required a SUP.

Mrs. Billups stated that these day care centers operate on a shoe string. They reimburse the church for the heat, water and paper towels that they use.

Mr. Smith stated that if the church has not complied with site plan requirements, then the church should have to stop its operation.

Mr. Smith inquired as to whether or not the church has an Occupancy Permit. He asked Mr. Covington to find out.

Mr. Smith stated that these are questions that will have to be answered.

Mr. Kelley questioned the Health Department memo which stated that they could only have 41 children.

Mrs. Billups stated that their last SUP was granted for 75 children even though the Health Department says 60.

Mr. Smith stated that based on the Health Department memo, this Board could only grant a permit for the number approved by the Health Department.

Mr. Runyon moved that this application S-12-74 be deferred for one week in order to give the applicant an opportunity to clear up the questions that the Board just discussed. Mr. Barnes seconded the motion and the motion passed unanimously. Mr. Baker was absent.

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11:20 - VIRGINIA ELECTRIC AND POWER COMPANY, application under Section 30-7.2.2.1.2 of Ordinance to permit construction, operation and maintenance of one transmission tower line between Ox Substation and Occoquan Substation and two transmission tower lines from Occoquan Substation to Prince William County Line to Occoquan Substation to Ox Substation, 97((1))24A, 106((1))1, 10, 11, 12, 13, 14, 16, 6, 9A, 19 through 28, 4, 4E, 93, 94; 106((3))5, 13, 14; 106((4))5, Springfield District, RE-1, S-13-74.

Mr. Randolph W. Church, Jr., attorney for the applicant, 4069 Chain Bridge Road, Fairfax, Virginia, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Charles T. Splaine, 8822 Lake Hill Drive, and Robert H. Wood, 8826 Lake Hill Drive, Lorton, Virginia.

Mr. Church stated that this is a request for a 230 KV line which will run from VEPCO's Possum Point Generating Station in Prince William County to the Occoquan Substation in Fairfax County and extend to the Ox Substation. The proposed lines are a part of a system designed to provide an interconnection between VEPCO and Potomac Electric and Power Company at VEPCO's Possum Point Generating Station in Prince William County and to provide additional electicity to the Northern Virginia area from new generating facilities presently under construction at Possum Point. From Ox to Occoquan Substations, the facilities will be on existing easements adjacent to existing facilities. From Occoquan Substation to the Prince William line the new facilities will replace the existing facilities. No new right-of-way will be required. The 230 KV line is needed to deliver power from a new generator unit being installed at Possum Point. The 500 KV line is part of broad plan which has regional as well as local implementations and connects across the river to PEPCO.

The only connection across the river now is from Possum Point in Loudoun County to Doubs Station in Frederick County, Maryland.

This is planned to loop all the way around the Washington area. It will provide security in that there will be a back-up in the case of an emergency. This will benefit not only Fairfax County and the Northern Virginia area, but also the northeastern part of the United States.

This new construction will be entirely on existing right-of-way and no acquisition will be necessary.

Mr. R. W. Carroll, Resident Engineer for VEPCO, manager of the Northern Virginia branch of VEPCO, spoke before the Board. He stated that he is a civil engineer and graduated from the University of Maryland in the field of engineering. He stated that he became familiar with the engineering problems that are related to transmission facilities as assistant transmission engineer for VEPCO in Richmond, and more recently he became familiar with the electrical requirements of Fairfax County and Northern Virginia. He stated that he is familiar with the need for the transmission line. The distance between the County line and the Ox Substation is 1.4 miles and between Ox and Occoquan Substations is 1.4 miles. Each will proceed from the south end of Prince William County approximately 11 miles to VEPCO's Possum Point Generating Station in Prince William County. Exhibit Number 1 shows the lines in Fairfax County. The purpose of the 230 KV line is to supply power to Northern Virginia from an 845 megawatt generating station now under construction at Possum Point. The Board is aware from the previous applications that the demand in Northern Virginia for electric power is increasing and will continue regardless of the growth pattern in the area for many reasons. The 500 KV line has a wider purpose related to serving Fairfax County and the northeastern United States. Since the 1965 New York black out the national electric utilities have increased their coordination for bulk power supply and transfer dramatically. A National Electric Reliability Council has been formed and the County has been divided into regional Reliability Councils and the power companies have joined together to provide strong interconnections between the various companies in order to provide back-up in times of emergencies and to provide orderly exchange of power between systems on a day to day basis.

Exhibit Number 2 shows the VEPCO lines in the Northern Virginia areas which include Loudoun and Prince William areas. At the present time, VEPCO's only interconnection in this part of the system is in a single right-of-way which crosses the Potomac River between Loudoun County and Montgomery County, Maryland. This right-of-way contains a 500 KV line which runs to VEPCO's generating station at Mount Storm, West Virginia, and interconnects with the system at Doubs Substation in Frederick County, Maryland, as well as a 230 KV line which connects with the Potomac Electric Power Company at its Dickerson Generating Station in Montgomery County.

These lines have become more and more necessary for direct supply of electricity to Northern Virginia, their availability to serve the function of emergency transfer in case of contingency within the VEPCO system has diminished. If the 500 KV line were lost during periods of peak flows, the 230 KV line would become overloaded and some load would probably have to be dropped in the Northern Virginia area, that is some customers would be without service. If both lines were lost simultaneously, a major outage would occur. The guidelines established by the regional reliability councils postulate the loss of all facilities on a common right-of-way as being sufficiently probable to warrant guarding against.

Good utility planning today requires that a company be able to survive any single contingency to its bulk power supply system and still be able to serve its customers.

VEPCO and PJM, a power pool of a number of companies to the north, including PEPCO, have jointly planned, therefore, to provide a second interconnection between their systems across the Potomac River at Possum Point. The 500 KV line included in this application is a part of that plan. This interconnection will be a part of a 500 KV loop from Washington, running on the Virginia side from Possum Point to Ox and thence by existing facilities to Loudoun Substation and across the Potomac River to Doubs Substation in Maryland. In 1976, with

this interconnection the emergency transfer capability for power flows from PJM to VEPCO will rise from 1100 MW to about 2900 MW. We view this interconnection as absolutely essential to the reliability of the VEPCO system.

Not all of the benefits of this new line will accrue to VEPCO. It will eliminate an unstable generation situation in the PEPCO system south of Washington during line outage conditions and improve the 1976 VEPCO to PEPCO transfer capability from 2800 to 5000 MW during emergency conditions.

The right of way from Occoquan to the Prince William County line varies between 290 and 320 feet and is presently occupied by 2 H-frames and one tower line. These will be removed and replaced with a 230 KV tower and a 500 KV tower line as shown on Exhibit 3. The towers will average about 125 feet and span approximately 1,000 feet.

Between Ox and Occoquan Substations, VEPCO's existing 400-foot right-of-way is presently occupied by one H-frame, one pole and one tower line. VEPCO proposes to add the 500 KV structures on this right-of-way generally abreast of the existing structures as shown on Exhibit 4. The five structures outside of the two substations will average about 115 feet in height.

Lake Hills Subdivision has been developed around the existing 400-foot corridor. In order to attempt to improve the aesthetics of the area, VEPCO proposes to provide some plantings along Lake Hill Drive and in other areas.

Alternative routes have been examined. No route exists which can be utilized without the acquisition of additional right-of-way. Since 1972, VEPCO has been under a statutory duty to use existing right-of-way where possible. Widening of the existing corridor south from Ox Substation is impractical because of construction around the existing lines in Lake Ridge Subdivision in Prince William County. Moreover such a route impairs reliability by placing the new 500 KV line on the same right-of-way with the 500 KV line from Bristers to Ox, since these two very important lines should not be exposed to the risk of simultaneous outage.

The proposed lines will meet all of the performance standards contained in the Fairfax County zoning ordinance. They should produce no interference with normal radio or television reception. They will be constructed in accordance with the National Electrical Safety Code. They will not produce any new traffic which will be hazardous or inconvenient to the area.

Mr. Smith inquired what is the maximum height of these poles.

Mr. Carroll stated that the 230 KV line at the river crossing is on a tower approximately 150 feet high.

Mr. Smith asked the average height on the 500 KV tower.

Mr. Carroll stated that the heights are correct as shown on the Exhibits. He stated that there are other towers along the line that exceed 125 feet but the maximum height is at the river.

Mr. Smith asked if they use the steel towers in these cases rather than the single unit.

Mr. Carroll stated that they do. The 500 KV line that they have developed could be installed on a single pole type structure and since both lines will be on the same right-of-way, they thought it would be better to match the two.

Mr. Kelley asked if the two sheets that Mr. Carroll submitted to the Board indicating costs, represent the cost to put this line underground.

Mr. Carroll stated that the sheets that he submitted provide information on the two facilities.

Mr. Kelley stated that he felt the cost of the towers should be deducted from the cost of the underground lines. What we are talking about is the cost difference. We have an overhead cost of 500 KV line between Ox and Possum Point. The section in Fairfax County would cost $459,500 which compares to the $12,175,000 underground. The 230 KV portion of the line for the overhead cost is equated at $161,000 and the comparable figure for underground is $2,562,800.00.

Mr. Kelley stated that they give the cost of the underground, but what the Board needs is the total difference between the underground lines and the cost of installing the towers.

Mr. Carroll stated that on the 500 KV, the tower cost is $460,000 and the underground is $12,175,000.

Mr. Barnes commented that this is quite a difference.

Mr. Kelley stated that his point is that he noticed Arlington County turned down a request to put a 230 KV line there. It was going to cost each customer 89 cents per month. He asked if VEPCO has any plans to go underground with these things.

Mr. Carroll stated that they do. They have some underground transmission lines now in highly concentrated areas where there is no space available overhead, but as the Board can see, the cost difference on the 500 KV is very high and there is also a considerable difference in the cost in the 230 KV line.

Mr. Kelley stated that it is time Fairfax County takes a look at what is happening to us and try to make Fairfax County as aesthetic as possible. You have Prince William County and other areas who are going to benefit from this line, and all these people should contribute to the cost of it.

Mr. Smith stated that this is a 2 way system. We get the power to other jurisdictions as they in turn supply us with power in case of emergency.

Mr. N. McK. Downs, Real Estate Appraiser and Broker in Fairfax County, 10409 Main Street, City of Fairfax, spoke to the Board regarding this application. He stated that this is a line that he has covered with the Board on previous occasions. This is a new addition to that right-of-way. He located the site on the screen. He stated that the line crosses Hampton Road into the Lake Hill Subdivision. This subdivision came into being at a point in time after the VEPCO's right-of-way came into being. The Occoquan Substation is immediately adjacent to the little subdivision known as Virginia Estates. VEPCO does own a substantial number of lots in that subdivision. The line extends to the south over several large parcels of land. Parcel Number 4 is immediately adjacent to Virginia Estates and is being subdivided outside of Fairfax County's subdivision control on a 5-acre lot basis. It is a residential neighborhood throughout the entire area of the line. It has developed substantially with good quality residential houses, particularly in Lake Hill Subdivision. He stated that he recently did a study for the benefit of the State Corporation Commission at hearings that were held in Richmond and he did investigate seven counties in the Northern Virginia area, This study indicates that transmission lines similar to those proposed under this application are not only compatible with single-family residential areas, but also that subdivisions and developments can take place on properties traversed by such facilities without substantial adverse effect.

Loudoun and Prince William Counties have the same power problem and the same problems with respect to high lines. Investigation immediately adjacent to the lines indicate that the same value increase took place and the properties basically sold for the same values as the properties that were not adjacent to the lines. This is not to say that VEPCO should not and does not pay for the rights-of-way. They do, but the major portion of the compensation should be charged at the time initial construction takes place. After that time, the landowner can utilize the land in any way which is not inconsistent with the rights that are granted.

Mr. Downs went into the studies that he had done and he submitted these reports to the Board.

Mr. Church stated that he wanted to suggest one finding to the Board and that is that this could not be placed in a nearby commercially zoned area.

Mr. Smith stated that this is a requirement of the ordinance and this Board does find that to be true.

Mr. Smith stated that the Planning Commission has suggested that VEPCO screen in certain areas and that all the trees be preserved that it is possible to preserve. Mr. Smith stated that he hoped this would be done.

Mr. Church stated that, unfortunately, everything is just about cleared out. He stated that they have worked with landowners who have approached them and they have drawn a screening plan for them. They also plan to replant a tree to replace one they have to remove on Lot 13 along Lake Hill Drive. They do not have a final specific plan at this point. They are willing to do something reasonable in that area. They felt it is something that is better worked out in the field, but if the Board wants to put it in as a condition, they will accept it.

Mr. Mitchell stated that he wanted to clarify the comment in the Planning Commission memo regarding the screening. The staff felt that screening should be required at a point where these towers are exposed to public view. What they had in mind was road crossings, not screening of individual towers.

In application number S-13-74, application by Virginia Electric Power Company under Section 30-7.2.2.1.2 of the Zoning Ordinance, to permit construction, operation and maintenance of transmission tower lines, on property located in Springfield District, also known as tax map 97 and 106, County of Fairfax, Mr. Runyon 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 10th day of April, 1974.

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 on existing right-of-way.
4. That the Planning Commission recommended approval on March 12, 1974, under Section 15.1-456.

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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval shall constitute a violation of the conditions of this Special Use Permit.

4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Certificate of Occupancy on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping, screening, fencing and/or plantings to be in conformance with the requirements of the Director of County Development.

Mr. Barnes seconded the motion.
The motion passed unanimously. Mr. Baker was absent.

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12:00 - GEORGE F. SPRINGER, application under Section 30-6.6 of Ordinance to permit addition to existing house closer to side property line than allowed by Ordinance, needs variance of 3.3 feet, 4009 Braddock Road, Parklawn Subdivision, 61-3((7))(D)16, (10,500 square feet), Mason District, R-12.5, V-15-74.

Mr. Springer represented himself before the Board.

Notices to property owners were in order. The contiguous owners-Robert Allen 4007 Braddock Road and Leo Booth, 4001 Braddock Road.

Mr. Springer stated that he would like to build a room 16 feet wide which would bring them within 8.7 feet of the line, which means that they need a variance of 3.3 feet. They would not be able to do anything else with the property and they do not want to take the valuable land in the back for the addition. This would be a family recreation room and storage room for hobbies. He stated that he does photography work and likes to do his own photograph work at home. This would be for his hobby, however, not a commercial operation. There will be no water or sewer hookup to this addition. The way the house is situated on the lot causes them to need this variance. Had the house been constructed three feet to the right, they would have had plenty of room. They want to construct an addition compatible with the existing dwelling.

He stated that he has a signed letter stating that his neighbors have no objection to the variance for this addition. The Booth's would be the most affected. There are three houses across the street that will be looking at it. They have all signed that they have no objection. He stated that he had owned the property for 2 years.

In answer to Mr. Smith's question, he stated that he had arrived at the 16 foot width for the addition on the advise of his builder. They build in either 12 or 16 foot widths. The 12 foot width would be too small. The material will be brick to match the existing dwelling.

Mrs. Leona Booth, 4011 Braddock Road, spoke in favor of this application. She stated that she lives next door and she thinks the addition will be an improvement to the property and she has no objection to it.

There was no opposition to the application.

In application No. V-15-74, application by George F. Springer under Section 30-6.6 of the Zoning Ordinance, to permit addition to existing house closer to side property line than allowed by Ordinance, on property located at 4009 Braddock Road, Parklawn Subdivision, also known as tax map 61-3((7))(D)16, Mason 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 held on the 10th day of April, 1974;

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

1. That the owner of the subject property is George F. and Jeannine F. Springer.
2. That the present zoning is R-12.5.
3. That the area of the lot is 10,500 square feet.
4. That the request is for a 3.3 foot variance to the minimum requirement.

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:

SPRINGER (continued)

(a) unusual 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. Architecture and materials to be used in proposed addition 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 responsible for fulfilling his obligation to obtain building permits, residential use permits, and the like through the established procedures.

Mr. Barnes seconded the motion and the motion passed unanimously. Mr. Baker was absent.

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DEFERRED CASES:

CAPITOL CARS & CAMPERS, S-259-73 -- The plats that were presented were not in conformance with the Board's intent when they deferred the case on March 27, 1974. Therefore, the Board deferred the case again until April 24, 1974 to give the applicant another opportunity to have the plats redrawn in compliance with the Board's request.

W. HOWARD ROOKS, S-263-73, Deferred to 4-17-74

Mr. Berger, 2921 Telstar Court, engineer on this case, represented Mr. Rooks who was out of the country.

The plats had been submitted and were in the file. Mr. Berger submitted a rendering as the Board had requested. He explained the rendering to the Board. The area indicated in green would be a brick cast concrete paneling unit; the blue area is the railing along the walkways on the first and second floors of the units. The trim on the doors and windows is brown. On the office part, the glass and trim come within one foot of the ground and that would be the buff colored brick cast concrete on that one foot of space. The area on both sides of the glass and at the top of the office would be their plaid ceramic tile, which is the Economotel's trade mark.

Mr. Berger stated that this is to be an 88 unit motel.

Mr. Smith stated that the Board had requested that this building be of brick construction and this is not of brick construction. This precast concrete is an improvement; however, the plaid trade mark area is another thing.

Mr. Berger stated that they have reduced the area of the plaid facade to a minimum.

Mr. Runyon asked who owns the property where the two restaurants are and Mr. Berger answered that Mr. Rooks owns all this property. The entire tract is shown with the Special Use Permit line delineated. Mr. Rooks purchased this property from Mr. Wilcox. This property runs from Route 1 to Belvoir Drive including the two restaurants and the carpet business.

Mr. Barnes stated that he did not feel the precast concrete brick looks too bad.

Mr. Runyon stated that they should move their Use Permit Limitation line over to include the entire 22' travel lane.

Mr. Kelley asked what their object was to making this building brick instead of this plaid, and Mr. Berger answered that they would remove the plaid area on both sides of the windows of the office and just leave the two feet at the top of the windows.

ROOKS MOTEL (continued)

Mr. Smith questioned the 12' screening requirement and Mr. Runyon explained that there should be a curb bumper strip beyond the 12' screening strip, so the cars would not knock the screening down. He stated that that should be taken care of at Site Plan level; however, as they are much more conscious of these things now. The Board discussed the sign.

Mr. Knowlton stated that there could be no free-standing sign on the Belvoir Drive side.

Mr. Berger stated that he felt the sign on the building would suffice and the plaid trade-mark helps to identify the Econo-Motel.

Mr. Smith stated that the location of any sign that they might propose to have should be indicated on the plats.

Mr. Runyon reminded Mr. Berger to revise the Special Use Permit limitation line and Mr. Berger asked if they could put the entire tract of land under the Special Use Permit.

Mr. Runyon said that that would not be a good idea as the Board sets a lot of conditions on Special Use Permits that the applicant might not want to have on the rest of the uses.

Mr. Berger stated that Mr. Rooks wants to build a small office building on the adjacent property.

Mr. Kelley moved that this case be deferred to April 17, 1974, for new plats and a rendering showing the change in the area of the plaid design as only being the 2 feet above the glass portion of the office.

Mr. Barnes seconded the motion and the motion passed 4 to 0. Mr. Baker absent.

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AFTER AGENDA ITEMS:

WESTGATE CHILD CARE CENTER:

The Board received a letter from Mr. Paul Fitzpatrick, 1718 Margie Drive, regarding the Westgate Child Care Center which was granted by this Board on March 13, 1974, SUP No. S-244-73. Mr. Fitzpatrick also submitted a Petition from the neighbors requesting the Board hold a rehearing on the Permit to allow residents who were not notified prior to the public hearing an opportunity to express their view before the Board.

Mr. Fitzpatrick read his statement into the record. This statement can be found in the file. In summary, his reasons for requesting the rehearing were: (1) The record failed to indicate that the applicant had provided a plan for a play area which the Board could have reviewed at the time of the hearing. The Board indicated that the play area must be fenced, but as of April 1, 1974, there was no fenced play area. The applicant did not provide the Board with any information regarding the fencing and there is vagueness regarding the need, location, type and lack of compliance with the Health Department requirements; (2) With regard to public notice, most of the residents in the Garfield Memorial Church vicinity did not know of the March 13, 1974 public hearing. They are now aware of the hearing and have indicated by the Petition submitted that they desire a rehearing. The explanation of the reason for the lack of public knowledge of the hearing is; first, the term Westgate designates an area a mile or two away from the Garfield Memorial Church. The Church is located in an area commonly referred to as the Lewinsville area. A notice featuring the term "Westgate" would be of little interest to residents around the Church. Most of the residents live behind the church and do not go by the front of the church and, therefore, did not see the posting; (3) from a review of the records, there is a vagueness stemming from the moratorium disruption on the Board's Agendas. None of the residents living in the homes adjacent to the church knew of the public hearing except the two who are members of the church congregation.

Mr. Smith stated that it is the Health Department who designates where the play area should be and whether or not it should be fenced. They play area should have been indicated at the time on the plats, but he did not see this as a reason for a rehearing. With regard to public notice, the applicant did comply with the requirements for notification. It is not a requirement that the applicant notify everybody in the area.

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The Board continued to discuss these items with Mr. Fitzpatrick for a lengthy time.

Mr. Runyon moved that the Board deny the request for a rehearing on this case as no new evidence has been presented that could not have been presented at the original hearing.

Mr. Barnes seconded the motion and stated that he feels the same way.

The motion passed 4 to 0. Mr. Baker was absent.

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DR. DAVIS REEDER HALL, S-24-74, Vet. Hospital granted March 13, 1974.

In the hearing process on this case, the Board discussed with Dr. Hall the fact that he would be open on Sundays for emergency service only. However, this was not included in the Resolution granting this Permit.

Mr. Smith stated that the Board needs to change Condition No. 7 allowing for this emergency service.

Mr. Runyon moved that Condition No. 7 be changed to read:

"Hours of operation shall be from 8:00 A.M. to 6:00 P.M., 6 days per week, Monday through Saturdays, and for emergency service on Sunday and as required for emergencies."

Mr. Barnes seconded the motion and the motion passed unanimously. Mr. Baker absent.

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ARLINGTON MOOSE LODGE NO. 1315 - At the end of Scoville Street, Mason Dist., SUP No. 1374 granted January 10, 1961 for erection and operation of Moose Lodge and to permit building closer to property line than allowed by Ordinance. SUP No. 17271 granted June 25, 1963 to permit erection and operation of swimming pool (They did not build pool) and S-663-67 to permit ingress and egress from Scoville Street.

A letter was read by Mr. Smith which requested that the Lodge be allowed to add a small building addition.

A gentleman from the Lodge appeared before the Board and submitted photos of the addition as it now appears. It is partially constructed.

It was the Board's decision that they would have to come back with an amendment to their Special Use Permit by formal application and proper plats, etc. The Board granted an out of turn hearing for May 15, 1974, if they could get their application and plats in by April 11, 1974

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BAILEY'S CROSSROADS VOLUNTEER FIRE DEPT. & FAIRFAX COUNTY FIRE AND RESCUE SERVICES, S-214-73 granted October 31,1973.

Mr. John W. Roche, 3321 Magnolia Avenue Baileys Crossroads, Virginia appeared before the Board. He stated that he has Mr. Berry with him who will show the Board the site plan and the problems that they are having.

Mr. Berry, 4215 Evergreen Lane, Annandale, Virginia, testified before the Board. He stated that about 2 weeks ago they were retained by the Bailey's Crossroads Fire Department to plan a building and get as much under roof as possible by July 1. That gave them three months. Mr. Covington had told them to come back to this Board for clarification as to just what was permitted and how far they could vary from the plan that was granted. The are asking the Board to allow them to make some minor engineering changes. The building is substantially the same size, 11,000 square feet of space. The building is no closer to the property lines, nor is any of the parking any closer to the property lines. The number of parking spaces is the same. He showed the Board both plans in order that they could compare the two. He stated that at the time the original plan was filed with this Board, the Bailey's Crossroads Fire Department had retained no architect and had come up with no plans.

Mr. Smith stated that it is a realignment of the actual uses inside of the building and no changes in the building square footage, no changes in parking nor the screening.

Mr. Berry stated that another request that they have is that they would like to change the building facade from brick with a mansard roof to stucco and metal similar to the International Sheraton at Reston.

Mr. Smith stated that this is an area where there will have to be a public hearing in order to make that change. At the time of the hearing, there was opposition to this facility going in at this location.

This is what was indicated was going to be constructed at the time of the public hearing, therefore, this is what will have to be constructed, unless they wish to have a public hearing. The plan stated brick with mansard roof.

The Board approved the minor changes in the building locations which seemed to be only a change of the interior layout. There was no change in parking, building dimensions, or setbacks. Mr. Smith and Mr. Berry signed the substituted plat and marked out the words "or stucco" on the plats.

There was no objection from any of the Board members to this substitution of plats with this notation on them.

Hearing adjourned at 4:28 P.M.

Prior to adjourning, the Board decided to meet the 5th of June, the 12th and the 19th, which will be the first, second and third Wednesdays of that month. Usually the Board meets the second, third and fourth Wednesdays.

The Board also decided to meet on August 1, 1974, Thursday, as they must meet one time during the month of August according to their By-Laws. Mrs. Kelsey confirmed this date with General Services Department to be sure that the Board room was available. She also confirmed the June 5 date.

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By Jane C. Kelsey, Clerk
Jean McCleery, Typist

Daniel Smith

APPROVED: June 5, 1974
By Daniel Smith (Date)
Chairman

The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, April 17, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman, George Barnes and Charles Runyon. Mr. Joseph Baker was absent.

The meeting was opened with a prayer by Mr. Barnes

10:00 - COURT HOUSE COUNTRY CLUB OF FAIRFAX, INC. application under Section 30-7.2.6.1.1 of Ordinance to bring existing non-conforming country club use into conformance under Special Use Permit, Country Club of Fairfax, 5110 Ox Road, 68-1((1))20 & 18, (151.3462 acres), Springfield District, RE-1, S-255-73 (Deferred from 3-20-74 for full Board).

Mr. Quin Elson, 4150 Chain Bridge Road, attorney for the applicant, represented the applicant before the Board.

Mr. Smith explained to Mr. Elson that there is still not a full Board. Mr. Baker is absent and Mr. Kelley is abstaining.

Mr. Elson stated that he would like to go ahead with the hearing.

Mr. Elson indicated the Club's location on the map. He stated that it is used as a private, stock membership club. They have tennis courts, swimming pool, 18-hole golf course and a club house with restaurant facilities. He stated that their files do not show this club going to the Board of Zoning Appeals originally. Mr. John Rust was the attorney for the Club at the time of its origination and he has checked and cannot find anything that shows that this Club went to this Board. The County has also checked their files and cannot find that this Club went before this Board.

The Club does not present a view either from the houses or from the public right-of-way that would detract from the neighborhood. He stated that as far as he knows there have been no complaints made from either the citizens of Breckinridge, the subdivision in back of the club, or Country Club View, the subdivision across Route #123 from the club.

Mr. Smith stated that he was amazed to find that there was no folder on this club, because he specifically remembered some actions by Mr. Rust since he had been on this Board and he stated that he felt this is under an existing Special Use Permit. Apparently, the folder has been misplaced.

Mr. Stephen Best, 4069 Chain Bridge Road, stated that the membership is around 650, but they limit it to 500 full family members who may use the golf course. The club is used 7 days per week. They begin to play golf around 7 A.M. and they play until nightfall or until about 9:00 P.M. There are 230 parking spaces.

Mr. Smith stated that this residential area is now built up around this Club and it seems that the hours should be controlled. He asked when the tennis courts were put in.

Mr. Best stated that they have been there for 7 or 8 years.

Mr. Smith stated that the lights from the courts would affect the residents across the street.

Mr. Elson stated that the existing courts are almost 300 feet from the right-of-way and the only area that could possibly be affected would be Country Club View. He stated that because of the topography of the land, the lights do not shine on any of the houses.

Mr. Best stated that the lights are on an automatic switch which cut off at 11 P.M. and the lights shine directly onto the court. There have been no complaints about the lights that he knows of. The pool closes at 9:00 P.M. at night. Occasionally, they have a party at the pool once or twice a year.

Mr. Smith stated that they could get special permission from the Zoning Administrator for their after-hours parties.

Mr. Best stated in answer to Mr. Smith's question, that the golf course is not lighted. He stated that generally the Club stays open until 12:00 midnight during the week and 1:00 A.M. on weekends, Friday and Saturday nights, and until 1:30 A.M. Tuesdays.

Mr. Elson then went into the variance part of the application. He stated that they would like to put up a 6-foot fence on the property line that abuts Route #123. The statement of justification in the file sets forth the feeling of the Board of Directors of the need for a fence for security reasons. If the requirement of 50 feet was required, it would do harm as far as two of the golf holes are concerned in that area. The course is an 18-hole course which is standard, however, it had to be arranged in such a fashion so as to utilize all the existing property because there is not sufficient square footage to provide for a professional 18-hole course.

With regard to the Staff Report, the plan, as originally proposed by the Club, provided for a flare in the main entrance off Route #123 so there would be a provision for site distance for motor vehicles entering and exiting the Club. They have also considered the possibility of the Commonwealth of Virginia exercising their right of eminent domain by widening Route #123. They do not wish the public to go to any further expense insofar as their having to remove any structures, therefore, in view of that, he and the Board of Directors have proposed that an agreement be entered into with the appropriate County authorities, in that if this Board were to allow the Club to place a fence in a position other than that which is required under the 50 foot setback requirements on Route #123, that the Club would, in the event of eminent domain, remove, at their expense, that which they had been allowed to build and move it back from the then existing right-of-way in the event of condemnation. He stated that he could not tell the Board what the plans of the State Department of Highways are and he didn't feel Mr. Reynolds from Preliminary Engineering could either. They are aware of the staff's requirements regarding safeguarding the public. There will be no claims for damage as far as the removal of the fence.

Mr. Smith stated that at this point, they have offered no justification for this fence under the ordinance.

Mr. Elson stated that the justification is the issue of the security of the members using the club and to the club property. He went into details and incidences regarding this.

Mr. Kissel, in charge of maintenance of the greens, spoke to this point.

Another gentleman from the Club spoke with regard to the fence.

The Assistant Manager, Mr. Malcolm Buckannan, 6908 Constance Drive, Springfield, spoke regarding the fence.

Dr. Linne, one of the contiguous property owners, spoke in opposition. He also stated that the fence is partially erected. He explained to the Board the location of the part of the fence that is erected. He also indicated the areas where the posts have been erected.

Mr. Rush, 5021 Ox Road, facing the course, spoke in opposition to this variance He also stated that should the Club be allowed to put up this fence, there would be a problem of maintaining the embankment between the fence and the right-of-way. He stated that they do a very poor job of maintaining the bank now and he was sure the same thing will happen if they put up a fence. He further stated that the area they are talking about is only a practice course.

Mr. Smith read a letter from Mr. and Mrs. John Delansky, 10722 Ames Street, in opposition to this variance.

There were also other letters in the file in opposition - Mr. Charles Gott, 10721 Ames Street, F. W. McGrail, 5103 Ox Road, Mr. McGrew, 10742 Marlborough, and Roy C. Evans, President of the Country Club View Citizens Association.

In Mr. Evans' letter, he stated that their association feels this fence will create a correction institutional atmosphere and will have an adverse impact on their community which is the subdivision that is directly across from the requested fence and is the subdivision that will have to look at it.

In rebuttal, Mr. Elson stated that if the Highway Department's plan goes through, they will condemn the houses that are across the street. He stated that what the County Club is asking is, that they be allowed to protect their property.

Mr. Smith stated that they could by right erect a 4-foot fence along their front property line, or they could set back 50 feet and erect the 6-foot fence He said that he was surprised to learn that the fence was partially erected.

Mr. Runyon stated that the fence seems to have caused a considerable amount of controversy. He stated that he has looked at the club and it is attractive, but he would like to meet with the greens keeper and see how this affects the greens. He stated that it is difficult for him to see a lot of hardship involved. He stated that he would hate to see a fence along there himself, but that doesn't have anything to do with the law.

In application number S-255-73, application by Court House Country Club of Fairfax, Inc., under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit Country Club use on property located at 5110 Ox Road, Springfield District, also known as tax map 68-1((1))20 & 18, County of Fairfax, Mr. Runyon 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 March 1974.

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

1. That the owner of the subject property is Court House Country Club of Fairfax, Inc.
2. That the present zoning is RE-1.
3. That the area of the lot is 151.3463 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 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 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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Membership limited to 500 full membership.
7. Operation to run Monday through Sunday, golf from sunrise to sunset. Tennis from 7 A.M. to 11 P.M. Pool from 9 A.M. to 9 P.M. with 6 after hours parties permitted per year upon approval of the Zoning Administrator. Building operation hours are not limited, but as in the entire operation, this is subject to reevaluation if community objections arise.

Mr. Barnes seconded the motion and the motion passed 3 to 0. Mr. Kelley abstained. Mr. Baker was absent.

Mr. Runyon moved to defer the variance application in order to allow the Board members to meet with the greens keeper and to view the property until May 8, 1974.

Mr. Smith stated that the plats should have shown the greens. It would have been helpful, he stated.

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10:20 - KATHRYN ANNE BRUCH, application under Section 30-7.2.6.1.5 of Ordinance to permit continuance of hair dressers shop in residence, 4 1/2 days per week, 3120 Chepstow Lane, Bel-Air Subdivision, 50-4((20))409, (7,322 square feet). Mason District, R-10, S-16-74.

Mr. Giangreco, attorney for the applicant, represented her before the Board.

Notices to property owners were in order. The contiguous owners were Michael E. McKensie, owner of the property at 3121 Chepstow Lane, the house immediately next door to the subject property, and Patricia Morrison, 6819 Donahue.

Mr. Giangreco submitted 34 letters in favor of the application. He stated that the applicant has been operating since 1971. She has no help. She operations 4 days a week. She does not operate on Saturday, Sunday or Monday. The hours of operation are from 8:00 A.M. to 8:00 P.M.

There were 15 neighbors in the audience in support of the application.

There was no opposition to the application.

In application number S-16-74, application by Kathryn Anne Bruch under Section 30-7.2.6.1.5 of the Zoning Ordinance, to permit hair dressers shop in residence on property located at 3120 Chepstow Lane, also known as tax map 50-4((20))409 County of Fairfax, Mr. Runyon 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 17th day of April 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Howard H. & Kathryn A. Bruch.
2. That the present zoning is R-10.
3. That the area of the lot is 7,322 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.

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 the date of expiration.

3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.

4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Certificate of Occupancy on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. The operation is run Tuesday through Friday, 8 A.M. to 8:00 P.M.

Mr. Barnes seconded the motion. The motion passed 4 to 0. Mr. Baker was absent.

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10:40 - CHRYSLER REALTY CORP., application under Section 30-7.2.10.3.8 of Ordinance to permit new and used autos - sales room, full service facilities appurtenant thereto and other normal ancillary activities, 7507 Leesburg Pike, 40-3((1))1, Providence District, 5.328 acres, C-D, S-9-74.

Mr. Richard Hobson, 4101 University Drive, Fairfax, attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order. Mr. A, Holt was the only contiguous property owner, that was notified. Mr.Prochise, the adjacent property owner was not notified. He attended the meeting with the citizens and the Planning Commission. He stated that he had been advised that Mr. Prochise would sign a waiver, but they do not have it.

There were several people in the room in opposition to this application. One of the gentleman spoke before the Board regarding this notification. He stated that he felt the Board should move ahead.

Mr. Smith stated that if the Board was in agreement, they would move ahead with the case. He asked Mr. Hobson to get the additional waiver of notice to the Board as soon as possible.

Mr. Hobson stated that the proposed use is a new and used car sales operation. The operation will be fully enclosed and will operate from 7:00 A.M. to 10:00 P.M. They will have up to 75 employees if sales go well. There will be no outside loud speakers and the lights will be confined to the site. This will serve the general public and the County at large. One of the things that could go in by right on C-D property is an automobile supply store, an automobile sales facility with no outside display of vehicles, grocery stores, restaurants, bowling alleys, skating rinks. There are a variety of types of uses in the zone which do not cater to a neighborhood facility. The staff report addresses this point. The property is located on Route #7, bordered on the west by C-N zoning and on one side is an Esso Station operating with a Special Use Permit. Across the road is the Pimmit Hills Shopping Center which is zoned C-D and contains a number of uses, one of which is a 7-11 Store. The south of the property is zoned C-N and is proposed for a convenience retail center. The site plan has been approved for that convenience shopping center. That is important, he stated, and he wanted the Board to realize that. That C-N property is directly behind this subject property. It has 25,000 feet of retail space. There is also a strip of land along Pimmit Hills Drive that has now been zoned C-N and C-D. C-N adjacent to the other C-N and C-D adjacent to the subject property.

In the PDH-20 parcel of land, there is a development plan which allows for a shopping center. This is an approved plan. So, there is planned a retail shopping center of 70,000 square feet and 25,000 square feet. These uses and these zonings have been adopted since the Jefferson Master Plan was adopted in 1965.

He submitted to the Board a copy of the Jefferson Master Plan.

Dr. Charles B. Hall, 8601 Burdett Road, Bethesda, Maryland, spoke before the Board in favor of this application. He stated that he was pushed out of Fairfax County by virtue of the request he made for commercial zoning in 1969. He stated that he moved to Fairfax County in 1940 when there was only about five residences around him. His next door neighbor where the Esso station is now was Flora Crater. He had a commercial egg business. He stated that he enjoyed 33 years of living at that location, but the increase in taxes which went from $1,250 to $2,000 and then after commercial zoning $6,000. It was reassessed 3 years ago to $9,300 a year. He stated that he is just a dentist and is more than 68 years old. He stated that he hoped that the property would be allowed to be used for this purpose.

He spoke for some length about the history of this parcel of land and the surrounding area.

The Board recessed for lunch and returned to continue the hearing on this case.

Mr. Amos, 9525 Georgia Avenue, Silver Spring, Maryland, engineer on this project, spoke to the Board. He went into the details of different items on the site plan. He stated that water could be retained on the site and that planting could be provided as required by the Parking Lot Ordinance.

Mr. Hobson stated the fence surrounding this would be 6 feet high and this use could be baffled if the Board so desired. There are 173 parking spaces shown on the site plan for used car display, customer service and service parking. He stated that in addition there is also a new car storage area of approximately 200.

Mr. Dolf R. Traver, Real Estate Regional Manager for Chrysler Realty, spoke before the Board. His address is P. O. Box 809, Warrenton, Virginia, He explained to the Board why their firm selected this site for a potential dealership. He stated that it fronts a good arterial road. This is an area where they can continue to serve the market that they have been serving in Falls Church and known as the Falls Church Chrysler dealership. They wish to move from that location as their lease will expire soon. He stated that this facility would be compatible with the service station that is next door and would be an advantage.It would eliminate any need for gasoline service on their property. They could utilize the service station for gas. In answer to Mr. Hobson's question, if there is any requirement or necessity for a new car dealership to be located in close proximity to another car dealership, Mr. Traver stated that there was none at all. It is presently located in Falls Church in an area disassociated with any other dealership. There was a Dodge dealer within 12 blocks on the same highway. It has now moved to another area in Fairfax City. He stated that it is not an advantage to have both of their dealers too closely located in the same sales area because then they become competitive within their own company.

In answer to Mr. Hobson's question, Mr. Traver stated that the noise from the operation, if any, and the lights could be restricted to the site.

In answer to Mr. Smith's question, Mr. Traver stated that the waste oil tank is usually just inside the wall of the rear service area of the building or just outside with a capacity of 2 or 3 months of waste oil which is drawn out through a pipe by a trucking firm for that purpose, periodically.

Mr. Smith stated that this is not indicated on the plats.

Mr. Smith asked if this use would be screened from the residential property as shown on the site plan. Mr. Traver answered that it would.

In answer to Mr. Kelley's question, Mr. Hobson stated that the building would be metal construction and would be one-story.

In answer to Mr. Smith's question as to whether or not there would be a free standing sign, Mr. Hobson stated that the ordinance would not permit a free standing sign.

Mr. Smith stated that only a building sign would be permitted.

Mr. Hobson stated that he would like for Mr. Steve Peterson, traffic planning engineer, 16628 South West Street, Gaithersburg, Maryland, to testify as an expert witness before the Board on traffic related to this use. Mr. Peterson has appeared before this Board on previous occasions and also before the Circuit Court as an expert witness on traffic.

Mr. Peterson stated that he did a site inspection where he observed the property and the surrounding road system. He had a traffic count conducted at Route #7 and Pimmit Drive. He also took a series of evaluations of the proposed use and other potential uses of this C-D area.

Mr. Smith asked if these potential uses were uses by right or by Special Use Permit.

Mr. Peterson stated that the uses he was refering to were uses by right as he understood the ordinance, possible office use limited to three stories in height, shopping center uses which are permitted by right in a C-D zone. He stated that in comparison it appeared to him that this is one of few opportunities for a Board like this to help the traffic problem rather than create one. This comes about because an automobile dealership requires a large parcel of land to operate on, but is one of the lower generators of traffic at peak traffic periods. He gave several examples such as Yorktown Shopping Center and a three story office building.

Mr. Robert W. Territt, 2706 Cathedral Avenue, Washington, D.C. of Chrysler, spoke before the Board. He stated that they propose to move their location at 357 South Washington Street, Falls Church to this area because they feel this location will be to their advantage because they can serve the area that they are serving now and serve Pimmit Hills area and also McLean area. They have to move away from the Falls Church area because their lease is expiring.

In answer to Mr. Hobson's question, Mr. Territt stated that the noise and lights could be confined to the site and there would be no problem operating this use adjacent to a gasoline service station.

Mr. Carl Zimmer, Pimmit Hills, spoke before the Board in opposition to this application.

In answer to Mr. Smith's question, Mr. Zimmer stated that he was not connected with any development in the area.

Mr. Carl Zimmer, 2023 Maynard Drive, Falls Church, President of the Pimmit Hills Citizens' Association, Inc., spoke in opposition to this application. He presented a six-page statement to the Board which can be found in the file.

After Mr. Zimmer's statement, Mr. Smith stated that this Board has to base its decision on standards set forth in the Ordinance as far as Special Use Permits are concerned.

Mr. Zimmer also presented a petition to the Board from residents of the Arrowhead, Idylwood and Forest Hills developments in opposition to this application as it would create an impact on their residential environment with uncontrolled noise, display lights, sales banners, external loud speakers, open yard auto display, including wrecks or inoperable autos, and traffic. They are of the opinion that S-9-74 would be an inappropriate use of this C-D parcel of land according to the adopted Master Plan. There were 338 signatures presented.

Mr. Smith read a letter from the Dranesville District Council of Civic Associations, 1521 Forest Villa Lane, McLean, Virginia, stating that the requested use appears to be an inappropriate use for the subject parcel.

Mr. Smith then read a letter from J. M. Markovchick, President of the Idylwood Civic Association, setting forth their opposition to this use as they felt it would destroy the character of the neighborhood. They requested that this application be denied.

Mr. Runyon inquired of Mr. Zimmer as to how this application does not meet the requirements of Section 30-7.10.3.8.

Mr. Zimmer stated that the applicants have made no provision for housing automobile wrecks so they are out of public view.

Mr. Smith stated that they are prohibited by the Ordinance from storing them outside.

Mr. Runyon stated that he was reading over the Ordinance as Mr. Zimmer was talking and he would like a clarification as to how the applicants do not meet the two sections Mr. Zimmer referred to, Section 30-7.2.10.7 and 30-7.2.10.8(a).

Mr. Zimmer stated that this is not an appropriate use for this parcel. He asked why the citizens have to be inconvenienced with this type of situation when they basically have a residential area.

Mr. Runyon stated that the Board has to determine whether or not the applicant meets the legal requirements of the Ordinance.

Mr. Ben Aiken, President of the Lemon Road Citizens Association, 7142 Penquin Place, Falls Church, spoke in opposition to the application.

In answer to Mr. Smith's question, he stated that he was not connected with any other development in the area. He stated that he is involved in real estate in Washington, D.C. but nothing in Virginia.

Mr. Aiken spoke to the flooding problem in this area. He asked that the Board be cognizant of this problem.

Mr. Smith stated that if this is in connection with something Public Works is involved with, the applicant has indicated that they could provide retention of runoff on the premises, so in view of that, he stated that he did not feel this particular application would have any effect on the flood condition.

He showed the Board pictures he had taken on March 3, 1974.

Mr. Smith stated that the opposition has now had more time than the applicant. He, therefore, asked the future speakers to confine their remarks to something that has not been said.

Mr. James C. Allen, 7400 Leesburg Pike, spoke in opposition to this application. He stated that he concurred with the statements made by Mr. Zimmer and Mr. Aiken.

Mr. Jim Scott, 713 Kings' Crown Court, Supervisor from the Providence District, appeared before the Board. He stated that this is the first time he has appeared before this Board and he did not really have a great deal to say. He stated that he wanted to be sure the Board was in receipt of the letter from the Idylwood Citizens Association opposing this application.

Mr. Smith stated that that letter was in the file and would be made part of the record.

Mr. Scott stated that he has read the staff and Planning Commission recommendations, both of which are in opposition to this application. He asked that Mr. Pammel, Director of the Division of Zoning Administration, be allowed to speak to the Board. He stated that he would like to point out that the citizens who have been here today are not citizens who come before the Board of Supervisors and Board of Zoning Appeals consistently opposing this type of operation. He stated that he was sure some citizens associations seem to do just that, but not Pimmit Hills and Lemon Road Civic Associations. He stated that the Board should note the lack of opposition to the zoning case which resulted in C-D. He stated that he thought the original owner is now before this Board. There has not been a change of ownership. At the time, the original owner went before the Board of Supervisors for rezoning to C-D, it was indicated that it would be a neighborhood shopping center. There is a matter of faith with the Master Plan and the citizens. If it were a different owner involved, I think maybe you would not find that the case. He stated that he understood the dilemma this Board faces but he hoped that this

Board would give a good deal of weight to the fact that the County staff is strongly opposed to this application and the Planning Commission has recommended denial and the citizens who did not oppose the rezoning are overwhelmingly opposed to this application. All the technical problems that could have been raised have been raised and he stated that he would not dwell on that.

Mr. Runyon stated that he wanted to go back to the specific standards. This Board's dilemma is nothing like the Board of Supervisors dilemma. This Board's dilemma is not really a dilemma as much as it is an interpretation of the legal aspects of the Ordinance. All we really have to find is whether it meets the standards or not. He told Mr. Scott that his Board has a lot more involved than this Board does. He stated that he is still wrestling with a lot of these particular standards that the opposition has stated the applicant does not meet, and, yet, he stated that as he reads them, they do meet them. He asked Mr. Scott if, maybe, he could shed some light on these particular things or perhaps Mr. Pammel could do that, as to how they do not meet the specific standards for this particular use in this particular zone.

Mr. Scott stated that he was in somewhat of a disadvantage to try and interpret the Zoning Code. He stated that this is not an area of expertise as he was not a lawyer, or a person who is actively engaged in the real estate business, or anything related to it. He stated that he would rely to a great extent on the staff recommendation and the Planning Commission recommendation. He stated that they have reviewed the technical aspects of this application. He stated that his reason for being here was to point out to the Board, #1. that there is an overwhelming technical recommendation by the staff in opposition and, #2. there is overwhelming citizen opposition. Where there is some discretion at all, it seems that it would be a good idea to follow to the extent possible, their advice. On the question on the order of development, he stated, that he felt this use is not consistent with the plans. The applicant or at least the owner is the same owner of the land that was involved in the original zoning application for C-D and who made a commitment at the time with what was in conformance with the plan and consistent with orderly development. He stated that he wanted to talk also about the sewer question, which is a matter a little bit aside, but someone made a point about 1977 when the lease runs out, he stated that even if this use was granted and the site plan was submitted for review, to think the sewer would be available by 1977 when the lease runs out would be really dreaming. The capacity certainly is not there in the Blue Plains Plant and any of the efforts to upgrade the plant will not be completed in time for a move from the Falls Church location to this location. Therefore, it seems there will have to be an extension of the lease or another location in the interim.

Mr. Smith told Mr. Scott that the Board just received the Planning Commission recommendation this morning so the Board has not had an opportunity to study it, but the Board has read it. As Mr. Runyon pointed out, this Board has to base its decision on the merits of the case as far as the standards and criteria set forth in the Ordinance passed by the legislative body.

Mr. James D. Pammel, Director of Zoning Administration, gave a few brief comments to the Board. He stated that he felt very compelled to come before the Board to draw the Board's attention to one major aspect of the case and that was the fact that when this case was brought before the Board of Supervisors, and, he stated that he realized that this is not one of this Board's specific criteria, but when it came before the Board of Supervisors in 1969, it was rezoned by the Board on the very basis that was represented to the Board and that was for a neighborhood retail center. It stated very clearly in the applicant's justification that this would be a neighborhood retail center. There was no opposition expressed by the community, none by the staff, none by the Commission, and none by the Board because this was on the Jefferson Plan as a neighborhood retail center for this area of the County. It was to be tied in with another neighborhood retail center which was on the other side of the street, the Pimmit Hill Shopping Center, so these two centers in concert would provide the necessary neighborhood retail shops for both sides of Route #7 without the necessity of people having to cross the street from, say the south side to the north side. It is an important thing and he asked the Board's earnest consideration of this matter that he brought before them. It is a representation made by an applicant. He stated that he realized that the applicants here today were not a party to that commitment, but it is a commitment. It was a representation made before the Board, set forth in writing as

part of that case. He stated that he thought this was important. He felt it is necessary to bring this out and let the citizens know that we are concerned with the representation that was made. He stated that they cannot condition zoning either, but he stated that he thought it is important and it is certainly a moral issue involved when somebody says, "I'm going to do something, this is my proposal", And a few years later somebody else comes along and does something 180 degrees different, or maybe a different concept. The people do raise questions and they are concerned of what is going on, when somebody makes a representation and that representation does not come true and this is why he felt compelled to appear to this Board to let this Board know that these representations were made. He stated that he was a member of the staff that reviewed that zoning request and addressed it when it did come in, and made the presentation before the Board when the property was rezoned.

Mr. Smith asked Mr. Pammel if the owner of the property has made an attempt to develop it in the retail shopping center category.

Mr. Pammel said not to his knowledge. The most recent activity was the parcel immediately to the rear which is indicated on the map as C-N.

Mr. Smith asked if that parcel is controlled by Mr. Hall.

Mr. Pammel answered No, that that is a free standing facility. The staff was hopeful that that parcel could be combined with the piece in front and developed as one center, but it was represented as a free standing, small scale shopping center.

Mr. Smith stated that in other words, the owner of the property has, to the best of Mr. Pammel's knowledge, made no attempt to develop this parcel in question.

Mr. Pammel stated that none as far as he was aware.

Mr. Barnes asked if the owner of the property at the time of the rezoning for the C-D, stated definitely it was going to be a shopping center?

Mr. Pammel, stated that he has the justification.

Mr. Hobson asked to see it.

Mr. Smith asked Mr. Pammel if he had the minutes of the meeting of that case. Mr. Pammel stated that he would read it. He stated that it is a justification that is included in every rezoning application that is submitted to the County It is not under signature, none of these are.

Mr. Smith asked if Mr. Hall made the statement or his agent.

Mr. Pammel stated that he would have to assume that it was made by his agent.

Mr. Smith asked who that agent was.

Mr. Pammel stated that the attorney of record was Mr. Hazel. He stated that it states simply, "The subject property is ideally situated by a neighborhood retail shopping use, and is planned for such use on the Jefferson Comprehensive Plan adopted October 27, 1965, by the Board of Supervisors..." (Statement in file) Mr. Pammel stated that it goes on to say that the property is bounded by several streets.

Mr. Smith stated that it also states that all utilities are available.

Mr. Pammel stated that that was correct and they were available at that point in time. They are not available now.

Mr. Smith asked Mr. Mitchell to see that Mr. Hobson received a copy of the justification they were discussing.

Mr. Runyon stated that getting back to his original question he asked Mr. Pammel if he felt that 30-7.1 is the one the applicant really doesn't meet. And that the applicant does not meet the general requirements of the character and development in harmony with the purposes of the Comprehensive Plan, etc.

Mr. Pammel stated that that is correct and that there is no question in his mind that this was definitely established on the plan and has been as long as he has been with the County as a neighborhood commercial center and an automobile dealership does not depend on the neighborhood for its support. It depends on a much larger geographic area.

Mr. Runyon asked Mr. Pammel if that is the criteria that he wanted the Board to hang their hats on?

Mr. Pammel answered "Yes".

Mr. Kelley thanked Mr. Scott and Mr. Pammel for coming forward and talk about exactly what he was going to ask about. March 18, 1969, this was zoned from RE-1 to C-D with the express purpose that was just read by Mr. Pammel. The Board of Supervisors did this in good faith and Dr. and Mrs. Hall have owned this for 35 or 40 years. He stated that it was clear to him that this is not the type of commercial center contemplated in that area. He stated that he felt that we owe these people--the Board of Zoning Appeals, the Board of Supervisors and the Planning Commission, as it was specifically zoned for a neighborhood commercial center.

Mr. Hobson stated that he knew he couldn't persuade him otherwise and he wouldn't even try, but he wanted to talk about it. He stated that he appreciated what Mr. Kelley says, but what he is saying to the Board is that that is not what this Board is designed to do. He read the same sentence in Mr. Hazel's justification that was turned in with the rezoning application,, "... the subject property is ideally situated for a neighborhood retail shopping center use and is planned for such use on the plan..." That is not a commitment. He stated that it is saying that "my plan is within the scope of the plan", it is not Dr. Hall saying, "I'm going to build a shopping center on my property", that is just saying "I come within the scope of the plan" and that is a justification for zoning it for a new zone. The Board did not zone it PDC zone, which is conditional zoning with a development plan for a shopping center. They zoned it for C-D and any use permitted by right can go in that C-D zone. There is a multitude of uses that can go into a shopping center and one of them is an automobile sales facility.

Mr. Smith stated that that did not need a Use Permit.

Mr. Hobson stated that if this Board uses the standard of the representation made by Dr. Hall's attorney at the time. The Board granted C-D, this is not proper. He asked if Dr. Hall could come down and tell the Board that he didn't do that.

Mr. Smith said Mr. Hobson had stated the case well for Dr. Hall. He said the Board has spent enough time on that and he agreed with Mr. Hobson that the Board should move on to the merits of the case.

Mr. Hobson stated in answer to some of the other points that were raised by the opposition, that they were not going to have wrecks outside the building, but with an automobile facility that might go in by right in a shopping center zoned C-D, one could have wrecked automobiles in there and the only control one would have is the nuisance laws. If there is a complaint about any violations of the Ordinance, it can be brought to the attention of the Zoning Administrator. There is a facility for wrecked cars inside the building and that is indicated on the plat in the folder. The drainage is irrelevant. We have said that onsite drainage can be accommodated the same as for a shopping center or any other use permitted by right. There have been some figures on traffic and he could have Mr. Peterson come back up to make some statements on that.

Mr. Smith stated that Mr. Peterson had answered all the questions on traffic and since he is a traffic expert and in view of nothing more than an opinion from Mr. Zimmer, the Board will accept Mr. Peterson's statement.

Mr. Hobson stated that the statements that have been made of the inappropriateness of this in this neighborhood, that this is a residential neighborhood and this use is intruding into a residential neighborhood. This is zoned C-D in 1969.

He again went into the zoning of the surrounding areas and they are not intruding into a residential situation. He stated that he respects Mr. Kelley's views, but he does not feel that the zoning case is a proper basis for this Board to deny this Special Use Permit which meets the standards specified in the Ordinance.

Since 1969, PDH-20 has been located across the property which is in accordance with the residential density. PDH-20 includes 70,000 square feet of retail space with direct access right out on Pimmit Drive right opposite this property. He put that site plan in the record. Since that time the Boggs property just off up to the left of the site plan has been zoned C-OL under Court order. That is not in accordance with the residential neighborhood in this plan. He stated that there are many things that have happened and have been done by the Board of Supervisors since 1969 that are against the comprehensive plan of Fairfax County and that the plan as a general guide does not allow. The land immediately to the west is zoned C-N and has a service station under a Special Use Permit thereon. The evidence before the Board shows that there is no necessary relationship between one dealership and another and there is no problem with putting a dealership next to a service station. Now, that's what the standards in the ordinance seem to speak about, the proximity of Group 10 uses to one another. Is there any problem? Are they consistent with one another, or compatible? There is no evidence here that there is any incompatibility with the service station and this use. They respectfully submit that Falls Church Chrysler Plymouth is in a location in Falls Church and they need a new location in the County. They come to this Board in a C-D zone surrounded by commercial except for 240 feet in the back of the property which is zoned RM-2G, C-N on the back, C-D on the east, C-N to the left, and C-N across the road, so it is entirely surrounded by commercial zoning except that portion in the back. The Board cannot say that the application is intruding into a residential situation. The property can be screened along the boundaries of the residential land. He pointed out that Dr. Hall made no such commitment, but even if he did, he stated that he didn't think that that is a basis for this Board's denying a use which meets the standards of the Ordinance. I will admit that if he made a commitment, there is a moral problem but he didn't make that commitment and we will have him, for the purposes of the record, come forward and tell you that he didn't.

Dr. Hall said that Mr. Hazel got the property zoned commercial. He said that the only opportunity that he had had was Dr. Katzen who is the father and mother and grandfather of all of Idlewood Village and the shopping center to be built right behind me, proceeded with Mr. Mozel into his living room maybe 6 month intervals to try to get him to go into cahoots with him with a 99 year lease or 49 year lease and said that the value of his property wasn't guite as valuable as his (Dr. Katzen). He said that with his frontage on Route #7 he couldn't help but feel that his property was just as valuable as, with its greater height and terrain, the property in back. He had not placed it in the hands of any real estate man. He stated that he is only a dentist and not a real estate operator.

Mr. Hobson asked him if he made any commitment at the time of zoning?

Dr. Hall stated, "No, I didn't open my mouth at that particular appearance."

Mr. Hobson stated that a drive-in restaurant or an office building would be more intense use than this use would be. He restated his position that (1) no commitment was made by Dr. Hall, (2) if he did make a commitment that is not a legal basis for some reason connected with the Master Plan, that the Plan is a general guide, not a specific guide, a more specific guide is the zoning, which is C-D.

Mr. Runyon moved to defer this case until May 8.

Mr. Barnes seconded the motion and stated that since 1969, the County has changed a lot and as Mr. Hobson pointed out, they have not stayed with the Jefferson Plan at all. This County is growing so there are bound to be changes in it.

The motion passed 4 to 0. Mr. Baker was absent.

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11:00 - GOOD SHEPHERD CATHOLIC CHURCH, app. under Section 30-7.2.6.1.11 of Ordinance to permit addition to church facility, 8710 Mt. Vernon Highway, 110-2((1))22A, (11.026 acres), Mt. Vernon District, RE-0.5, Owner: Catholic Diocese of Richmond, S-17-74.

Notices to property owners were in order. The contiguous property owners were Lt. Col. Michael J. Myers, 8714 Curtis Avenue, Alexandria and Dana S. Kierstead 8720 Braddock Avenue, Alexandria.

Rev. Thomas Quilan represented the applicant before the Board. He stated that they wish to add an addition to each side of the existing church. The area of the tract is 11.026 acres. The original site plan for the church was 9.1726 acres. This addition will be used for normal church activities. The proposed number of seats for the church is 1,000. They are providing 411 parking spaces.

Mr. David Gallagher, 116 North St. Asaph Street, Alexandria, spoke to the Board regarding the architecture of the additions. He stated that the proposal as it stands now is to use brick painted white, or use stucco.

In application number S-17-74, application by Good Shepherd Catholic Church under Section 30-7.2.6.1.11 of the Zoning Ordinance, to permit addition to church facility on property located at 8710 Mt. Vernon Highway, Mt. Vernon District, also known as tax map 110-2((1))22A, 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 17th day of April 1974.

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

1. That the owner of the subject property is Catholic Diocese of Richmond.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 11.026 acres.
4. 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 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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

Mr. Barnes seconded the motion. The motion passed 4 to 0. Mr. Baker was absent.

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11:40 - CENTRAL FAIRFAX SERVICES FOR RETARDED PERSONS, INC., application under Section 30-7.2.6.1.3 of Ordinance, to permit school of general education 9019 Little River Turnpike, 58-4((1))1, Annandale District, RE-1, Providence United Presbyterian Church, S-18-74.

Notices to property owners were in order. The contiguous property owners were Vilimantas Vaitas, 3615 Old Post Road, Fairfax, Virginia, Annandale Methodist Church, c/o Vernon Lynch, 6935 Columbia Pike, Annandale, and E. Preston and Rena K. Hunt, 9111 Little River Turnpike, Fairfax, Virginia.

Mr. Art Zieregg, attorney with Hazel, Beckhorn and Hanes, 4084 University Drive, represented the applicants before the Board.

Mr. Zieregg stated that the applicants are expanding their program. They now have an operation at the Lutheran Church. The Special Use Permit for this location was granted in September of 1969, to have 20 children. They would like to have 25 children. This is a private, non-profit school that provides training, education and supervision for retarded adults who reside in Fairfax County. The adults will be transported to and from the building by Fairfax County school buses. The program will be in session 5 days per week, 12 months per year from 10:00 A.M. to 4:00 P.M. During the school year, all Fairfax County public school closings will be observed.

Mr. Smith asked if there is an agreement with the church.

Mr. Zieregg stated that there is a letter in the file regarding this.

Mr. Smith stated that the Board would need a more formal lease agreement than the letter is. It should set forth the details of how many rooms and the definite or indefinite period of time that is involved.

Mr. Paul Dougherty, Director of Mental Retardation with the Fairfax-Falls Church Community Mental Health and Mental Retardation Services Board, which is an arm of the Fairfax County Government spoke in support of this application.

Rev. Kenneth Holmstrup, Pastor of the Providence United Presbyterian Church, spoke in support of the application.

It was the Board's decision to defer this case until April 24, for information on the agreement with the church.

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12:20 - TYSON REGIONAL SHOPPING CENTER INC AND ROTH ENTERPRISES, INC., app. under Section 30-7.2.10.3.4 of Ordinance to permit motion picture theatres, Tysons Corner Regional Shopping Center, 29-4((1))36, Dranesville District, C-D, 2229 Chain Bridge Road, S-19-74.

Notices to property owners were in order. The contiguous owners were Herbert Spruill, 1924 Dogwood Lane, Vienna, Virginia and Mrs. Isola K. Bloxton, 1928 Dogwood Lane, Vienna, Virginia.

Mr. Jeffrey B. Dierman, attorney for the applicant, represented them before the Board.

He stated that this is an application to permit operation of a motion picture theatre with five (5) separate auditoriums having a combined seating capacity of 1,107, to be located in a portion of the commercial floor area of Tysons Corner Regional Shopping Center. He stated that the center furnishes Roth with a building and Roth does the rest. There will be no outside structural changes. This is located in the existing lower mall of Tysons, across the street from Giant Food Store. They have submitted a revised parking plan to Preliminary Engineering as per their request.

The Board then discussed the hours of operation.

Mr. Paul Roth, 6309 Havaland Drive, Bethesda, Maryland, spoke regarding the hours. He asked that they be allowed to open at 9 A.M. and they do a great deal of work with the schools and churches and PTA's where students are brought to see a film in the morning and they would not want to be prohibited from doing that.

DEFERRED CASES;

W. HOWARD ROOKS, application under Section 30-7.2.10.5.9 of Ordinance to permit motel, 2908 Belvoir Drive, 93-3((2))1, 2, 3, 9, 10 & 14, Mount Vernon District, Hybla Valley Farms, (168,804.66 square feet) C-G, S-263-73, (Deferred from 1-22-73 because of the Emergency Ordinance; March 27, 1974, for plats and elevations of building and rendering showing color panels; April 10, 1974, for change in rendering and change in plats.) Plats have been received.

The applicant presented elevations of the building and a rendering as the Board had requested. The plats had also been revised to show the Special Use Permit limitation line outside the 22 foot travel lane.

In application number S-263-73, application by W. Howard Rooks, under Section 30-7.2.10.5.9 of the Zoning Ordinance, to permit motel on property located at 2908 Belvoir Drive, Hybla Valley Farms, also known as tax map 93-3((2))1, 2, 3, 9, 10, & 14, Mount Vernon District, 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 27th day of March 1974 and deferred for further information to 4-10-74 and again to 4-17-74.

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

1. That the owner of the subject property is Lester and Leah Wilcox and Dorson W. and Beatrice H. Wilcox.
2. That the present zoning is C-G.
3. That the area of the lot is 77,666 square feet.
4. That compliance with all County and State Codes applicable thereto is required.
5. That compliance with Site Plan Ordinance is required.
6. That property is subject to Pro Rata Share for offsite drainage.

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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

Mr. Smith stated that he felt it should be no later than 2 A.M.

Hearing no one to speak in favor or in opposition, the public hearing was closed.

In application number S-19-74, application by Tysons Corner Regional Shopping Center and Roth Enterprises, Inc. under Section 30-7.2.10.3.4 of the Zoning Ordinance, to permit operation of a motion picture theatre with five separate auditoriums on property located at 2229 Chain Bridge Road, also known as tax map 29-4((1))36, County of Fairfax, Mr. Runyon 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 17 th day of April 1974.

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

1. That the owner of the subject property is Tysons Triangle Ltd, Partnership.
2. That the present zoning is C-D.
3. That the area of the lot is 78.1103 acres.
4. Compliance with Site Plan Ordinance 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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit,
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Certificate of Occupancy on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The seating capacity shall be 1107 seats.
7. Hours of operation shall be 9:00 A.M. to 2:00 A.M.
8. A retabulation of parking will be submitted to County Development.
9. This permit will run for 15 years with the Zoning Administrator empowered to extend with new lease.

Mr. Barnes seconded the motion. The motion passed 4 to 0. Mr. Baker was absent.

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5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Certificate of Occupancy on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The maximum number of motel units shall be 88.
7. The minimum number of parking space shall be 96.
8. Landscaping, screening and/or fencing shall be as approved by the Director of County Development. Standard Fairfax County screening is required along the east property line to screen proposed commercial use from abutting residential property.

Mr. Barnes seconded the motion and the motion passed 4 to 0. Mr. Baker was absent.

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NO. VA. COMMUNITY COLLEGE FACULTY WIVES CHILD CARE CENTER, application under Section 30-7.2.6.1.3 of Ordinance to permit renewal of existing SUP for child care center, 60 children, ages 2-12; 7:00 to 5:30 P.M., Monday through Friday Mason District, R-12.5, S-12-74, 61-2((1))25A, Culmore Methodist Church. (Deferred for formal agreement between day care center and church and for a revised letter from the Health Department regarding the number of children.)

The Board was in receipt of both items.

In application number S-12-74, application by Northern Virginia Community College Faculty Wives Child Care Center, under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit renewal of existing SUP for child care center, 60 children, ages 2-12, on property located at Culmore Methodist Church, also known as tax map 61-2((1))25A, Mason District, 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 10th day of April 1974, and deferred to the 17th of April, 1974, for letters from church and Health Department.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Culmore Methodist Church.
2. That the present zoning is R-12.5.
3. That the area of the lot is 2.2626 acres.
4. That compliance with all applicable 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 R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Pemrit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.

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4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Certificate of Occupancy on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. The maximum number of children shall be 65, ages 2-12.

7. The hours of operation shall be 7:00 A.M. to 5:30 P.M., Monday through Friday.

8. The operation shall be subject to compliance with the inspection report, the requirements of the Fairfax County Health Department, the State Department of Welfare and Institutions and obtaining of a Certificate of Occupancy.

9. This permit shall be limited to the termination of the agreement with subject church.

Mr. Barnes seconded the motion. The motion passed 4 to 0. Mr. Baker was absent.

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AFTER AGENDA ITEMS:

Request for out-of-turn hearing. Greenbriar Civic Association, S-39-74.
Mr. Smith read the request.
Mr. Kelley moved that the request be granted.
Mr. Barnes seconded the motion.
The motion passed 4 to 0. Mr. Baker was absent.

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Request for Extension to Special Use Permit for B. P. Oil Corp., S-50-73. Granted April 18, 1973, located at Lee Jackson Highway and Galesbury Lane, Chantilly. Mr. Smith read the request.
Mr. Barnes moved that they be granted a 6-month extension and that they be reminded that this is the only extension that they can be granted.
Mr. Runyon seconded the motion and the motion passed 4 to 0. Mr. Baker was absent.

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The hearing adjourned at 6:10 P.M.

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By Jane C. Kelsey
Clerk
Dana Brandt, Typist

Daniel Smith
DANIEL SMITH, CHAIRMAN

DATE APPROVED June 5, 1974

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The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, April 24, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; George Barnes, and Charles Runyon. Mr. Joseph Baker and Mr. Loy Kelley were absent.

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

10:00 - FAITH BAPTIST CHURCH, application under Section 30-7.2.6.1.11 of Ordinance to permit use of office type trailer, 12' x 50' as an office and Sunday School space on Sundays, 5723-5725 Telegraph Road, 83-1((1))12, 23,756 square feet, Lee District, R-10, S-20-74.

Rev. Rakes, 5723 Telegraph Road, represented the applicant before the Board.

The notices to property owners were in order. The contiguous property owners were Mabel Ridgeway, 5721 Telegraph Road, Clarence Ellsworth, 5717 Telegraph Road and Rozier C. Bayly, Box 136, Waterford, Virginia. Rev. Rakes stated that they have submitted a photograph of the type of trailer they wish to put on their church property. They wish to use this trailer as an office and for Sunday School classrooms. They were not sure as to the length of time they would need to use this trailer.

Mr. Smith stated that this Board only has authority to grant a 2-year temporary use. He asked Mr. Covington to confirm this.

Mr. Covington stated that this is not in the Ordinance, it is just a policy under Site Plan.

The Board discussed the letter from the bank giving the church permission to park on their lot.

The Board then discussed the letter from Mr. Bayly stating that they did not have permission to park on the parking lot of his shopping center, which the bank is a part. Mr. Bayly stated that the Church has revivals there during the week and causes a congested parking area where the merchants' customers do not have room to park.

Rev. Rakes stated that they do have a parking area in the front of the Church, but they were not able to put that on the plats because of the special requirements in the Ordinance that says they cannot park in the front setback.

Mr. Smith read the letters in support of the application into the record. One was from the Pullmans who live directly across the street and the Ridgeways who live in the area.

There was no one present in favor of this use. There was no one present in opposition to this use.

Mr. Runyon moved that this application, S-20-74, be deferred until May 8, 1974, for clarification on parking location, and having those parking spaced indicated on the plats, and information regarding the owner tenant relationship for the parking.

Mr. Barnes seconded the motion and the motion passed 3 to 0. Mr. Baker and Mr. Kelley were absent.

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10:20 - MERRIFIELD MONTESSORI PRESCHOOL, INC., application under Section 30-7.2.6.1.3 of Ordinance to permit community center to be used for Montessori preschool, 30 children, ages 2 1/2 to 7, five days per week, 2722 Pleasantdale Road, Merrifield, 49-2((1))53, Merrifield Village Apartments, Providence District, RM-2, S-21-74.

Mr. Smith read a letter from the applicant requesting that the case be withdrawn as Merrifield Village Apartments have suddenly refused to rent to them for their school.

Mr. Barnes moved that the case be withdrawn.

Mr. Runyon seconded the motion. The motion passed 3 to 0. Mr. Baker and Mr. Kelley were absent.

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10:40 - GREATER ANNANDALE RECREATION CENTER, INC., application under Section 30-7.2.6.1.1 of Ordinance to permit addition to tennis courts to existing facility, 7530 Little River Turnpike, 71-1 & 60-3((1))75, approximately 8.146 acres, Annandale District, R-17, S-22-74.

Mr. Ted Stark represented the applicants before the Board.

Notices to property owners were in order. The contiguous owners were McLeak, 4115 Woodland Road and Claude Breeden, Jr., 3908 Malcomb Court, Annandale, Virginia.

Mr. Stark stated that the applicant has been operating a recreation center on property located on the north side of Little River Turnpike approximately 200 feet east of its intersection with Woodland Road in the Russell C. Wood Subdivision. The Special Use Permit was granted August 17, 1954, and was Number 4922. The purpose of this application is to add two tennis courts to the existing facilities. The courts will setback from Route #236 100 yards and will occupy a space of 120' x 156'. They will be enclosed with a chain link fence, the sides of which will be 10' high and the ends will be 12' high. There are no plans to light the courts.

Mr. Breeden, 7538 Livier Street, Annandale, Virginia, testified before the Board in support of this application. He stated that he is one of the contiguous property owners. He stated that he and Mr. Breeden own this property together and he wished to speak in favor of this application. He stated that he feels this is a compatible use with the recreation center.

Mr. Smith noted that there is a letter in the file from Carol Farley in support of this application.

There was no opposition to this application. Mr. Smith inquired as to whether or not this property was still being used for a Little League field.
Mr. Smith stated that it is not. It could still be used for that, however, even after the courts are built as there is plenty of room.

Mr. Smith asked whether or not they are increasing their membership.

Mr. Stark stated that they are not. They now have 700 stockholders and they average between 400 and 450 maintenance fee members, or people who use the pool each year. It is possible that they may increase the number of people who pay the maintenance fee.

In application number S-22-74, application by Greater Annandale Recreation Center, Inc., under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit addition of tennis courts to existing facility on property located at 7530 Little River Turnpike, Annandale District, also known as tax map 71-1 & 60-3((1))75, County of Fairfax, Mr. Runyon 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 24th day of April, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Greater Annandale Recreation Center, Inc.
2. That the present zoning is R-17.
3. That the area of the lot is 8.146 acres.
4. That compliance with Site Plan Ordinance is required.
5. That the property is presently operating under SUP #4922, granted August 17, 1954.

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

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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. This approval is for two (2) tennis courts.
7. All other provisions of the existing SUP shall remain in effect.

Mr. Barnes seconded the motion.

The motion passed 3 to 0. Mr. Kelley and Mr. Baker were absent.

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11:00 - WILLS & VAN METRE, INC., application under Section 30-7.2.6.1.1 of Ordinance to permit addition of tennis courts (2) to existing swimming pool facility, corner of Edinburgh Drive and Edinburgh Court, 98-2((1))part 13, 3.49596 acres, Springfield District, RTC-10, S-23-74.

Mr. Gene Wills, 5929 Woodley Road, McLean, represented the applicants. He stated that the notices were given to Carla Turner on the 7th floor and they did not get to the 5th floor Zoning Office.

The hearing was recessed until he could get copies of the notices.

The Board took up 4 other cases and then recalled this case.

The contiguous property owners were D. J. Cullen, 8107 St. David Court, Saratoga Community Association and Wills & Van Metre.

The notices were ruled in order.

Mr. Wills stated that this is an addition to an existing Special Use Permit. They plan to use stucco with Spanish detail for the bath house they are constructing under the original SUP. They plan to have a 24' x 10' kiddy pool, the regular pool, and these tennis courts.

The Board discussed the location of these as there was a slight difference from the original plat.

Hearing no one to speak in favor, nor in opposition, the public hearing was closed.

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In application number S-23-74, application by Wills & Van Metre, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit addition of tennis courts (2) to existing swimming pool facility, on property located at corner of Edinburgh Drive and Edinburgh Court, also known as tax map 98-2((1)) part 13, County of Fairfax, Mr. Runyon 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 24th day of April, 1974.

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

1. That the owner of the subject property is Wills & Van Metre, Inc.
2. That the present zoning is RTC-10.
3. That the area of the lot is 3.49596 acres.
4. That compliance with Site Plan Ordinance is required.
5. That the property is presently operating under SUP S-141-72, granted September 27, 1972.

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

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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The reolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. This approval is for the addition of two (2) tennis courts.
7. All other provisions of the existing SUP shall remain in effect.

Mr. Barnes seconded the motion. The motion passed unanimously.
Mr. Baker and Mr. Kelley were absent.

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11:40 - D. B. JOHNSON, application under Section 30-6.6 of Ordinance to permit building to be erected closer to front property line than allowed by Ordinance, 2800 Juniper Street, 49-1((1))29, .476 acres, Providence District, I-L, V-24-74.

Notices to property owners were in order. The contiguous property owners were P. L. Walker, 2799 Merilee Drive, and Free and Blasser, 2810 Juniper Street.

Mr. Johnson stated that Section 30-2.2.2 of the Fairfax County Zoning Ordinance requires that buildings on land zoned I-L be setback 50 feet from the street. In this instance, the County Staff has interpreted said requirement to apply to the end of an undeveloped street right-of-way which has served no purpose since its inception over 20 years ago and which will not be extended in the future because new construction has been approved that will block its extension (Site Plan Number 378-2). He stated that he was appealing this interpretation which has the effect of confiscating land that he purchased to build upon while serving no public purpose. This area was a housing development laid out in 1950 and this street went the other way. Someone vacated the other part. He stated that the original building and the addition now at issue are both in harmony with current development in the area and have the approval of the adjacent land owners. It is very unlikely that this right of way will ever be an actual street.providing access.
He stated that the variance is necessary in order to afford him the reasonable use of his land.

The proposed addition is 39' x 25'.

Mr. Runyon stated that he knows the site and this road and there is nothing beyond there. The Board has a Preliminary Engineering Branch comment of "No comment". It would have been helpful for the Board to have had a comment from them of whether or not there is going to be a building at the end of this road.

Mr. Covington stated that there is a site plan with the building going right in it. The number of the site plan is 378-2. It is now in bond which is the last step.

Mr. Smith read a letter from Mr. Montgomery whose land is adjacent saying that he has no objection to this application and that there is no need for any screening or setback requirements.

There was no one present to speak in favor or in opposition to this application.

Mr. Steve Reynolds from Preliminary Engineering Branch spoke before the Board.

He stated that their office had no comment in that there is no present action to vacate that road that is not built there. It was their determination that the setback requirement would have to be met because this is a dedicated public right-of-way.

Mr. Smith stated that he would like to get some additional information on this. The applicant isn't being deprived the reasonable use of the land now.

Mr. Covington stated that this so-called street does not provide principle access to abutting property owners.

He stated that the Board could be assured that if there is a building across the road, there isn't going to be a road put in later.

Mr. Smith stated that there isn't a building there yet. When they start construction on it, it will be different.

Mr. Runyon moved that the case be deferred until May 8 for additional information. Mr. Smith asked that the Board be provided with the status of the vacation and get clarification on the existing building variance requirement since it doesn't appear to meet the setback requirements.

Mr. Covington stated that he suspected that it was an oversight since this is just a paper street.

Mr. Barnes seconded Mr. Runyon's motion to defer.

The motion passed unanimously.

1:30 - GULF OIL CORP. application under Section 30-7.2.10.2.1 of Ordinance to permit gasoline service station, renewal of SUP S-29-72, 8009 Lorton Road, 107((1))77, 40,000 square feet, Springfield District, C-N, S-25-74.

Mr. O. G. Cramer, 95-5 Park Street, Manassas, Virginia, represented the applicant.

The notices to property owners were in order. There was only one contiguous property owner and that was the O'Neal Estate, c/o Emma O. Gasson and the closest next property owner was Joseph Dunavan, c/o Shell Oil Company P. O. Box 2237, Princeton, New Jersey.

Mr. Cramer stated that Gulf had a Special Use Permit and had all their permits for construction, but they failed to construct within the prescribed time limit and their permits expired. This is a new application and what they hope to be able to do is renew their old permit. The site plan has changed in that they were going to have a three bay colonial style building and now they are planning a no-bay self service station.

Mr. Smith stated that they would not be allowed a free standing sign then.

Mr. Cramer stated that they did not show a sign, however, the old application was permitted a sign.

Mr. Smith stated that they have a canopy so they could put a sign on the building.

Mr. Cramer went over the plat and stated that it showed 2 pump islands with 4 dual pumps with 4 single dispensing units on each island. These are controlled at the little building electronically. The cashier will be in that building and people would walk up to the cashier's house and pay for the gasoline. The septic tank has been approved by the Health Department. The little building will be faced with brick on the lower third and metal board on the upper half.

There was no one present to speak in favor or in opposition.

Mr. Covington stated that on the sign, it was ruled previously by the Zoning Administrator that this had direct access to a primary highway and therefore they were entitled to a free standing sign.

Mr. Smith stated that as far as he is concerned, they are not. They can put it on the building and this will give them the same advantage. There is no proposed sign on the plats. The Board has not allowed a free standing sign in other C-N commercial areas.

Mr. Covington stated that free standing signs are permitted in a C-N zoned on any highway corridor.

Mr. Cramer stated that across from the proposed Gulf station, there is the entrance and exit ramp to I-95, to the west is another Shell station, and immediately to the west is Route #95, to the east is the RF & P Railroad, to the north is light industrial, the auto train. He therefore, requested that the same permission be granted on the sign as was previously granted.

Mr. Runyon stated that the sign should be handled by the sign ordinance.

Mr. Smith stated that the Board has been setting the requirements for the sign for service stations.

Mr. Runyon read a resolution to grant.

Mr. Smith asked that there be a condition to this granting that there will be no free standing sign.

He stated that he would not support the application without this condition.

Mr. Runyon stated that he was looking at the previous minutes and that resolution granting the use said that compliance with the sign ordinance would be required.

Mr. Barnes stated that that should take care of it.

The vote on the resolution was 2 to 1 in favor of the application.

Mr. Smith stated that he would not support the application unless it had as a condition that no free standing sign would be permitted.

The resolution died as there needed to be a majority Board vote.

Mr. Runyon moved that they reconsider this application, S-25-74.

Mr. Barnes seconded the motion. The motion passed unanimously.

Mr. Runyon then moved that they grant the same resolution as he had previously read with the condition that no free standing sign be permitted. The motion then would read as follows:

In application number S-25-74, application by Gulf Oil Corp. under Section 30-7.2.10.2.1 of the Zoning Ordinance to permit gasoline service station renewal of SUP S-29-72, on property located at 8009 Lorton Road, Springfield District, also known as tax map 107((1))77 County of Fairfax, Mr. Runyon 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 24th day of April, 1974.

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

1. That the owner of the subject property is Gulf Oil Corp.
2. That the present zoning is C-N.
3. That the area of the lot is 40,000 square feet.
4. That compliance with 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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Certificate of Occupancy on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. There shall be no storage, rental, sales or leasing of automobiles, trucks, recreational equipment or trailers on the premises.

7. No free standing sign is permitted.

Mr. Barnes seconded the motion. The motion passed 3 to 0 with Mr. Kelley and Mr. Baker absent.

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1:50 - JAMES & PHYLLIS EDWARDS, JR. application under Section 30-6.6 of Ordinance to permit construction of residence on lot less than 2 acres in RE-2 zone and lot with less than required width at building setback line, 11620 Stuart Mill Road, Oakton, 36-2((1))6, 62,998 square feet, Centreville District, RE-2, V-26-74.

Mrs. Phyllis Edwards appeared before the Board.

Notices to property owners were in order. The contiguous owners were Thomas E. Frame, 11700 Stuart Mill Road, and Cox, 11701 Blue Smoke Trail, Reston.

Mrs. Edwards stated that this parcel of land was originally part of a ten-acre tract owned by her parents. Before they divided the property, they consulted the County about the requirements and were told that this was RE-1 that the requirement was a minimum of 1 acre and a minimum of 150 feet frontage. They cut the property and deeded it to her and it was recorded in December, 1964. Now, they are considering building their house on this lot. They find that it is not zoned RE-1, but RE-2 and therefore does not meet the minimum acreage requirement of two acres or the proper frontage. They, therefore, are requesting this variance, so they will be able to build their house. The acreage originally was approximately 10 acres and it was divided and they were given 62,998 square feet. Later the remaining acreage was subdivided and sold. All of the lots have been built on except one. The Dalton property is just about two acres and the other five acres of the ten acres is built on and owned by one person. This was the only one with less frontage then allowed by the Ordinance.

Mr. William A. Sincox, 11600 Stuart Mill Road, spoke in opposition to this application. He stated that he was not notified.

Mr. Smith stated that the applicant has satisfied the notification requirements.

Mr. Sincox's main oppositionwas that this whole area is on wells and he was afraid that building on this lot would affect the existing wells in the area. He also objected to building on lot with less than 2 acres.

Mr. Smith stated that the applicant should have the reasonable use of the land. She has owned this land for ten years, and her family owned this land for many years before that.

There was no other person to speak in favor or in opposition.

Mr. Runyon stated that he had gone over all the material in the file and there doesn't seem to be much other relief that they Board could give except to grant this variance.

Mr. Smith agreed.

In application number V-26-74, application by James and Phyllis Edwards, Jr. under Section 30-6.6 of the Zoning Ordinance, to permit construction of residence on lot less than 2 acres in RE-2 zone and lot with less than required width, on property located at 11620 Stuart Mill Road, Oakton, Centreville District, also known as tax map 36-2((1))6, County of Fairfax, Mr. Runyon 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 24th day of April, 1974.

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

1. That the owner of the subject property is James E. Jr. & Phyllis M. Edwards.
2. That the present zoning is RE-2.
3. That the area of the lot is 62,998 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 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 with the following limitations:

1. This approval is granted for the location indicated in the plat included with this application only, and is 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.

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 0. Mr. Baker and Mr. Kelley were absent.

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DEFERRED CASES:

CENTRAL FAIRFAX SERVICES FOR RETARDED PERSONS, INC., application under Section 30-7.2.6.1.3 of Ordinance to permit school of general education, 9019 Little River Turnpike, 58-4((1))1, Annandale District, RE-1, Providence United Presbyterian Church, S-18-74, Deferred from April 17, 1974, for Agreement with Church.

The applicant had submitted an Agreement between them and the Church for this use.

In application number S-18-74, application by Central Fairfax Services for Retarded Persons, Inc., under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit a school of general education for 25 retarded adults, on property located at 9019 Little River Turnpike, also known as tax map 58-4((1))1, County of Fairfax, Mr, Runyon moved that the Board of Zoning Appeals adopt the following resolution:

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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 17th day of April, 1974, and continued to April 24, 1974.

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

1. That the owner of the subject property is Trs. of Presbyterian Church
2. That the present zoning is RE-1.
3. That the area of the lot is 5.2079 acres.
4. That compliance with 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

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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Certificate of Occupancy on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The number of students is 25.
7. The ages are 16 years and older.
8. The school will operate Monday through Friday, 8 A.M. to 5 P.M.
9. The permit shall run for 2 years with the lease with the Zoning Administrator being empowered to extend the use for a period not to exceed 5 years upon presentation of a valid lease extension.

Mr. Barnes seconded the motion. The motion passed unanimously.

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CAPITAL CARS AND CAMPERS, S-259-73, deferred from 3-27-74 for new plats.

The applicant requested that this case be deferred until May 15, 1974. Mr. Runyon moved that the case be deferred until May 15, 1974, providing the additional information is available by Friday prior to Wednesday's meeting on the 15th.

Mr. Barnes seconded the motion. The motion passed 3 to 0. Mr. Kelley and Mr. Baker were absent.

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EVANS FARM INN, S-10-74

Mr. Smith stated that the Board has received a communication from the McLean Planning Commission indicating support of the application. They are concerned that this case not create a precedent for strip zoning along Dolley Madison Boulevard, therefore, they want to emphasize that their support is based on the following considerations:

"We recognize that Evans Farm Inn is a great asset to the community in many ways including the high calibre, low density development, and the well landscaped open space made accessible to the public. We further recognize that this open space can only be preserved and maintained if economically feasible. The use permit requested for the garden shop along Dolley Madison is for a commercial activity permitted in residential zones. It is particularly appropriate here where a farm has been operated for many years and some of the produce to be sold will be raised on the premises.

Mr. Evans has indicated that he would consider ways to make the parking as inconspicuous as possible through plantings or moving the parking away from Dolley Madison Boulevard. The Committee endorses this goal."

In application number S-10-74, application by Evans Farm Inn, Inc. under Section 30-7.2.9.1.2 of the Zoning Ordinance, to permit restaurant addition and farm products sale stand, on property located at 1696 Chain Bridge Road, also known as tax map 30-1((1))37, 38, 39, & 41, County of Fairfax, Mr. Runyon 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 10th day of April, 1974 and deferred to April 24, 1974.

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 21.1673 acres.
4. That the property is presently operating under a SUP.

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

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 on 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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Sales from the stand will be only those products from Fairfax County.
7. No further expansion of the restaurant facilities will be permitted.
8. Supplemental screening along Dolley Madison Boulevard parking area shall be provided.
9. Architectural detail of the addition shall conform to that of the existing building.

Mr. Barnes seconded the motion. The motion passed 3 to 0. Mr. Baker and Mr. Kelley were absent.

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AFTER AGENDA ITEMS:

KOONS PLAZA DEVELOPMENT COMPANY, S-262-73

Granted March 13, 1974.

The Board discussed points of clarification on the motion granting this application.

1. "Number 5, this was an application to make certain amendments to SUP S-174-72 granted 12-13-72 as shown on the plat filed herein."

This was marked out on the motion form, and in the verbatim, Mr. Smith asked Mr. Kelley to leave it out. Mr. Louk thought it should be in.

It was the Board's decision to leave this out. Mr. Smith stated that this was a separate action and the only amendment to the original Special Use Permit on this property is the change in name from John W. Koons Jr. to Koons Plaza Development Company.

2. No. 2 of the limitations -- Mr. Louk feels that the words "construction or operation has started or" should be added to read:

"This permit shall expire unless construction or operation has started or unless renewed by action of this Board upon whichever of the following events shall last occur..."

The Board indicated that this should be changed to read as above stated.

3. Numbers 8, 9, and 10 in the motion form are written after the regular motion on this case. However, in listening to the verbatim, it sounds as if this might have been a separate motion apart from the motion granting S-262-73.

The Board's decision was that 8, 9, and 10 are a separate motion apart from S-262-73 and should be so indicated.

4. Item number 9 -- Mr. Louk stated that the parking should be added as the Board allowed the change in parking tabulation at a previous hearing. A change in the parking was made from the time of the granting of the Chevrolet dealership, because they made the building smaller.

It was the Board's decision that the word "parking" should be left out as it was not in the motion that Mr. Kelley read and there was no reference to this in the verbatim transcript.

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GULF OIL COMPANY

Mr. Smith read a letter from Gulf Oil dated April 23, 1974, stating that the Board granted a Special Use Permit on property located at 5520 Franconia Road. Now, they would like the Board to consider granting a variance and they are requesting an out-of-turn hearing.

Mr. Smith stated that he did not see any justification for granting an out-of-turn hearing on this.

Mr. Cramer from Gulf Oil came before the Board and stated that originally when this permit was granted they had a contract on the back portion of land. Now, they have lost that contract on the property to the rear. They will be unable to have a car wash and now only wish to have a gasoline self-service station.

Mr. Smith stated that they need a new application. The plans that have been submitted today are nothing similar to the plan that was granted. Therefore, they will have to file for a new application for Special Use Permit.

Mr. Cramer stated that the building is in need of replacement. They can't do that because of the travel lane requirements. They are taking off 46 feet. The property to the rear is zoned C-N. There is no objection to the variance from the owner of the rear property.

Mr. Runyon moved that upon presentation of the new application, the case be advertised for June 5, 1974 hearing with the concurrent variance case heard at the same time.

Mr. Barnes seconded the motion. The motion passed 3 to 0. Mr. Baker and Mr. Kelley were absent.

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WESTGATE CHILD CARE CENTER, S-244-73, Granted March 13, 1974

Mr. Smith read a letter from the contiguous property owners to this use requesting the Board to consider an appropriate renewal date on the Special Use Permit. It was suggested that the expiration date of the current lease as a suitable date. They stated that there is great concern within the neighborhood about the operation of the day care center. This was signed by Capt. & Mrs. Q.B. Morrison, 1710 Margie Drive, McLean, Mrs. Jones, 1712 Margie Drive, and Mr. & Mrs. Paul M. Fitzpatrick, 1718 Margie Drive, McLean, Virginia.

The Board discussed this case. Mr. Smith asked Mr. Runyon since he was the maker of the motion granting this use if he would consider amending the motion to make the use run concurrent with the lease and that the Board re-evaluate this use after a period of three years in deference to the adjoining property owners. He stated that later on there may be no objection.

It was the Board's decision to amend the Special Use Permit to add Condition Number 11 to state: "This Special Use Permit shall run concurrent with the existing lease or any lease renewal and the Board will consider a Re-evaluation Hearing at the end of three (3) years for the use."

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The hearing adjourned at 4:00 P.M.

By Jane C. Kelsey
Clerk
Dana Brandt, Typist

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED June 5, 1974
(DATE)

The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, May 8, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman, George Barnes and Charles Runyon. Mr. Joseph Baker was absent. Mr. Barnes opened the meeting with a prayer.
Mr. Covington and Mr. Mitchell were present from the Staff.

10:00 - CLAUDE A. WHEELER, T/A PROCTOR HATSELL PRIVATE SCHOOL, application under Section 30-7.2.6.1.3.2 of Ordinance to permit change of ownership of existing private school, 6:30 A.M. to 6:30 P.M. for 75 children, 7 employees, 7150 Telegraph Road, 91-4((1))13, Lee District, 2.81 acres, RE-1, S-27-74.

Mr. Dexter Odin, 40414 University Drive, attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order.

Mr. Odin stated that a Special Use Permit was issued to Glenn and Mary Overik for the purpose of running a day care school. There was a provision in the permit that said it was issued to the applicants only. Mr. Wheeler leased the land from Mr. Overik in 1971 and he and his wife have been operating this school without complaint from anyone. Prior to the time he took possession of the school, he was a minister in a church and had been operating a day care facility in conjunction with the church. Some time this year, Mr. Wheeler received word from the County that he was not operating in compliance with all Fairfax County Zoning laws, primarily because the use permitted had a provision that said it did not run with the land, but was personal to Mr. and Mrs. Overik. In response to the Zoning Administrator's request, he stated that he wrote a letter to Mr. Lee Ruck, the County Attorney, but no answer has been given to the legal points, but he did recieve a letter from the Zoning Administrator stating that he felt it would be necessary to proceed with this application. The Zoning Administrator and a Zoning Inspector approached Mr. Wheeler and indicated to him that if something was not done, the County would have to take action against him. He, therefore, filed the application for a Special Use Permit. He stated that he knew that it has been interpreted in the past and in Court decisions as well, that Use Permits run with the land, they are not personal licenses. Use Permits should run with the land. For a church or another commercial building, should the Board make it personal to the applicant only and a large construction loan was taken out for the improvements of the facility, if they are in default and a trustee had to foreclose, it would then terminate the Use Permit and the building would be in violation of the Zoning Ordinance and could not be used. It would also make it impossible to get a loan to construct a building. This question came before the County when the Industrial Development Authority was attempting to arrange bonds of the authority with a lease provision from Hazelton Laboratories and before it was possible, the County was called upon to interpret the Use Permit to determine whether it was personal or if it ran with the land. It was the County's position that these Use Permits are not licenses to individuals, but are for the use of land. This lease agreement with Hazelton Laboratories never came about anyway, but that question was raised.

There is a serious problem here because Glenn and Mary Overik have a Use Permit and he stated that he is not sure that it would be possible to issue a new use permit. He suggested a better way would be to consider the original permit and determine whether or not the individual can continue to operate under the existing permit, as opposed to issuing a new permit.

This is a small facility of 45 youngsters at any one time and they have complied with all the State requirements as far as the operation of a day care facility is concerned. There are 7 teachers.

Mr. Smith inquired as to whether or not this is a corporation.

Mr. Odin answered that it is not a corporation. Mr. and Mrs. Overik own the land. Mr. Wheeler leased the school and bought the assets of Procter Hatsell School and the right to use the name.

Mr. Smith stated that the memo from the Health Department stated that the building is only adequate for 45 children at any one time.

The Board has no authority to grant a Use Permit for more children than is authorized by the State and the County Health Department.

Mr. Odin stated that Mr. Overik is not a party to this application before the Board today. He has a Use Permit.

Mr. Smith stated that Mr. Overik relinquished his right to the Use Permit when he leased it to Mr. Wheeler.

Mr. Odin asked him if the fact that he has leased the property, that this means the original permit is revoked.

Mr. Smith stated that that was right. The Use Permit applied to the applicant only. The condition was to the number of students, the hours of operation, and granted to the applicants only. The applicant is no longer operating the school.

Mr. Odin stated that the Board would then be depriving Mr. Overik of a very valuable asset without Mr. Overik having been a party to the application.

Mr. Odin asked Mr. Smith if he was saying that the Use Permit is not transferable but anytime Mr. Overik wants to come back and operate under that original Use Permit, he can.

Mr. Smith stated that Mr. Overik relinquished his right to the Use Permit when he leased the property to a new operator.

They continued to discuss this point. Mr. Smith stated that this is the Board's position.

Mr. Kelley agreed with Mr. Smith's position. He stated that he could not see how the Board could grant to one person and have another person operate it.

Mr. Kelley inquired if the applicant had seen the staff comments on the parking that is shown on the plat within the required setback area and regarding the widening of Telegraph Road.

Mr. Odin stated that he was familiar with it, but as a leasee, Mr. Wheeler has no right to dedicate. They were not aware of the parking setback regulations.

Mr. Runyon asked Mr. Odin if it was his desire to just notify the Board of this change in operator.

Mr. Odin stated that they were advised that they were going to be prosecuted if they did not apply for this Special Use Permit.

Mr. Overik spoke in opposition to this application. He stated that he is the owner of the property and the holder of the existing Special Use Permit. He stated that there has been a comedy of errors here.

Mr. Smith stated that there is no question of the ownership of the property. The only question was who owns the school and who operates the school and this has been cleared up.

Mr. Overik stated that there has apparently been some misunderstanding as this property has been under lease ever since they obtained the original use permit. There was nothing in the resolution that prohibited this. Mr. Wheeler is the second tenant there. Proctor Hatsell School operated for many years under the direction of Mrs. Hatsell and she decided that she would be better off if she had a corporate status. Subsequently, she operated at two locations, this property and the Groveton property. Later she retired and the Groveton school was closed.

He stated in answer to Mr. Smith's question, that at the time of the sale of the assets of Proctor Hatsell School, Inc., he was the principal stockholder. He stated that he still controls the operation of the school through the lease agreement. If there is a problem, the Zoning Administrator can go against the owner of the land, as well as the user of the land. He stated that he has no objection to the approval of Mr. Wheeler as the operator of the school under the existing Special Use Permit.

Mr. Runyon inquired about the parking problem.

Mr. Overik stated that if it is a County regulation that there can be no parking within 25 feet of the property line; this is agreeable.

He stated that he is agreeable to a secondary Use Permit, if it acknowledges the original Use Permit. This original Use Permit permitted him a greater number of children as they had a plan for expansion to accommodate the additional children at some future date.

Mr. Runyon stated that he had heard no testimony that spoke to the point of the application. He asked if Mr. Wheeler had submitted for the file a letter regarding the qualification of himself and his teachers or any other person involved in the school.

Mr. Odin stated that they had not.

Mr. Runyon asked that Mr. Wheeler speak to that point.

Mr. Charles Wheeler, stated that he is the owner and operator of Proctor Hatsell School and he has been actively involved in community relations since 1964. He was the founder, pastor and Director of the Open Bible Church and College for a period from December, 1964 through August 1971. He founded and directed Kiddie College from 1966 until 1971. They started with 26 students and the enrollment grew to 105 by 1971. The staff of Proctor Hatsell School is composed of qualified and certified teachers and does meet the current requirements of the State Department of Welfare.

After further discussion regarding the hours of operation, etc., Mr. Runyon moved that the Board defer this case until the meeting of May 15, 1975, for final decision.

Mr. Barnes seconded the motion. The motion passed 4 to 0. Mr. Baker was absent.

Mr. Smith stated that it would not be necessary for anyone to be present.

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(Pohick Christian School)

10:20 -JOHN O. HEMPERLY, application under Section 30-7.2.6.1.3.2 of Ordinance to permit increased enrollment from 50 to 94 children in the existing school of general education, 8608 Pohick Road, 98-1((1))22, 2.00082 acres, Springfield District, RE-1, S-28-74.

Mr. Hemperly represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Mr. Green, 1305 Key Drive, Alexandria, Virginia, and Rev. Fisher, 8615 Pohick Road.

Mr. Hemperly stated that on April 25, 1973, he was granted a Special Use Permit for a school of general education for 50 children on property located on the north side of Pohick Road approximately 2,500 feet east of Hooes Road in the Springfield District. This application today seeks to amend that use permit to allow an increase in pupils to 94, 30 of which would attend all day and 64 for half day. The Health Department reports that the facilities are adequate to accommodate the number of children proposed, provided one additional commode and hand basin are installed.

He stated that he wanted the hours of the use permit to remain from 8:00 A.M. to 4:00 P.M. 5 days per week with a regular school year, they will have 4 teachers and 4 bus drivers with the maximum of 94 students. They now have one bus which is a Dodge van which will carry 25 children. This bus meets the requirements of the County and State and is equipped as a school bus with seat belts and all the safety features. They only transport 15 children now and the other children are transported by carpools. They plan to have 4 buses which will all meet the State and County requirements.

In answer to Mr. Kelley's question as to whether or not he had read the Staff Report, he stated that he had submitted a letter and had agreed to the dedication for the widening of the road.

Mr. Steve Reynolds from Preliminary Engineering spoke to this question. He stated that Mr. Hemperly had submitted a letter to his office stating his intent to dedicate. This was a condition of the previous Special Use Permit and Site Plan, however, they would like to have certified plats prepared along with an appropriate instrument of dedication.

There was no one present to speak in favor or in opposition and the public hearing was closed.

Mr. Kelley moved that this case be deferred for a maximum of 30 days to give the applicant an opportunity to comply with the conditions previously set on this Special Use Permit by submitting a plat showing the dedication and providing the instrument of dedication to the Site Plan Office.

Mr. Barnes seconded the motion and the motion passed 4 to 0. Mr. Baker was absent.

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10:40 - HALLOWING POINT ASSOC., INC. application under Section 30-7.2.6.1.1 of Ordinance to permit community park and recreation area, 200 families, daylight hours, 5959 & 6001 River Drive, 122((4))39 and ((3))1, 151,549 square feet, Springfield District, RE-2, S-29-74.

Mr. Paul Halazo, 6012 Chaplin Road, President of the Hallowing Point Association, Inc., represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Mr. and Mrs. Ralph Bricker, 2905 Rae Del Avenue and Mr. and Mrs. Wallace Watson, 5207 Queensbury Avenue, Springfield, Virginia.

He stated that their purpose of this application is to request permission to build a recreation area on this property which is owned by the applicant and currently used for boat launching and fishing. This is a small community of 94. They have a maximum development of 200 lots, but many of these lots may be unbuildable. They are located in Mason's Neck. This plan has been a project for many years and approved by the majority of the members on three different occasions. The entire project will be financed by community funds including $190 raised by the Juniors. This recreation area will provide one tennis and one basketball court and the nets are removable in order to use the area for ice skating in the winter. Most of the land is presently unused partly because of an unsightly drainage ditch. Their plan is to construct a new drainage culvert which will eliminate the problem and improve the drainage for the recreation area and also some of the residents. This area will be filled and graded and landscaped. None of the residents of this community live any more than 1/2 miles away, however, there is a parking area available which has been used in the past for those launching boats. Years and years has compacted the soil in the parking area. This area is adjacent to the river and no more than 200 feet from the nearest residents. They do wish to encourage walking. There are no tennis courts within 2 miles and no basketball courts within 6 miles.

The Board members agreed this is an excellent use of the land.

In application number S-29-74, application by Hallowing Point Association, Inc under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit community park and recreation area, 200 families, daylight hours, on property located at 5959 and 6001 River Drive, Springfield District, also known as tax map 122((4)) 39 and ((3))1, County of Fairfax, Mr. Runyon moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 8th day of May, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Hallowing Point Association.
2. That the present zoning is RE-2.
3. That the area of the lot is 151,549 square feet.
4. That compliance with 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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Certificate of Occupancy on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The site is for the use of the residents of Hallowing Point.

Mr. Barnes seconded the motion and the motion passed 4 to 0. Mr. Baker was absent.

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11:20 - ST. PAUL'S EPISCOPAL CHURCH, application under Section 30-7.2.6.1.11 of Ordinance to permit increased parking for existing church, 3451 Payne Street, 61-2((17))(B)12,20, Courtland Park Subdivision, 103,055 square feet, Mason District, R-12.5, S-30-74.

Mr. Bruce Menne, 3463 Mildred Drive, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Stanley Zombro, 3438 Payne Street, Falls Church, Virginia and Oliver Construction Corporation, 4812 Columbia Pike.

Mr. Menne stated that the existing parking is inadequate for the parishioners of their church. The additional lot along with the existing lot will accommodate all of the parishioners of the church. Presently the seating capacity is 250, but the average attendance is around 150 persons each Sunday. This plan does meet all of the setback requirements.

Rev. George Fleming, 5850 Glen Forest Drive, Falls Church, Virginia, spoke before the Board in support of this application. He stated that parking has been a growing problem and it is especially bad when they have large groups at the church. This additional parking lot will help the church and also the people in the community.

There was no opposition to this application.

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In application number S-30-74, application by St. Paul's Episcopal Church under Section 30-7.2.6.1.11 of the Zoning Ordinance, to permit increased parking for existing church, on property located at 3451 Payne Street, Mason District, also known as tax map 61-2((17))(B)12-20, 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 8th day of May, 1974.

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

1. That the owner of the subject property is St. Paul's Episcopal Church
2. That the present zoning is R-12.5.
3. That the area of the lot is 103,055 square feet.
4. That compliance with Site Plan 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 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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Certificate of Occupancy on the property of the use and be made available to all Departments of the County of Fairfax, during the hours of operation of the permitted use.
6. The minimum number of parking spaces shall be 78.
7. Landscaping, screening and/or planting to the satisfaction of the Director of County Development.

Mr. Runyon seconded the motion. The motion passed 4 to 0. Mr. Baker was absent.

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11:40 - SCHOOL FOR CONTEMPORARY EDUCATION, INC., application under Section 30-7.2.6.1.3 of Ordinance for renewal of Special Use Permit for pre-school program, 2 to 5 years of age, 9 A.M. to 4 P.M., 8120 Leesburg Pike, 39-2((1))1A, Providence Baptist Church, Dranesville District, RE-1, S-31-74.

Mr. Smith read a letter from the applicant requesting that this case be withdrawn as they had lost their lease with the Church.

Mr. Barnes moved that this be withdrawn with prejudice.

Mr. Runyon seconded the motion. The motion passed 4 to 0. Mr. Baker was absent.

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12:00 - MULFORD PRIVATE SCHOOL, application under Section 30-7.2.6.1.3.2 of Ordinance to permit summer day camp and the extension of present school program to 55 children, 9 A.M. to 4 P.M., 6101 Old Centreville Road, 65((1))125A, Centreville District, RE-1, S-32-74.

Mrs. Beverly Mulford, 6101 Old Centreville Road, testified before the Board.

Notices to property owners were in order. The contiguous owners were Dorothy Roberson, 6200 Old Centreville Road and C. M. Stull, 14000 Stull Road.

Mrs. Mulford stated that she has been operating a private school pursuant to a Special Use Permit granted August 3, 1971, on property located on the easterly side of Old Centreville Road approximately 800 feet northeast of its intersection with Stull Road in Centreville District.

Mrs. Mulford stated that she has 27 students now and would like to increase the number to 55. She would like to install a swimming pool and be allowed to have a summer day camp with a total of 65 children. This has been approved by the Health Department and there is a letter to that effect in the file.

She stated that the hours of operation are from 9 A.M. to 4 P.M. for the school and summer day camp. This will be a 12-month operation. The ages of the children in the school are from 3 to 5 and in the summer day camp from 4 through 12.

Mr. Barnes inquired about the stables and asked how many horses or ponies she has.

Mrs. Mulford stated that she has 2 horses, 3 large ponies and 3 small ponies.

Mr. Smith inquired if she has buses to transport the children.

She stated that the children are transported by carpool.

There was no one present to speak in favor or opposition.

In application number S-32-74, application by Mulford Private School under Section 30-7.2.6.1.3.2 of the Zoning Ordinance, to permit summer day camp and the extension of present school program to 55 children on property located at 6101 Old Centreville Road, Centreville District, also known as tax map 65((1))125A, 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 8th day of May, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Preston and 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 Site Plan Ordinance is required.
5. That compliance with all applicable County and State Codes is required.
6. The applicant has been operating a private school pursuant to SUP S-152-71, granted August 3, 1971, for this site.

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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Certificate of Occupancy on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The maximum number of people shall be 60, ages 3 through 12 years.
7. The hours of operation shall be 9 A.M. to 4 P.M.

Mr. Barnes seconded the motion. The motion passed 4 to 0. Mr. Baker was absent.

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12:20 - GREENBRIAR CIVIC ASSOCIATION, INC. application under Section 30-7.2.6.1.1 of Ordinance to permit community recreation center, 1 story frame building, east side of Stringfellow Road, Route #645, just north of Melville Lane, 45-3((1))11, Centreville District, 1.5181 acres, R-12.5, S-39-74, OTH.

Mr. William C. Russell, 4334 Majestic Lane, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Robert Kukler, 13303 Melville Lane and H. Cain, 13159 Madonna Lane.

Mr. Russell stated that they appreciated the out of turn hearing, and the reason for the rush is to meet the requirements of the deed. They would like to construct a community center. There is a lack of community facilities in their area. The uses of the building will be primarily for a meeting house for their Board of Directors and the Board of Directors for other community and service type organizations in the area, the RGCA, the Garden Club, the Boy Scouts and in addition, the building will serve as a center for social

activities. The area surrounding the building will be used for family recreation, picnics, etc. This is located adjacent to Greenbriar Park which is operated by Fairfax County Park Authority and this has been approved by them. They would also like to stress the use of this center for teenagers and young people in the community and they hope to have the Park Authority conduct programs during the summer.

The building will be constructed of brick veneer and plyboard. It will have 2,000 square feet of space. It will contain a fully equipped kitchen, and will be fully heated and air conditioned. The building will accommodate 100 persons at one time. The financing is strictly a community project and in addition they have received contributions from several business organizations, as well as other groups.

Mr. Kelley stated that he only noticed 12 parking spaces.

Mr. Russell stated that they want to retain the natural environment here. They are hopeful that the users will walk or ride bikes and bike paths will be constructed. The Park Authority has indicated that they can use the parking area within the park. There is a letter in the file regarding that.

Mr. Smith stated that if the parking becomes inadequate, they will have to provide adequate parking. They would not be allowed to park on Stull Road, or any other street.

In answer to Mr. Kelley's question, Mr. Russell stated that this building is surrounded with shrubs and trees similar to that in the sketch.

Sara Blough, 13313 Melville Lane spoke regarding this application. She stated that they are immediately adjoining this property and would be most affected by it. They are concerned about the loss of privacy and peace that this project can mean to them. They would like to keep the shrubs and screening. She asked why the center was being built on the front of this property rather than the rear as had been previously planned.

Mr. Russell could not answer that.

Mrs. Blough stated that they were concerned about the increase in the traffic around their home, and the parking on the street.

Mr. Smith reiterated that they would not be allowed to park on the street.

Mr. Runyon suggested that the Board establish some operating hours.

Mr. Smith stated that the usual hours for this type facility is from 9 A.M. to 9 P.M. with certain exceptions. Small meetings of the various organizations would be conducted during the evening hours. The applicants would also have the right to come in to the Zoning Administrator and request permission to use the building for longer hours on special occasions.

Mr. Russell stated that they do not intend to use this building as a meeting place for their general meeting for the entire membership.

Mr. Russell stated that the operations committee which Mrs. Blough referred to will continue to function even after the building has been constructed. They will make the decisions on the operation of the policies of the center. The Directors have voted to permit one of the contiguous property owners to be a representative on this committee.

Mr. Smith asked if they would have any objection to having a contiguous property owner selected by the Directors as a permanent member of this group.

Mr. Russell stated that he would have no objection. The resolution made by their Board of Directors said that when the building is completed, a member from the contiguous properties would be appointed to the committee.

Mrs. Blough stated that they are also concerned about light from this building shining into their windows at night.

Mr.Russell stated that there would be no outside lights.

Mr. Smith stated that lights are not shown on the plans and the plans are approved as they are now in the file, if this application is granted, therefore, any addition to this facility would cause it to have to come back before this Board for re-evaluation and perhaps an entire new application.

Mrs. Blough stated that their other neighborhood concern is about the loss of value to their property. There are seven people on that block who were under the assumption that this would be undeveloped park land. They would like to protect their privacy as much as possible.

In answer to Mr. Kelley's question, Mr. Russell stated that they do not have any plans for loudspeakers and they would try to make every effort to protect the citizens who are living adjacent to this property.

In application number S-39-74, application by Greenbriar Civic Association, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit community recreation center, 1 story frame building, east side of Stringfellow Road on property located at Route #645 just north of Melville Lane, Centreville District, also known as tax map 45-3((1))11, County of Fairfax, Mr. Runyon 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 May, 1974.

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

1. That the owner of the subject property is Greenbriar Civic Association Inc.
2. That the present zoning is R-12.5 Cluster.
3. That the area of the lot is 1.5181 acres.
4. That compliance with 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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Certificate of Occupancy on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. All parking shall be confined to offstreet facilities.
7. Hours of operation to be 9 A.M. to 9 P.M. except for after hours parties, permission for which can be obtained from the Zoning Administrator, the number being limited to 6 per year.

Mr. Barnes seconded the motion. The motion passed unanimously.

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DEFERRED CASES: May 8, 1974

FAITH BAPTIST CHURCH, S-20-74 (Deferred from April 24, 1974, to clarify parking problems.)

The Board had received a letter from Mr. Bayly, the owner of the shopping center, stating that the bank had no authority to grant the church permission to use the shopping center parking lot and that he would not allow the church to use it.

The Board also received a letter from the bank stating that the church could no longer use the parking lot.

The Board deferred the case until June 19, 1974, to allow the applicant some additional time to come up with some type of parking arrangement.

Mr. Smith told them after consultation with Mr. Covington that they would be allowed to park the trailer on the property as long as they do not hook it up.

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May 8, 1974
D. B. JOHNSON, V-24-74 (Deferred from April 24, 1974)

Neither the applicant nor his agent were present. The Board felt that the applicant might have the dates of the deferral confused and, therefore, deferred the case until June 19, 1974, to allow the applicant additional time to work out the problems involved with the case and return before the Board.

They advised the Clerk to so notify Mr. Johnson.

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May 8, 1974
COURT HOUSE COUNTRY CLUB OF FAIRFAX, INC. V-260-73 (Deferred from 3-20-74 and again 4-17-74)

In application number V-260-73, application by Court House Country Club of Fairfax, Inc., under Section 30-6.6 of the Zoning Ordinance, to permit variance of height limit of fence to exceed 4 feet in front setback, on property located at 5110 Ox Road, Springfield District, also known as tax map 68-1((1))18 and 20, County of Fairfax, Mr. Runyon 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 March, 1974, and deferred to April 17, 1974, and May 8, 1974.

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

1. That the owner of the subject property is Court House Country Club of Fairfax, Inc.
2. That the present zoning is RE-1.
3. That the area of the tract is 151.3463 acres.

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.

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 fence along the 50' right of way of-way only indicated in the plats included with this application 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.

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. Further, if the 50-foot right-of-way is developed in the future, the fence will be brought into conformance with the ordinance at the expense of the Country Club.

Mr. Barnes seconded the motion. The motion passed unanimously. Mr. Kelley abstained and Mr. Baker was absent.

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May 8, 1974
CHRYSLER REALTY CORP., S-9-74 (Deferred from 4-17-74)

Mr. Smith called the case, but stated that the Board would pass over this case until a motion could be formulated.

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AFTER AGENDA ITEMS:
May 8, 1974
CROWN CENTRAL PETROLEUM, S-199-73, Granted November 28, 1973.

Mr. Smith read a letter to the Board requesting that Crown be allowed to install an ornamental fountain at their location at Leesburg Pike and Magnolia Avenue. A plan showing where the location of the fountain was attached to the letter.

Mr. Kelley moved that the request be granted to allow the fountain at this location indicated on the plat. This is the only change.

Mr. Barnes seconded the motion.

The motion passed 3 to 0.

Mr. Runyon abstained.

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The Board recessed for 15 minutes.

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May 8, 1974

The Board returned to take up CHRYSLER REALTY CORP.

CHRYSLER REALTY CORP, application under Section 30-7.2.10.3.8 of Ordinance to permit new and used autos - sales room full service facilities appurtenant thereto and other normal ancillary activities, 7505 Leesburg Pike, 40-3((1))1, Providence District, 5.328 acres, C-D, S-9-74, Deferred from 4-17-74.

Mr. Kelley stated that the Board had discussed this several times and his feelings are that this was zoned for a neighborhood shopping center and it is his feelings that this is not the proper place for this.

In application number S-9-74, application by Chrysler Realty Corp. under Section 30-7.2.10.3.8 of the Zoning Ordinance, to permit sales of new and used autos sales room full service facilities appurtenant thereto and other normal ancillary activities, on property located at 7507 Leesburg Pike, also known as tax map 40-3((1))1, 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 17 day of April and deferred to May 8, 1974.

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

1. That the owner of the subject property is Charles B and Florence Hall.
2. That the present zoning is C-D.
3. That the area of the lot is 5.328 acres.
4. That the Planning Commission at the meeting of April 9, 1974, recommended unanimously denial of the SUP.

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 C or I Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

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

Mr. Barnes seconded the motion. The motion passed 4 to 0 to deny the application. Mr. Baker was absent.

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May 8, 1974
PINEWOOD DEVELOPMENT CORP, S-217-73, Granted 12-5-73. Mr. Smith read a letter requesting an extension due to the sewer moratorium.

Mr. Smith stated that this was too early to consider this extension. He asked the Clerk to reschedule this for early October. The Board agreed to this.

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May 8, 1974
GRACE ORTHODOX PRESBYTERIAN CHURCH, S-68-73, Granted May 16, 1973.

Mr. Smith read a letter requesting an extension to their permit.

Mr. Barnes moved that the permit be extended 180 days from May 16, 1974, and that they be advised that this is the only extension that the Board can grant.

Mr. Kelley seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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May 8, 1974
CARDINAL HILL SWIM AND RACQUET CLUB, S-104-71

Mr. Smith read a letter requesting that they be allowed to remove their wood fence and replace it with a chain link fence.

Mr. Kelley stated that his only thought to this is that the chain link fence should have an interlining.

Mr. Smith suggested that they put up the chain link fence and leave the wood fence up also.

Mr. Covington stated that that makes a big mess.

Mr. Runyon moved that they put up the chain link fence and provide a metallic earth colored or wood colored strip woven into the fence.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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May 8, 1974
ROBERT E. STAFFORD, JR., V-79-73, Granted May 23, 1973.

Mr. Smith read a letter requesting that they be granted an extension to this variance as they had not been able to begin construction because of the sewer moratorium.

Mr. Runyon moved that condition of the variance relating to the time limitation which is Condition #2 be changed to read:

2. This variance shall expire:

   a. Twelve months from this date.
   b. Three months after Fairfax County permits connection with the existing sewerage facilities thereon.
   c. Six months after Fairfax County permits a Site Plan to be filed thereon.

Mr. Kelley seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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May 8, 1974
DONALD F. JAMESON, V-76-73, Granted May 16, 1973.

Mr. Smith read a request for an extension to the variance as they had not been able to begin construction because they could not get sewer taps.

Mr. Kelley moved that Condition #2 be changed to read:

2. This variance shall expire:

   a. Twelve months from this date.
   b. Three months after Fairfax County permits connection with the existing sewerage facilities thereon.
   c. Six months after Fairfax County permits a Site Plan to be filed thereon.

Mr. Runyon seconded the motion. The motion passed 4 to 0. Mr. Baker was absent.

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May 8, 1974
FOX-KELLER, INC. S-91-69

Mr. Keller, Vice-President of Fox-Keller, Inc., 9909 Main Street, Fairfax, Virginia, appeared before the Board to request that they be allowed to re-occupy the premises at 7129 Columbia Pike, Annandale, to be used as an automobile agency selling both new and used cars. They originally occupied these same premises as an automobile dealership under Special Use Permit number 91-69 issued to Fox-Keller, Inc. on June 17, 1969. They occupied the building for 1 and 1/2 years after which they subleased the building to Daryl's Stereo Center. After that it was occupied by Rugs Unlimited, Inc. Now, they do not have a tenant and they would like to move back into the building as soon as possible.

Mr. Smith stated that they will need a new application, but in view of the hardship that he just described, the Board would grant an out-of-turn hearing.

Mr. Barnes agreed that this would need a new application.

Mr. Runyon moved that Fox-Keller, Inc. be granted an out-of-turn hearing for June 19, 1974, if the applicant is able to get all the proper materials in by the advertising deadline.

Mr. Barnes seconded the motion.

The motion passed unanimously. Mr. Baker was absent.

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May 8, 1974
JOHN & ELEANOR ROACH, S-238-73, Granted March 27, 1974

The Board was in receipt of a letter signed by neighboring property owners concerning the hearing on this case. There was also a letter from Mr. and Mrs. Copeland, 10915 Olm Drive, Fairfax Station, requesting that the case be re-opened because:

1. At the hearing we pointed out the fact that the Northern Virginia Yellow Pages, published months ago in 1973, carry an advertisement for the Annandale Springfield Country Day School with the statement "Summer Day Camp - School Farm - Riding - Swimming," and asked if the applicants weren't being presumptious in their certainty that the Board would approve their camp. Mrs. Roach testified that this advertisement pertained to a farm she had leased at Gainesville, Virginia, and not the Ox Road location. We have since located a listing for the"Annandale-Springfield Country Day School Farm, 6525 Ox Road, Fairfax" on page 22 of the current phone book published in 1973. This negates Mrs. Roach's testimony at the hearing, as a misrepresentation of the fact.

2. Mr. Smith gave great credence to a letter from Mrs. James A. Rave stating she had no objection to the camp. He ignored the fact that both Mr. and Mrs. Rave felt so strongly last summer against the proposed camp that each of them wrote a letter complaining about the Roachs' actions. We have just learned that the Rave property was placed for sale April 27, 1974, exactly one month after the hearing, which now makes her letter totally irrelevant and strongly suspect for use at a hearing held such a short time ago. This is of particular importance since the letter from Mrs. Rave was the only one from this community in support of the camp.

The Board discussed these items and Mr. Runyon moved that the request for a rehearing be denied on the basis that no new information pertaining to the standards for Special Use Permit uses in R Districts were submitted that could not and were not presented at the original hearing.

Mr. Barnes seconded the motion.

The motion passed 3 to 0 with Mr. Kelley voting "NO" and Mr. Baker was absent.

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May 8, 1974
JOHN & ELEANOR ROACH, S-56-69

7152 Woodland Drive, Special Use Permit for school.

Mr. Kelley inquired of Mr. Covington if Mrs. Roach has been cited for a violation because she is using the garage on the property that she is not supposed to use.

Mr. Covington answered that they had issued a violation just yesterday.

Mr. Smith stated that he had discussed this use with Mr. Covington last week and it has been the Zoning Administrator's opinion that if there is a pending application to let the violation ride. He stated that he received a letter in the mail that indicated that she was using the garage. He asked Mr. Covington to send an Inspector out and that she be cited if she was, in fact, using the garage.

Mr. Kelley stated that this was a very emotional hearing. He stated that he feels that this is not the place to show your emotions. You have to stand on the facts of the case. She had testified that she is operation a perfect operation. He stated that he was going to make a motion that the Board have a rehearing on the Ox Road property.

Mr. John Furnisen, Zoning Inspector, came before the Board to answer questions regarding the Roach School at Woodland Drive. He told the Board that Mrs. Roach told him that she had been using the garage since September. She said that the motion granting the use only said she was not supposed to use the garage at that time and that was in 1969. She has three regular classrooms and an office in the garage. At the time of one of the earlier inspections, he stated that he found she did not have a Non-Residential Use Permit for the garage. She has now applied for that, but will not be able to actually get it until and unless the Board approves the use of the garage.

Mr. Covington stated that the inspectors usually give violators 30 days to clear the violation. This is in accordance with the code. He stated that if the Board wishes a shorter notice on Board of Zoning Appeals violation cases, they will follow the Board's directive.

The Board agreed that the inspector should use his discretion on these cases.

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May 8, 1974
COURT HOUSE COUNTRY CLUB OF FAIRFAX

Mr. Elson, attorney for the applicant, appeared before the Board. He apologized for not being present when the case was called. He had been present earlier in the morning and the Board was running late. He then was in a Commissioner's hearing and was unable to leave earlier.

He stated that he has a letter to the Board that might be of some benefit to the Board members.

Mr. Smith stated that the Board had already taken action on this case. It was the Board's decision to grant in part; to grant the fence along the 50-foot unused right-of-way only, the request for the fence along Route #123 and the portion in back by Brookline Drive was denied.

Mr. Elson stated that this letter bears on the issue of Brookline Drive. Members of the Club got together with the citizens and have arrived at a solution. Mr. Kelley is not involved, but Mr. Kelley did know about the meeting. He stated that this is a letter of intent signed by the Country Club.

Mr. Smith stated that the Board would accept the letter, but the Board has taken final action at this point.

He stated that the Board would consider a letter requesting reconsideration based on new evidence.

Mr. Elson stated that they are planning to file suit to vacate Brookline Drive at the location where it affects the fence they would like to construct on

the club property. This has been agreed to by the people on Brookline Drive and the Board of Directors.

Mr. Smith stated that Mr. Runyon made the motion and the Board could not reconsider the case today as Mr. Runyon has already left the meeting.

He stated that after they received the resolution pertaining to the application, if there are certain aspects that they would like to have reconsidered, the Board will reconsider the request. This must be done within 30 days.

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The meeting adjourned at 4:30 P.M.

Jane C. Kelsey
Clerk
Jean McCleery, Typist

APPROVED: Daniel Smith
DANIEL SMITH, CHAIRMAN

June 5, 1974
DATE

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The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, May 15, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Charles Runyon, Mr. Baker and Mr. Barnes were absent. Mr. Covington, Assistant Zoning Administrator and Harvey Mitchell, Associate Planner were present from the County Staff.

The meeting was opened with a prayer by Mr. Harvey Mitchell.

10:00 - BRUCE SCHULTHEIS, application under Section 30-6.6 of Ordinance to permit recreation room addition closer to front lot line than allowed by Ordinance, variance of 4 feet, 2310 Glasgow Road, Hollin Hills, Section 11, 93-3((5))7, Mount Vernon District, 17,075 square feet, R-17, V-33-74.

Mrs. Valeria Nemirow, attorney, 6045 Colchester Road, represented the applicant.

Notices to property owners were in order. The contiguous owners were Humphrey, 2312 Glasgow, Evans, 2308 Glasgow, and Fullers, 7121 Devenshire Road.

Mrs. Nemirow stated that the reason they need the variance is because of the extremely steep drop-off at the rear of the house. She submitted photographs to substantiate this. She also stated that the existing dwelling is set on the lot at an angle to the street, therefore, only one corner would go over the 45 foot setback line. The water and gas lines only exist at the front of the house.

Mr. Covington stated that this is an old subdivision.

Mrs. Nemirow stated that this addition would be masked with trees and shrubs and could not be seen from Glasgow Road. She then submitted photographs to substantiate this .

She stated that they plan to use materials and architecture compatible with the existing house.

There was no one to speak in favor or in opposition.

In application number V-33-74 application by Bruce Schultheis under Section 30-6.6 of the Zoning Ordinance, to permit recreation room addition on property located at Glasgow Road, Hollin Hills, Mount Vernon District, also known as tax map 93-3((5))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 15 th day of May, 1974, and

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

1. That the owner of the subject property is Bruce E and Mary C. Schultheis.
2. That the present zoning is R-17.
3. That the area of the lot is 17,075 square feet.
4. That the request is for a 4-foot variance to the minimum front setback requirement of the ordinance.

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 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 to be used in proposed addition 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. Runyon seconded the motion.

The motion passed 3 to 0. Mr. Baker and Mr. Barnes were absent.

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10:20 - GEORGE & DORIS E. OPACIC, application under Section 30-6.6 of Ordinance to permit addition closer to rear lot line than allowed by Ordinance, variance of 1.17 feet, 4749 Springbrook Drive, 69-4((7))(5)14, 15,889 square feet, Annandale District, R-17, V-35-74.

Mr. Opacic, 4749 Springbrook Drive, represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Ralph Marks, 4757 Springbrook Drive and John Thompson, 4741 Springbrook Drive.

Mr. Opacic stated that they need a 1.17 foot variance for a small portion of the proposed addition. They plan to add a dining room and a powder room and bedroom. This is in the Springbrook Forest Subdivision. The shape of the lot is extremely irregular and the location of the house on the lot is also irregular. Most of their land is in the front. Their land also slopes to each side of the house. They have a gully there caused by drainage. Practically all of the addition is located within the zoning limitations, but because of this irregular shape of the rear lot line, 1 foot 2 inches projects in the setback requirement.

Mr. Runyon asked if they have plans for this addition. There plans were submitted to him.

Mr. Kelley inquired whether or not they could make this addition shorter and therefore eliminate the need for the variance.

He stated that their bedroom is only 8 by 11 1/2 feet now and 7 feet would be too small.

Mr. Smith stated that this is a minimum variance that he could request to get a reasonable addition.

There was no one to speak in favor or in opposition.

In application number V-35-74, application by George & Doris E. Opacic, under Section 30-6.6 of the Zoning Ordinance, to permit construction of storage room, dining room, powder room and bedroom addition to residence on property located at Springbrook Drive, Springbrook Forest, Annandale District, also known as tax map 69-4((7))(5)14, County of Fairfax, Virginia, Mr. Runyon 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 May, 1974, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is George & Doris E. Opacic.
2. That the present zoning is R-17.
3. That the area of the lot is 15,889 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.

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. Architectural detail shall be compatible with that of the existing structure.

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. Kelley seconded the motion.

The motion passed 3 to 0. Mr. Barnes and Mr. Baker were absent.

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10:40 - THE EXXON COMPANY, U.S.A. application under Section 30-7.2.10.2.1 of Ordinance to permit removal and rebuilding of existing service station, 6149 Franconia Road, 81-3((5))5, .5720 acres, Lee District, C-N, S-36-74. Deferred from [illegible].

Mr. Lee Fifer, 4085 University Drive, Fairfax, attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owner was Chester Bowles, 521 8th Street, S.E., Washington, D.C. owner of 5A, tax map 81-3((5)) and he is the only property owner whose property touches this property.

Mr. Fifer stated that this property was acquired 19 years ago and they sold off a small portion to Cooper Smith. This is a request to rebuild this station because of the condemnation of their property along Franconia Road and Roosevelt Boulevard. They took approximately 6200 square feet from this station property. They only difference from the old station is the new station will be slightly larger, the facade will be brick, the new building will have 3 bays and will be 28 feet by 62 feet. There will be a relocation of the pump island because of the condemnation of the land, but there will be no change in the number of the pumps. This station will not generate any additional traffic. Public sewer and water is available to the site now. They plan to install a vapor recovery system which will cut down on air pollution.

Mr. Kelley inquired if they now have an existing free standing sign.

Mr. Smith stated that the free standing sign would not be permitted.

Mr. Kelley stated that they had the existing free standing sign prior to the time the Highway Department condemned their land and they were forced into this by the taking of the land. He stated that he felt it should be allowed to continue.

The Board discussed this problem with Mr. Covington.

Mr. Covington stated that the sign ordinance does not prohibit the sign there because it is a primary highway. The ordinance does not consider the C-N and C-G with regard to signs anymore. It considers whether or not it is on a primary highway.

Mr. Fifer stated that they have moved the sign back already and have the County's permission.

Mr. Smith stated that he could not vote on it until he has time to research the case.

He also stated that the Board needs some more information on the corporation.

There was no one to speak in favor or in opposition to this application.

Mr. Smith asked that the application furnish a Certificate of Good Standing on the Exxon Corporation and an explanation of the arrangement between the land entity and the operating entity. Mr. Runyon said if they have a title succession certificate, this would clear up the question and satisfy the legal requirements.

Mr. Runyon moved that the Board defer this application, S-36-74 for Exxon Company, U.S.A. for decision only for the additional information previously indicated until June 5, 1974.

Mr. Kelley seconded the motion.

The motion passed 3 to 0. Mr. Baker and Mr. Barnes were absent.

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11:00 - HAMLET SWIM CLUB, INC, application under Section 30-7.2.6.1.1 of Ordinance to permit addition of 2 tennis courts to existing facility of 3 courts, Dunsinane Court, 29-1 & 29-2((3))A1 and B1, 4.57071 acres, Dranesville District, R-17, S-37-74.

Mr. Nellis represented the applicant.

Notices to property owners were in order. The contiguous owners were R.B. Light, 8210 Dunsinane Court, Fairfax County Park Authority, P. O. Box 236, Annandale, Virginia and C.O Verrill, Jr., 8205 Dunsinane Court.

Mr. Nellis stated that they wish to add two tennis courts. They will not light these courts and wish to use them from 8:00 A.M. to sunset. They are authorized 325 members and it is estimated that 175 families use the tennis facilities. This will not generate any additional need for parking. They have never had over 305 members. These tennis courts will adjoin a cemetery site which is dormant.

Mr. Smith read a letter from Mr. John Cooper, right of way agent, Property Management Division, of County Development, which stated that their office has no objection to paving with asphalt the area of a sanitary sewer easement, since this is in accordance with their policy and is allowable according to the standard Public Works sanitary sewer easement agreement.

There was no one to speak in favor or in opposition to this application.

In application number S-37-74, application by Hamlet Swim Club, Inc. under Section 30-7.2.6.1. 1 of the Zoning Ordinance, to permit two additional tennis courts, reduce membership to 325 maximum and parking spaces to 110, on property located at McLean Hamlet Subdivision, Dranesville District, also known as tax map 29-1 & 29-2((3))A1 and B1, County of Fairfax, Mr. Runyon 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 15 th day of May, 1974.

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

1. That the owner of the subject property is Hamlet Swim Club, Inc.
2. That the present zoning is R-17 Cluster.
3. That the area of the lot is 4.57 acres.
4. That compliance with Site Plan Ordinance is required.
5. That the site is presently operating under SUP S-739-67 granted November 28, 1967.

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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Certificate of Occupancy on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Hours of operation are 8 A.M. to 9 P.M.
7. All other requirements of the existing SUP shall remain in effect, with the exception of the membership and parking which shall be 325 maximum membership and 110 maximum parking spaces.

Mr. Kelley seconded the motion and the motion passed 3 to 0. Mr. Baker and Mr. Barnes were absent.

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The Board took up a deferred item of CLAUDE WHEELER T/A PROCTOR HATSELL SCHOOL S-259-73, deferred from May 8, 1974.

Mr. Smith read a letter from Mr. Overik, the owner of the property, indicating that there was a descrepancy between the lease and the plats that were submitted to the Board. He asked that there be a deferral until this could be corrected. Mr. Dexter Odin, the attorney for Mr. Wheeler, also had indicated via the telephone that he would like a deferral until May 22, 1974.

Mr. Runyon moved to defer this until May 22, 1974.

Mr. Kelley seconded the motion.

The motion passed 3 to 0. Mr. Baker and Mr. Barnes were absent.

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11:40 - BURKE STATION SWIM CLUB, INC., application under Section 30-7.2.6.1.1 of Ordinance to permit swimming pool, bath house and related parking, i.e. community recreation center, north side of Ridge Ford Drive, 500 feet southeast of intersection with Burke Road, 78-2 & part of 78-4((1))8, 1.59911 acres, Springfield District, R-12.5, S-38-74.

Mr. Russell Rosenburger, attorney, 9401 Lee Highway, Fairfax, represented the applicant before the Board.

Notices to property owners were in order. Two of the contiguous owners were Richard Banules, 5816 Banning Place, Burke, and Tony Tsitos, 5802 Banning Place, Burke, Virginia.

Mr. Rosenberger stated that this request is for a community swimming pool, wading pool and bath house on property located on the north side of Ridge Ford Drive approximately 600 feet southeast of its junction with Burke Road in Burke Station Square Subdivision. The facility will serve 250 families initially and a maximum of 300 for which parking spaces for 48 automobiles and 32 bicycles are proposed. This is zoned R-12.5. This property is now under contract to purchase from Howard Simon and Marshall E. Freeman and a copy of that contract is in the file. At the time this property was zoned, an additional parcel was zoned for townhouses. It was east of the Northern Virginia Freeway and will be developed as a totally separate development. It is not a part of this development that will have the right to use this pool. 400 families will be eligible for membership in this pool even though they do not plan to have more than 300 members. There are townhouses immediately adjacent to the pool site and in the area along Burke Road. The remainder is R-12.5 single-family. Most of the people who will be using this pool will be within walking distance of the pool. This site was indicated on the preliminary plan approved by Fairfax County as being a future location for a pool site. The pool contains 5,600 square feet of water area and 400 square feet in the wading pool. The deck area is 8,200 square feet.

He submitted a sketch of the facade for the bath house and a floor plan showing that an activities room would be part of that building. Part of this property abuts an area that is zoned R-12.5, but is not projected for any development. It is owned by the homeowners association and will be deeded to them as part of the open space. They are proposing 6 foot high evergreen trees on the boundary of the adjacent townhouse units. Some concern arose with the adjacent owners of lot 17-21 in the townhouse development. There was a clump of trees and by virtue of site coverage, it will be necessary to remove some of them. They have met with the citizens and have entered into an agreement that they would like to make part of the record. The agreement basically said:
"...1. Upon final site plan engineering, the Swim Club will attempt to shift the location of the pool away from the adjoining residential units toward Ridge Ford Drive within the limitations imposed by site engineering conditions and necessary features of pool layout and design.
2. Upon completion of preliminary site plan drawings, which shall include the location of existing trees on the pool site, representatives of the Swim Club and its engineers will present these plans to the affected adjoining property owners for their review and comment.

3. The Swim Club will attempt to save as many of the existing trees on the site as is engineeringly possible, which instruction will be given to the engineers prior to commencing site plan work.

4. The Swim Club will plant shade trees, satisfactory to the adjoining property owners and the Swim Club, in that area located between the swimming pool and the immediately adjacent residential units, in addition to the screening shown on the plat presented to the Board of Zoning Appeals, which shade trees shall compensate, as best as is possible, for the existing trees which must be removed by virtue of the pool construction..."

In answer to Mr. Kelley's question Mr. Rosenberger stated that the building would be brick all the way around.

Mr. Smith told him that because of the limited parking,they would not be able to hold swim metes.

Mr. Rosenberger stated that he was aware of that.

Mr. Wesley Hayden, 5842 Kara Place, Burke, Virginia, spoke in favor of the application.

Col. William Heslup, President of the Burke Station Townhouse Homeowners Association, spoke in favor of the application.

Mr. Richard Daniels, 5816 Banning Place, contiguous to the site in question, spoke to the Board regarding the screening and stated that they had reached an agreement on this.

Mr. Smith stated that if they plan to make any substantial changes, they will have to come back to the Board. They can only make minor engineering changes.

Mr. Rosenberger stated that these would be minor engineering changes.

In application number S-38-74, application by Burke Station Swim Club, Inc, under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit swimming pool, bath house and community recreation center, on property located at north side of Ridge Ford Road, 500 feet southeast of intersection with Burke Road, also known as tax map 78-2 and part of 78-4((1))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 15th day of May, 1974.

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

1. That the owner of the subject property is Simon and Freedman, Trs.
2. That the present zoning is R-12.5.
3. That the area of the lot is 1.59911 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable State and 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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.

4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Certificate of Occupancy on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. The maximum number of family memberships shall be 250.

7. The hours of operation shall be 11:00 A.M. to 9:00 P.M. Any after hours party will require a written permit from the Zoning Administrator and such parties shall be limited to six (6) per year.

8. The minimum number of parking spaces shall be 48 for automobiles and a rack to accommodate 32 bicycles. All parking related to this use shall be on site.

9. Landscaping and screening shall be provided to the satisfaction of the Director of County Development.

Mr. Runyon seconded the motion.

The motion passed 3 to 0. Mr. Baker and Mr. Barnes were absent.

The hearing ended at 12:15 P.M.

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12:00 - MR & MRS. JEROME F. CLIMER, application under Section 30-6.6 of Ordinance to permit enclosure of carport 2.6 feet closer to side property line than allowed by Ordinance, 7208 Racepoint Way, 91-4((6))35, 11,555 square feet, Lee District, R-12.5, V-40-74.

Mr. Climer represented himself before the Board.

Notices to property owners were in order. The contiguous owners were D.T. Irby, Jr., 5519 Dunsmore Road, Alexandria, and Wills and Plank of Wellfleet, Inc., 410 Pine Street, S.E. Vienna, Virginia.

Mr. Climer stated that they purchased their home thinking they could enclose the carport, but they later discovered the setback problem. The rear of their lot has a storm drainage easement which would make construction of a garage impractical. In addition, he stated that they have an unusually narrow lot.

The carport has a gable roof on it, therefore, all they have to do is put up the 7 foot wall. The materials will be compatible with the existing dwelling.

There was no one to speak in favor or in opposition to the applicant.

In application number V-40-74, application by Mr & Mrs Jerome F. Climer under Section 30-6.6 of the Zoning Ordinance, to permit enclosure of existing carport to convert it into a garage, located 9.4 feet from side line, on property located at 7208 Racepoint Way, Wellfleet Subdivision, Lee District, also known as tax map 91-4((6))35, County of Fairfax, Virginia, Mr. Runyon 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 May, 1974, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Jerome F. and Mary Ann Climer.
2. That the present zoning is R-12.5.
3. That the area of the lot is 11,555 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 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 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. Architectural detail to conform to that of the existing structure.

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. Kelley seconded the motion.

The motion passed 3 to 0. Mr. Baker and Mr. Barnes were absent.

Hearing concluded at 12:25 P.M.

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12:20 - LOYAL ORDER OF MOOSE, ARLINGTON LODGE, #1315, application under Section 30-7.2.5.1.4 to permit addition of storage room to existing facility, 5710 Scoville Street, 61-4((1))118, Mason District, R-12.5, S-44-74, OTH.

Mr. Cheatham represented the applicant before the Board.

Notices to property owners were in order.

Mr. John Zaken, architect, 6269 Leesburg Pike, Falls Church, Virginia, stated that there has been an inspection of this storage room that they inadvertently started without first getting approval. The construction will be concrete block faced with brick to match the existing building.

In application number S-44-74, application by Loyal Order of Moose, Arlington Lodge #1315 under Section 30-7.2.5.1.4 of the Zoning Ordinance to permit storage room addition to the existing facilities, on property located at Sunset Manor Subdivision, Bailey's Crossroads, Mason District, also known as tax map 61-4 ((1))118, County of Fairfax, Mr. Runyon 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 May, 1974.

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

1. That the owner of the subject property is Loyal Order of Moose, Arlington Lodge #1315.
2. That the present zoning is R-12.5.
3. That the area of the lot is 5.0001 acres.
4. That complianne with Site Plan Ordinance is required.
5. That the site is presently operating under SUP originally granted May 16, 1961 and amended.

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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zonign Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Certificate of Occupancy on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. All other requirements of the amended SUP shall remain in effect.
7. Architectural detail shall conform to that of the existing building.

Mr. Kelley seconded the motion.

The motion passed 3 to 0. Mr. Baker and Mr. Barnes were absent.

Hearing ended at 12:40 P.M.

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The Board recessed for lunch.

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DEFERRED CASES:

CAPITOL CARS & CAMPERS, S-259-73, Deferred from April 24, 1974.

Mr. Lainof, attorney, represented the applicant before the Board.

The revised plats had been submitted earlier and had been approved as far as the Site Plan Office were concerned by Mr. Hendrickson.

Mr. Lainof submitted a sketch of how the building would look. The sketch stated that the building would be T/I exterior siding with stained light walnut. The new plats showing 15 parking spaces for recreational vehicles and 18 parking spaces for customers and employees.

In application number S-259-73, application by Capitol Cars and Campers, Inc. Robert and Nancy Pever under Section 30-7.2.10.5.4 of the Zoning Ordinance to permit new franchise dealer for recreational vehicles and boat sales on property located at 8142 Richmond Highway, Lee District, also known as tax map 101-2((5))(2)3 and 4, 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 27th day of March, 1974, and deferred to April 24, 1974 and then to May 15, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is John T. & Carole A. Getgood Robert and Nancy Pever-contract purchaser.
2. That the present zoning is C-G.
3. That the area of the lot is 40,000 square feet.
4. That compliance with all County and State Codes applicable thereto is required.
5. That compliance with Site Plan Ordinance is required.
6. That property is subject to pro-rata share for offsite drainage.

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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Certificate of Occupancy on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The hours of operation to be 9 A.M. to 9 P.M., Monday through Friday, Saturdays 9 A.M. to 5 P.M. and Sundays 11 A.M. to 4 P.M.
7. There is to be no mechanical or repair work permitted on said site.
8. Landscaping, screening, and/or fencing shall be to the satisfaction of the Director of County Development.

Mr. Runyon seconded the motion.

The motion passed 3 to 0. Mr. Baker and Mr. Barnes were absent.

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AFTER AGENDA ITEMS:

ELDON MERRITT, S-665-67, Special Use Permit granted May 14, 1968, for four classrooms in the Calvary Hill Baptist Church, located at the corner of Route #236 and Olley Lane for a period of 3 years from July 25, 1968.

Robert Lawrence, attorney, represented the applicant before the Board.

Mr. Smith inquired as to whether or not Mr. Merritt had painted all his school buses in accordance with the State and County Codes.

Mr. Lawrence stated that he had. Mr. Merritt, who was also present, confirmed this.

Mr. Merritt, in answer to Mr. Smith's question, stated that he could not say exactly how long he would continue to use this church location but considering his age, not too many more years. This is an overflow from the other Talent House School on Arlington Boulevard.

Mr. Lawrence stated that the ages of the children are 4 and 5.

He read the minutes of the meeting of the church giving Mr. Merritt permission to continue operating at that location. He stated that the Reverend of the Church is present. The Church has had no complaints in the last 7 years that this school has operated here. The plan to keep the school there indefinitely.

Mr. Lawrence stated that Mr. Merritt has about 80 students at this location.

Mr. Runyon moved that in the case of Eldon Merritt, S-665-67, that this Special Use Permit be extended for a period of one year with the Zoning Administrator being empowered to grant three additional one-year extensions upon presentation of the proper lease with the church 30 days prior to the expiration of the permit.

Mr. Kelley seconded the motion. The motion passed 3 to 0. Mr. Baker and Mr. Barnes were absent.

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LUCK QUARRIES,

Mr. Jack Maize, Zoning Inspector Specialist, brought this matter before the Board.

Mr. Maize presented a summary to the Board members. He stated that there exists two sets of blasting criteria relating to restrictions imposed on Fairfax Quarry.

"One set, approximately 15 years old, relate to quarry operations on the south side of Lee Highway. The second set, approximately 8 years old, relate to quarry operations on the north side of Lee Highway. An extract of the Board of Zoning Appeals minutes reveal the following:

A. Permit (Old Quarry) Granted by BZA on 10-27-59.
"Blasting to take place between 12:00 noon and 1:00 P.M. one in two weeks" on south side of Lee Highway, west of Route #621, on 42.1618 acres of land, Centreville District.

B. Permit (NW corner of Lee Highway & Route #621) Granted by BZA on 6-28-66.
"Blasting to be limited to the hours from 12:00 noon to 1:00 P.M. with tolerance granted to the hours of 11:00 A.M. and 2:00 P.M. in case of mechanical or weather difficulty making it impractical to blast between 12:00 noon and 1:00 P.M. Blasting shall be limited to weekdays and furthermore, no blasting shall take place on any State or Federal holidays. No blasting in both quarries at once. Limited to three times per week."

Conclusion - Better control can be exercised over blasting activities if operating personnel are granted more latitude in selecting the time to blast as well as the number of blasts per week. Uniformity is desirable when conducting activities in various sections of the same quarry. Further, it is believed that the adverse affects of blasting (shock, noise, dust) can be mitigated by detonating several small charges in lieu of one large charge. With the monitoring equipment now possessed by the County, it is possible to exercise better control over blasting than was possible a decade ago.

Recommendation - It is recommended that favorable consideration be granted to permit blasting in any section of the Fairfax Quarry, once per day, between the hours of 10:00 A.M. and 3:00 P.M. when atmospheric conditions are favorable. Blasting to be limited to weekdays, Monday through Friday, with no blasting on State or Federal holidays."

Mr. Smith asked whether he had had trouble with flying rock, and Mr. Maize answered that they had had flying rock fairly close to the road. It was very unusual circumstances and the rock was thrown quite high and did go beyond the boundary of Fairfax Quarry land. He then directed that all of the blasting be conducted in a fashion to preclude any stone from going beyond the boundary. Procedures are now being established by the Fairfax Quarry officials to institute controls to produce results desired by that order.

Mr. Smith stated that the thing that bothers him about changing the blasting limitations is many people in the area would not be aware of these changes. He stated that he did not believe that the original permit stating 12:00 noon to 1:00 P.M. is realistic and he would feel that actually the change in hours under B which was the permit on the northwest corner of Lee Highway and Route #621 which was granted June 28, 1966, was a lessening of this requirement and could be used for both sides of the Quarry. This would give them a little more latitude. Any change other than this, there should be a public hearing.

Mr. Covington asked if the Board did not say that the last issuance superceded the first one.

Mr. Smith agreed.

Mr. Smith inquired if they could reduce the size of the blast and still work within that limitation that was last granted to the Quarry.

Mr. Maize stated that they could reduce 1 out of every three.

The Fairfax Quarry representatives and Mr. Spence, their attorney, indicated they could live with this limitation.

Mr. Covington stated that there would be another hearing in October on the south area of the Quarry so maybe the Board could then give some consideration to what they might wish to do at that time.

Mr. Smith commented that the trees that they planted were very small.

Mr. Maize stated that he would suggest to the Quarry that they feed the trees.

It was the Board's decision to interpret the "B" in the memo to cover the entire operation, both north and south.

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May 15, 1974
CAPITOL CARS & CAMPERS

Mr. Lainof came forward with a question on clarification of the resolution granting the permit. He asked whether or not the limitation stating 'no mechanical work on said site' would mean they could not do minor adjustments on the trailers they sell that might come back in with a minor problem, such as the refrigerator not functioning properly, etc. They give a year warranty on all their recreational vehicles and they would like to be able to service them.

It was the Board's decision that they could do the dealer preparation and warranty work on the vehicles they sell. This is permitted in a dealership as part of the sales operation.

Mr. Kelley stated that he put that limitation in there so they could not do repairs on vehicles that people might like to bring in that had no connection with the sales of those vehicles.

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May 15, 1974
DOMINICAN RETREAT, 7103 Old Dominion Drive.

Mr. Smith read a letter from the Dominican Retreat expressing their appreciation for the Board's granting the Permit for their addition, and for the Board's understanding and cooperation.

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May 15, 1974
COURTHOUSE COUNTRY CLUB OF FAIRFAX

Mr. Steve Best, attorney, appeared before the Board to apologize for having allowed the tennis courts to being at the Country Club. He explained that it had been his intent to amend the application originally to request the tennis courts and he had requested the engineer to prepare the plats showing the tennis court. He then went on vacation and when he came back it was time for the hearing. He did not realize that the application had never been amended and the new plats substituted. Therefore, he thought the tennis courts had been approved.

Ted Britt had a contract with a company to construct the courts and he thought that a permit would not be required because they built one at International Country Club and they did not get a permit.

Mr. Covington stated that International Country Club has been issued a violation notice and construction has ceased.

Mr. Best stated that they did not intend to go ahead and build the courts in violation. He stated that they do have an application in now for the tennis courts.

The Board stated that the earliest date they could hear the application would be June 19, 1974.

Mr. Kelley moved that the meeting adjourn.

Mr. Runyon seconded the motion.

The motion passed unanimously and the meeting adjourned at 3:13 P.M.

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By Jane C. Kelsey
Clerk
Jean McCleery, Typist

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED June 5, 1974
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, May 22, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Charles Runyon. George Barnes and Joseph Baker were absent.

Mr.Covington opened the meeting with a prayer.

10:00 - JEFFREY SNEIDER AND COMPANY, app. under Section 30-2.2.2 Col. 2 SUP uses in PAD zone, to permit shopping center per PAD zoning previously approved by Board of Supervisors, Jermantown Road and Blake Lane, 47-2((14))E & J, (8.9055 acres), Providence District (PAD), S-41-74

Mr. Harold Miller, attorney, represented the applicant before the Board.

Notices to property owners were ruled in order. The Board was in receipt of a waiver of notice from William B. Newton, 10315 Blake Lane, Oakton, Virginia, who is the only contiguous property owner.

Mr. Miller submitted to the Board a copy of a Certificate of Appreciation from the County of Fairfax for Excellence in Land Conservation and a copy of a letter of appreciation from the Environmental Quality Advisory Council on the superior job of landscaping the first section of the Oakton Village project.

Mr. Miller stated that last year they came before this Board for a Special Use Permit for a service station on part of this site. The Board said they should not proceed piece-meal and questioned whether a service station would be suitable for this site. They are now returning for a Special Use Permit for the entire shopping center, 8.9 acres, and they have replaced the service station with a convenience store. This commercial site is divided at Blake Lane at the County's request. The original road went around the perimeter of the site. This was approved as a location for the shopping center when the Board of Supervisors approved the rezoning of the overall PAD area. This commercial area is surrounded almost entirely by Sneider's project. The only other landowner who touches this property is William Newton. There are over 1400 residential units and all these units are within walking distance of the center. The retail space is 65,790 square feet and over part of the retail space is office space of 23,800 square feet making the total square footage of 87,590.

Mr. Smith inquired as to how much square footage is allowed for a commercial area in a PAD zone.

Mr. Covington stated that he had checked that out before he came to the Board meeting and this is well within the confines of the Ordinance, but he did not remember the exact amount.

Mr. Smith asked the applicant to submit a justification on the amount of commercial space that they are requesting.

Mr. Smith asked if there would be any free standing signs connected with the individual uses.

Mr. Miller answered "no". He stated that in view of the ordinance, they find they can only have one sign. They originally planned to have three, one at each entrance. They have directed the architect to reduce the sign to lower the peak from 14 to 10 and put the sign at the entrance of Jermantown Road. They will conform to the sign ordinance. There will be individual signs on the buildings themselves.

Mr. Kelley commended the Jeffrey Sneider Company on this development. He stated that he had followed this development very closely and was glad to see that they changed the use from a gasoline station. He stated that they are to be commended on the entire development.

There was no one present to speak in favor or in opposition to this application.

Mr. Runyon stated that he felt the Board had sufficient information to make a decision based on the quality of the application as well as the qualifications of the applicant.

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May 22, 1974
JEFFREY SNEIDER AND COMPANY

In application No. S-41-74, application by JEFFREY SNEIDER AND CO. under Section 30-2.2.2, of the Zoning Ordinance, to permit shopping center per PAD zoning previously approved by the Board of Supervisors, on property located at Jermantown Road and Blake Lane, Providence District, also known as tax map 47-2((14))E & J, County of Fairfax, Mr. Runyon 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 May 1974.

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

1. That the owner of the subject property is Jeffrey Sneider and Co.
2. That the present zoning is PAD.
3. That the area of the lot is 8.9055 acres.
4. That compliance with 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

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 unless renewed by action of this Board upon whichever of the following events shall last occur:
   a. Twelve months from this date.
   b. Three months after Fairfax County permits connection with the existing sewerage facilities thereon.
   c. Six months after Fairfax County permits a Site Plan to be filed thereon.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

Mr. Kelly seconded the motion.

The motion passed 3 to 0 with Mr. Baker and Mr. Barnes absent.

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10:20 - ELIZABETH S. COLLINS, app. under Section 30-7.2.6.1.3 of Ord. to permit room addition and to increase enrollment from 43 to 78 children in existing school, 6396 Lincolnia Road, 72-1((7))3, 4, & 19 (33,825 sq. ft.), Mason District, Lincolnia Heights, (R-12.5) S-42-74

Mrs. Elizabeth Collins, 520 South Carlyn Springs Road, Arlington, Virginia, appeared before the Board.

Notices to property owners were in order. The contiguous owners were Hampton E. McGhee, 6361 Hillcrest Place, Alexandria and Edward A. Landees, 6392 Lincolnia Road, Alexandria, Virginia.

Mr. Smith inquired as to whether or not this school is now a corporation. There was a letter in the file from the State Corporation Commission indicating that this is a corporation called Lincolnia Private Day School Inc. which was incorporated on January 31, 1974.

Mrs. Collins stated that that was correct. Two of the officers in the corporation are Charles W. Leeapole, 12396 Menebill Road, Woodbridge and Jacqueline Leeapole of the same address. She stated that she is still the Director of the School. She also still owns the property, but they are in the process of transferring that over to the corporation as soon as this addition is finished. This request is to extend the enrollment from 40 to 78 children and add a small addition to the existing building. The ages of the children will be from 2 to 6. She would like to operate from 7:00 a.m. to 6:00 p.m. There will be no bus service.

Mr. Kelley asked to see a sketch of the addition and Mrs. Collins submitted the building plans for the addition to the Board. She stated that the addition will be constructed of cinderblock with stucco.

Mr. Smith stated that the size on the building plans do not conform with the plats showing the proposed addition.

Mr. Kelley commented that the plats do not indicate sufficient parking for this increased use. The parking area does not meet the 25' setback requirement. The plats are supposed to indicate the existing parking plus any additional parking that will be required for this use.

Mrs. Collins stated that the parents could use the circular drive in front of the building.

Mr. Smith stated that they could not use that drive to park as the ordinance does not permit parking in the front setback nor within 25' of any property line.

Mr. Kelley read the Staff Report from Preliminary Engineering Branch which stated:

"This use will be under site plan control. On June 21, 1973, this office granted a site plan waiver to Mrs. Collins to permit the use of the subject property as a nursery school for 43 children without the requirement to submit a site plan. This approval was granted on certain conditions, one of which required that a 4 foot sidewalk be provided on Hillcrest Road to the school. If this walk has been constructed it should be shown on the plat submitted with this new application. If the walk has not been constructed then the applicant is technically in violation of the site plan ordinance in that all conditions of the site plan waiver have not been met."

Mrs. Collins stated that she discussed this at length with the people in the Preliminary Engineering Branch last year and they told her they would take this matter under advisement as to whether or not she actually did have to put in the sidewalk. This will create a hazard for the children who play in this area. She received a notice Monday of this week about it. She then talked with Mr. Reynolds in that office and then she wrote a letter requesting another waiver of the site plan.

Mr. Steve Reynolds from Preliminary Engineering Branch appeared before the Board and stated that the site plan was waived for the use under the original Special Use Permit but that waiver condition was as in the present Staff Report. That sidewalk is not shown on the present plat with this application for the expansion and it can only be assumed that it was not built. She will

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COLLINS (continued)
be required to comply with Site plan, but without detailed review he stated that he could not say whether it will be waived this time. Mrs. Collins has submitted the request for the waiver, but he did not know if they are going to consider the approval of the waiver of the sidewalk requirement.

Mr. Smith suggested that Mrs. Collins have her engineer talk with the Staff before he prepares the new plats to be sure that they conform as to what she is actually going to do.

There was no one to speak in favor or in opposition to this application.

Mr. Kelley moved that this case be deferred until June 5 to provide the applicant additional time to have proper plats prepared to show at least 10 parking spaces and a setback of 25' from the property line and to show the sidewalk if one is going to be required by the site plan office and the proper setback of the addition to the property line.

Mr. Runyon seconded the motion. The motion passed 3 to 0. Messrs. Baker and Barnes absent.

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10:40 - JOHN E. & ELEANOR E. ROACH, app. under Section 30-7.2.6.1.3 of Ord to permit increased enrollment to 125 students and change hours of operation to 7:00 A.M. to 6:00 P.M. in existing school, 7152 Woodland Drive, 71-3((7))24A & 25A, Leewood Subdivision, Springfield District (1.836273 acres), RE-0.5, S-43-74

Mr. Smith stated that in view of the typographical error in the advertising, the fact that this was advertised in the Springfield District and it should have been the Annandale District, the Board would reschedule and readvertise this case for June 12, 1974 at 2:00 P.M.

He asked if there was anyone in the room interested in this case.

There was no one in the room who indicated that they were interested in this case.

Mr. Smith stated that the Planning Commission has indicated that they wish to hear this case and have scheduled it for June 11, 1974 at 8:15 P.M. which would be prior to the Board's hearing of it. The BZA therefore will have their recommendation.

Mr. Smith stated that there is a question on the applicant's use of the existing building that was a garage and according to the advertisement there is no mention that they would like permission to use this additional building. If the applicant so desires to use this building, it should have been included in the application.
The Board agreed to this rescheduling.

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11:20 - ARCHIBALD JOHN McEWAN, app. under Section 30-6.6 of Ord. to permit enclosure of carport closer to side lot line than allowed by Ord. (16.4' from property line, 3.6' variance), 1808 White Oaks Drive, 93-4((6))558, Hollindale Subdivision, 27,586 square feet, Mt. Vernon District (RE-0.5), V-45-74

Mr. McEwan represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Fred & Mary Everett, 1804 White Oaks Drive, Alexandria and Thomas and Martha Mustain, 1812 White Oaks Drive, Alexandria, Virginia.

Mr. McEwan gave the reason for needing this variance as the use of the carport is the only logical step to use for additional living space in view of the unique features of the lot. This lot is very long and narrow and in addition, the relatively steep slope precludes use of the back area.

There was no one present to speak in favor or in opposition to the application.

Mr. McEwan stated that the materials that he plans to use and the architecture will be compatible with the existing house.

In application No. V-45-74, application by ARchibald John McEwan under Section 30-6.6 of the Zoning Ordinance, to permit enclosure of carport closer to side lot line than allowed by Ordinance, on property located at 1808 White Oaks Drive, Hollindale Subdivision, also known as tax map 93-4((6)) 558, Mt. Vernon 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 22nd day of May, 1974; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Archibald & Maria McEwan.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 27,586 square feet.
4. That the request is for a minimum variance of 3.6 feet to the side yard requirement of 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 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. Architecture and materials to be used in proposed enclosure shall be compatible with the 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 responsible for fulfilling his obligation to obtain building permits, residential use permit, and the like through the established procedures.

Mr. Runyon seconded the motion.

The motion passed 3 to 0. Mr. Baker and Mr. Barnes were absent.

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11:40 - EDUCO, INC., app. under Section 30-7.2.6.1.3 of Ord. to permit change of ownership and change of hours of operation to 7:00 A.M. to 6:00 P.M. and continuance of operation for eight weeks in the summer in existing school, 6349 Lincolnia Road, 72-1((1))50A, (3 acres), Mason District, (RE0.5), S-46-74

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Mr. Tom Lawson, attorney for the applicant, appeared before the Board.

Notices to property owners were in order. The contiguous owners were Beverly T. Hummer, Jr., 6341 Lincolnia Road and Grace Baptist Church 6355 Lincolnia Road.

Mr. Lawson stated that he had just been handed two documents, one from the State Fire Marshall and a copy of a report from the building inspection office. These reports both suggest changes that must be made in order to extend this operation, therefore, they have an entirely different ballgame. The details of the contract are not a concern of the Board but these suggested changes will call for a reevaluation of the existing contract. His clients are still interested in taking over this school, but they would like to have the case continued for approximately one or two months in order to work out the problems that these reports have brought out.

Mrs. Beverly Hummer spoke to the application and stated that she was not interested in having a day care center next door, but she would like to have a fence put up between the properties should the operation continue. She asked if the school would be closed on Saturday and Sunday.

Mr. Lawson in answer to her question stated that he was not ready to answer that, and he would be glad to sit down with the neighbors and go over the problems and try to alleviate them.

The Board discussed a deferral date. The case was deferred to July 24, 1974 at 10:00 A.M. at the applicant's request.

Mr. Smith suggested that they implement the screening to lessen the impact on the surrounding neighborhood. He inquired about whether or not the busses were painted, lettered and had the proper lights in accordance with the State Code.

Mr. Lawson stated that the busses were painted red.

Mr. Smith stated that they would have to change the school bus colors and conform with the State Code.

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12:00 - THE NATIONAL BANK OF FAIRFAX, app. under Section 30-6.6 of Ord. to appeal the Zoning Administrator's decision to refuse to issue a sign permit under Section 30-16.2.3.2 of the Ordinance, 2928 Chain Bridge Road, Oakton, 47-2((1))99 and 101, Centreville District, (1.3603 acres), (COL), V-34-74

Mr. Tom Lawson, attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order. The contiguous property owners were Appalachian Outfitters, Box 248, 2930 Chain Bridge Road, Oakton and Paul J. and Helen R. Lal, 9504 Wallingford Drive, Burke, Virginia.

(SEE TRANSCRIPT OF HEARING)

The decision was deferred for review of the Ordinance. There was a discussion as to the deferral date. The applicant's attorney suggested that it be deferred to July 24, 1974, as he had a Court case on July 17, 1974.

Mr. Kelley moved that this case be deferred for decision only in order for the Board to review the Ordinance and to get a memo from the Zoning Administrator on his interpretation of this section of the Ordinance. (Section 30-16.2.3.2).

Mr. Runyon seconded the motion.

The motion passed unanimously with the members present. Mr. Barnes and Mr. Baker were absent.

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DEFERRED CASES:

CLAUDE A. WHEELER T/A PROCTOR HATSELL PRIVATE SCHOOL, app. under Sec. 30-7.2.6.1.3.2 of Ord. to permit change of ownership of existing private school, 6:30 A.M. to 6:30 P.M. for 75 children, 7 employees, 7150 Telegraph Road, 91-4((1))13, Lee District, (2.81 acres) RE-1, S-27-74 (Deferred from 5-15-74 and 5-8-74)

Mr. Smith reminded the Board that the Health Department memo indicated that the maximum number of students allowed within the existing facility was 45 at any one time with a total of 90. Mr. Smith stated that Mr. Overik, the owner of the property and the original applicant when this was granted some years ago, was in earlier and had indicated that he did not wish to be included as a co-applicant. The Board will have to consider this case on the merit of the application.

In application No. S-27-74, application by Claude A. Wheeler T/A Proctor Hatsell Private School under Sec. 30-7.2.6.1.3.2 of the Zoning Ordinance, to permit change of ownership of existing private school, 6:30 A.M. to 6:30 P.M., on property located at 7150 Telegraph Road, Lee District, also known as tax map 91-4((1))13, County of Fairfax, Mr. Runyon 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 May, 1974, and deferred to May 22, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Glenn S. and Mary R. Overik.
2. That the present zoning is RE-1.
3. That the area of the lot is 2.81 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 for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

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6. Hours of operation shall be 6:30 a.m. to 6:30 p.m.
7. The maximum number of children shall be 45 at any one time, ages 2 to 7 years.
8. The operation shall be subject to compliance with the inspection report the requirements of the Fairfax County Health Department and the State Department of Welfare and Institutions.

Mr. Kelley seconded the motion.

The motion passed unanimously.

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AFTER AGENDA ITEMS:

REQUEST FOR OUT OF TURN HEARING -- PUBLIC STORAGE, INC., S-71-74.

Mr. James Tate, attorney for the applicant, was present to make the request. for an out of turn hearing for Mrs. Ruby Swain of 9927 Richmond Highway, Lorton, Virginia on her application for a special use permit. Mrs. Swain is the owner of Ruby's Restaurant located on two plus acres on Route One near Prince William County line. Mr. Tate then went into the hardship problem and stated that her property in issue constitutes her entire estate and her only means of livelihood. They have been successful with the County in getting a ruling from the County Attorney's Office that a site plan can properly be filed under the Interim Development Ordinance. The intended use, however, does not fit exactly within the listed uses of General Commercial Zoning which is the present zoning of the property, and they are required to obtain a special use permit from this Board.

There is an injunction to keep a foreclosure from taking place on this property and this injunction expires on June 26th, therefore, they do need this out of turn hearing for June 19, 1974.

Mr. Smith asked Mr. Tate if he had received a copy of Mr. Knowlton's letter to the Board regarding this application. Mr. Tate had not and was given a copy. Mr. Knowlton's letter stated that under Item 2, Column 2, of the CG district, uses which have a physical or functional characteristic similar to uses in Column 1 of that district may be permitted by the Board of Zoning Appeals. The use requested involves the renting of small storage enclosures, and is designed to be a service for those persons living in small units without storage areas for household effects, camping equipment, etc. In this respect, the proposed use is not unlike a frozen food locker allowed by right in that zone.

As to the question of persons living on the premises, Mr. Knowlton's letter stated that the quarters of a caretaker or watchman serving the use is permitted as a carry-over from the CB district. The primary distinction between this use and a warehouse operation lies in the fact that this is a personal service directly to the population. It is obvious that the character would change were the items so stored become the properties of commercial and industrial establishments. He suggested that the Board limit or condition any approval to a major percentage of residential effects being stored.

Mr. Kelley moved to grant the out of turn hearing for June 19, 1974.

Mr. Runyon seconded the motion.

Mr. Smith inquired if the file was complete.

The Clerk stated that the file was complete.

The motion passed 3 to 0. Mr. Barnes and Mr. Baker were absent.

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SCHOOL FOR CONTEMPORARY EDUCATION, S-167-72

Mr. Smith read a letter from Donald Stevens, attorney for the applicant, requesting an extension to the permit based on several factors one of which was the unavailability of sewer taps.

Mr. Smith suggested that the Board grant an additional six months since the problem is financial as well as a sewer tap problem.

Mr. Kelley so moved.

Mr. Runyon seconded the motion. The motion passed 3 to 0. Mr. Barnes and Mr. Baker were absent.

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BERNIE COX -- Riding School

Mr. Smith read a letter from several of the citizens in the area regarding violations that have occurred at this location.

Mr. Covington stated that his office had sent an inspector out to the premises and Mr. Cox had cleared the violations.

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The meeting adjourned at 2:43 P.M.

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By Jane C. Kelsey
Clerk

DANIEL SMITH, CHAIRMAN

APPROVED June 25, 1974
DATE

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The Regular Meeting of the Board of Zoning Appeals was held on Wednesday, June 5, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Charles Runyon, Joseph Baker and George Barnes. Mr. Wallace Covington, Assistant Zoning Administrator, and Harvey Mitchell, Associate Planner, were present from the County Staff.

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

10:00 - ST. BARNABAS EPISCOPAL CHURCH, app. under Section 30-7.2.6.1.11 of the Ordinance to permit addition to church for expansion of Sunday School facilities, 4801 Ravensworth Road, 71-1 & 71-3((1)) 1 and 1B, (6.6525 acres), Annandale District, (RE-1), S-47-74

Mr. Richardson, 4902 Regina Drive, Annandale, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were John H. Watkins, 4715 Ravensworth Road and Sterling Lee, 4847 Ravensworth Road.

Mr. Richardson stated that this expansion request is for a separate building located to the rear of the existing church. The structure is an "L" shaped building with a floor area of 4,089 square feet. It will start out as one story, but as their funds permit, they will expand to a two story building.

Mr. Smith asked if they were planning to do this within the next five years.

Mr. Richardson stated that they probably would not be able to.

Mr. Smith stated that if they could complete their expansion within five years, it would not be necessary to come back to the Board, but if they could not, they would have to come back. He inquired if they would have to enlarge the parking area to accomodate this expansion.

Mr. Richardson stated that their parking is now more than twice the size to accomodate their expansion. They are not enlarging the sanctuary but they are enlarging their classroom capacity.

There was no one present to speak in favor or in opposition.

Mr. Kelley read the report from Preliminary Engineering which stated that Ravensworth Road is proposed to be a 90' right of way and they suggested that the applicant dedicate 45' from the center line of the existing right of way.

Mr. Richardson stated that this would cause no problem.

Mr. Runyon asked Mr. Richardson if he felt this church is compatible with the existing residential neighborhood.

Mr. Richardson stated that he did feel it is compatible. They have more than 6 acres of land. The land is currently wooded which provides good screening.

Mr. Runyon asked if the church serves that particular neighborhood.

Mr. Richardson stated that it does serve this neighborhood and also they have some members from Fairfax City and Falls Church, but most of the members live within a 2 and 1/2 mile radius.

Mr. Runyon asked if they serve the neighborhood for other functions.

Mr. Richardson stated that they have a Boy Scouts, Girl Scouts, AA, and other community groups that meet at their church.

Mr. Richardson stated that the proposed addition will be masonry with a flat roof and brick facade. The existing buildings are frame construction with redwood stained vertical siding.

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June 5, 1974
St. Barnabas Episcopal Church (continued)

In application No. S-47-74, application by St. Barnabas Episcopal Church under Section 30-7.2.6.1.11, of the Zoning Ordinance, to permit addition to church for expansion of Sunday School facilities, on property located at 4801 Ravensworth Road, Annandale District, also known as tax map 71-1 & 71-3((1))1 & 1B, County of Fairfax, Mr. Runyon 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 June, 1974.

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

1. That the owner of the subject property is Trs. of St. Barnabas Episcopal Church.
2. That the present zoning is RE-1.
3. That the area of the lot is 6.4413 acres.
4. That compliance with the 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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

Mr. Baker seconded the motion.

The motion passed unanimously with all the members present.

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TECTONICS, INC., app. under Section 30-6.6 of Ord. to request variance so road can be constructed closer than 50 feet from existing building, 8419 Terminal Road, 99-3((1)), parcel B (35,396 sq. ft.) Lee District (I-G), V-48-74

Notices to property owners were in order. The contiguous owners were Berkley Equipment Company, 5320 Rockville Road in Maryland and Terminal One, Ltd., 600 D Stevenson Avenue, Suite 101, Alexandria, Virginia.

Mr. Darrock represented the applicant before the Board. He is with the engineering firm of Patton, Harris and Rust, 10523 Main Street, Fairfax, Virginia,

Mr. Darrock stated that the industrial complex at this location is presently serviced by a private road with a 50 foot ingress - egress easement. The complex is primarily warehouses and a concrete plant. In view of the heavy trucking activity, the owner of the existing easement desires to rebuild this road to Virginia Department of Highway specification and dedicate the right-of-way. The proposed industrial road construction as shown on the drawings in the file has been approved by the Virginia Department of Highways. A 38 foot turnaround for use by snow removal and maintenance equipment was requested and is shown on the drawing with a 5 foot buffer median. The additional right-of-way necessary for the turnaround is agreeable to the owners involved. The installation of a modified Cul-de-sac was necessary to provide access to the various buildings and will result in a triangular shaped encroachment into the 50 foot building restriction line at the corner of one warehouse. At this closest point, the building restriction line will be 32 feet.

Mr. Smith inquired if this road would service anything beyond the building at 8419 Terminal Road.

Mr. Darrock stated that it would not.

Mr. Runyon asked Mr. Darrock if this will serve the public as well.

Mr. Darrock answered that it would because, in dedicating the Highway Department felt that they would have more control and there would be an adequate turning radius.

Mr. Jay Lamb, Air Pollution Control Engineer responsible for enforcement in Air Pollution Control Area IV which includes Terminal Road, spoke before the Board in favor of this application. He stated that they had had complaints since 1972 about the excessive dust that was being generated by concrete trucks and other through traffic. There have been several delays which has brought them up to this point. If these plans are approved, they will require the owners to submit a completion schedule on the road work to be performed and insist they continue the temporary dust controls until construction is finished.

Mr. Lamb submitted his statement to the Board which was signed by both he and D. G. Helms, Director, Air Pollution Control.

Mr. Barnes inquired what type of road this would be.

Mr. Darrock stated that it would be black-topped.

There was no opposition to this application.

In application No. V-48-74, application by Tectonics, Inc., under Section 30-6.6 of the Zoning Ordinance, to permit road to be constructed closer than 50' from existing building, on property located at 8419 Terminal Road, Lee District, also known as tax map 99-3((1))parcel 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 Zoning Appeals held on the 5th day of June, 1974, 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 34,396 sq. ft.

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 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 be himself responsible for fulfilling his obligation to obtain building permits, non-residential use permit and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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10:40 COMMUNITY COVENANT CHURCH OF SPRINGFIELD, app. under Section 30-7.2.6.1.11 of Ord. to permit construction of church for worship, Sunday school and other religious gatherings, 7000 Sydenstricker Road, 89-3((1))3A, 5 acres, Springfield District (RE-1), S-49-74

Rev. Lake, 6624 Bernard Drive, Springfield, represented the applicant before the Board.

Notices to property owners were in order. The contiguous property owners were Hunt Valley Swim Club, c/o Mr. Joseph Shreve, President, 7304 Langsford, Court, Springfield and Estate of Nellie Zell, c/o Mr. Charles Zell, 6914 Sydenstricker Road, Springfield, Virginia.

Rev. Lake stated that they have from 50 to 60 people to attend church on Sunday. They have been meeting in the Hunt Valley School nearby. They have held this property for four years. There is only one other church that serves this area and that is the Sydenstricker Methodist Church which is a small church. They plan to use this building for church worship and Sunday School classes, choir rehearsals, prayer and Bible study, vacation church school and other religious convocations. The maximum number of users is proposed to be 100 at any one time. They plan to have 20 parking spaces.

Rev. Lake stated that this structure would consist of two square one story wood frame structures with a connecting entry. It will have stained plywood siding exterior walls with pyramid pitch shingle roofs. Each of the structures will be 40'x40'. Public sewer has been accessible in the back of the church and they plan to hook up to that.

Mr. Runyon asked if this is as far back as they could set the church structure. He stated that Sydenstricker is proposed to be widened.

Rev. Lake stated that their architect informed them that in order to keep the grading at a minimum this would be the best location. The land falls away from the road and in order to use the existing grade, they set the church at this location.

Mr. Kelley asked if they propose to dedicate the required width for the widening of Sydenstrick Road.

Rev. Lake stated that they do, but they hope they will be given a little time before they have to improve the road.

Mr. Smith stated that the Board should note Preliminary Engineering comments so the Resolution to grant could be worded in such a way so as to eliminate the need for a variance on the property when the road is widened.

There was no one to speak in favor or in opposition to the application.

Mr. Smith inquired if there was a Certificate of Good Standing on this corporation.

Mr. Covington stated that in Virginia churches are not incorporated.

Mr. Smith stated that the church could lease property from a corporation and the file indicates that a corporation owns the property. The Board needs some information as to what type of contract or agreement or lease is involved.

Mr. Runyon moved that this case be deferred in order for the applicant to submit a lease agreement or contract to purchase from the property owner to the church and bring this case up again when this has been received.

Mr. Baker seconded the motion.

Mr. Smith added that the Board needed to have the Certificate of Good Standing on the corporation also.

The motion passed unanimously.

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11:00 - GALEN K. BENJAMIN, app. under Section 30-6.6 of Ord. to permit garage 35.4' from front property line (50' is required), 3324 Parkside Terrace, 58-3((9))186, Mantua Hills Subd., (20,000 sq.ft.) Providence District, (RE-0.5), V-50-74

Mr. Benjamin represented himself before the Board.

Notices to property owners were in order. The contiguous owners were R. P. Gawon, 9126 Santayana Drive and R. P. Holf, 3222 Parkside Terrace.

The main reason Mr. Benjamin gave for needing this variance was the fact that his property fronts on two streets which causes him to have to set back 50' from each street.

Mr. Runyon indicated that if this variance is granted the garage would not be any closer to the front property line than it would be if this were developed under the cluster concept.

Mr. Kelley asked if there was any other house in this subdivision that has this same situation.

Mr. Runyon stated that the other side of this property is very steep and the land falls from the first story to the basement all the way around the house.

Mr. Benjamin stated that there is no objection in the neighborhood to the variance.

Mr. Benjamin stated that there is a letter in the file indicating no objection from Mr. McGalan,one of the contiguous property owners.

Mr. Smith stated that this would not be a precedent setting variance if this is granted as no other house in this area fronts on two streets.

The Board continued to discuss the location of the other houses in the neighborhood.

Mr. Smith stated that normally he would not vote for any protrusion into the front yard, but because of the unusual circumstances here and an entrance to the house from what is not actually a front, it seemed to him that it is a reasonable request as long as there is no site distance problem

There was no one to speak in favor or in opposition to this application.

In application No. V-50-74, application by Galen K. Benjamin under Section 30-6.6 of the Zoning Ordinance, to permit garage 35.4 ft. from front property line (50 ft. required), on property located at 3324 Parkside Terrace, Mantua Hills Subd., also known as tax map 58-3((9))186, Providence 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 5th day of June, 1974, and

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

1. That the owner of the subject property is Galen K. & Valerie J. Benjamin.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 20,000 sq. ft.
4. That the request is for a 14.6 ft. variance to the required 50 ft. front setback.
5. That the property is a corner 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/or 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 or structures indicated in the plats included with this application only, and is not transferable 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 used in proposed addition shall be compatible with the 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, residential use permits and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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11:40 - MT. VERNON - LEE DAY CARE CENTER, INC., app. under Section 30-7.2.6.1.3 of the Ordinance to permit renewal of SUP for community day care center with increase in number of children from 50 to 60, 7:00 a.m. to 6:00 p.m., 6120 North Kings Highway, 83-3((4)) 1, 2, 3 at Calvary Presbyterian Church, (27,906 sq. ft.), Lee District, (R-10) S-51-74

Mrs. Caldwell, Director of the center, testified before the Board on behalf of the applicant.

Mrs. White, Chairman of the Board of Directors for the school, also appeared before the Board.

Notices to property owners were in order. The contiguous owners were James S. Lang, 2712 School Street and the Fairfax County School Board.

Mrs. Caldwell stated that this center has been in operation since October of 1971 and they wish to increase their enrollment to 60. This center offers services to children whose mothers are working or are in a training program. This care is available on the basis of a sliding scale fee, The center is open from 7:00 a.m. until 6:00 p.m.,Monday through Friday, 52 weeks per year.

The emphasis of the center is to provide services to the children of low income mothers who are working. The funds for operation of the center are provided by parents on a sliding scale and by contributions from churches organizations and county government subsidy payments. The minimum fee is $2.50 per week per child and the maximum is $30.00 per week per child.

The center has 2 full time teachers, 4 full time teacher aides, 3 part time teacher aides, 1 Social Worker and 1 Director who fills in as a teacher as needed.

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The Board then discussed the parking problem. The church has no parking on site. Mrs. Caldwell stated that most of the teachers ride a bus and there are only about three cars that have to park on the street.

Mr. Smith told her that parking cannot be on the street.

Mrs. Caldwell stated that the children are dropped off at the school by the mothers.

Mr. Smith told her that something would have to be done about the parking. He suggested that they contact the nearby school to see if they can work out some type of arrangement on the parking.

Mr. Smith also checked the lease. He stated that the lease that is in the file has not been signed and is not sufficient.

Mr. Runyon moved that this be deferred until June 12 for parking provisions as required by the Ordinance. They would like to have an agreement of parking provisions for 15 vehicles.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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12:00 - PATRICK BRIAN HALEY, app. under Section 30-6.6 of Ord. to permit addition to house closer to accessory building than allowed by Ord. 6931 Kenfig Drive, Annalee Heights, Mason District (R-10), 60-2((2))(J)21, (7,205 sq. ft.), V-52-74

Mr. Haley represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Ken Adams, 6933 Kenfig Drive and Mr. Aamont, 6929 Kenfig Drive, Falls Church.

Mr. Haley stated that he would like to put an addition to the rear of his house. Because of the fact that his lot is small and narrow and there is a garage in the rear yard that was there when he purchased the house, there is no other place on the lot to build this addition. The addition will be too close to the garage according to the Ordinance. He stated that he had owned the property for 8 years and plans to continue to live there. The addition is for the use of his family and is not for resale purposes. He plans to use redwood siding for the addition and have a brick fireplace.

There was no one to speak in favor or in opposition to the application.

Mr. Haley stated that the house is 22 years old.

In application No. V-52-74, application by Patrick Brian Haley, under Section 30-6.6 of the Zoning Ordinance, to permit addition to house closer to accessory building than allowed by Ord., on property located at 6931 Kenfig Drive, Annalee Heights, Mason District, also known as tax map 60-2((2))(J)21, County of Fairfax, Virginia, Mr. Runyon 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 June, 1974, and

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

1. That the owner of the subject property is Patrick Brian & Nancy L. Haley.
2. That the present zoning is R-10.
3. That the area of the lot is 7,205 sq. ft.

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 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, residential use permits and the like through the established procedures.

Mr. Kelley seconded the motion.

The motion passed unanimously.

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2:00 - GULF OIL CORP., app. under Section 30-7.2.10.3.1 of Ord. to permit change in plans for gas station under existing SUP, 5520 Franconia Road, 81-4((1))70, Franconia, Lee District (21,314 sq. ft.) (C-D), S-53-74, OTH

2:00 GULF OIL CORP. app. under Section 30-6.6 of Ord. to permit structure closer to rear property line than allowed by Ord., (20' to 6' from rear property line, 5520 Franconia Road, 81-4((1))70, 21,314 sq.ft. Lee District, V-54-74, OTH

Mr. O. G. Cramer, real estate representative, 9505 Park Street, Manassas, Virginia, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were J. A. Puglisi, 3261 N. Ohio Street, Arlington, Virginia and Franchise Realty, P. O. Box 66351, Chicago, Illinois.

Mr. Cramer stated that this application is to change the gas station that was granted by the Board previously from a full service gas station to a full self-service gas station. This is a computerized operation. There is only one small structure on the property which contains the cashier's booth, a storage room and one restroom.

The Board questioned the one restroom and felt that they should have two.

Mr. Cramer stated that for a full service station, it is required, but not for this self-service type operation.

Mr. Cramer stated that theyneed a variance to the rear setback because the State has requested them to give some land for the widening of Franconia Road and the County has requested a travel lane which takes up 26', therefore, they do not have enough land without the variance.

The permit was originally for a gas station and a car wash; however, they were unable to get the land in the rear of the property and now will not be able to put in the car wash. He stated that this is Gulf's first self service station in this area.

Mr. Kelley stated that the sidewalk does not show in the plans. He asked if they plan to construct one in the front.

Mr. Cramer stated that they would construct the travel lane and sidewalk as set forth by the County.

Mr. Smith asked if they plan to have a free standing sign.

Mr. Cramer stated that they do plan to have a free standing sign. They had one before the taking of the property for the widening of the road and the service drive. There is a free standing sign there.

He stated that they have signed a storm sewer easement agreement with the County and it was the County's decision that they would permit them, because this widening and construction of the travel lane is at their request, to keep their sign.

Mr. Smith stated that it should show on the plans, then there will be no question about it when it comes to site plan.

Mr. Cramer stated that the reason it wasn't on the plans is, they had anticipated that the storm sewer easement would be finished before their plans would be approved and the sign would be moved to the new location with the blessings of the county.

Mr. Smith stated that all the Board could consider is what is before them at the present time.

Mr. John Donovan, 101 North Columbus Street, Alexandria, Virginia, spoke in opposition to the application for a variance. He stated that he is Trustee for a group of people who own the land to the rear of this station. He stated that should they decide to build they will have to set back 20' because they have the storm sewer running along the boundary.
Mr. Donphain stated that the County has previously required them to put in a 6' in diameter storm sewer line in order for them to be allowed to carry out the Special Use Permit and building permit for the Crown Station on old Rolling Road., This storm sewer line will run from the east of Crown under Old Rolling Road and connect up with McDonalds. This was worked out between the County and the State. The County promised in writing that each person along here, as they develop their property or use the property, will reimburse them for the cost of putting the storm sewer in.

They have the easement from the Kelley cleaners people now and Gulf Oil's easement has been signed,so he is told,and will be delivered shortly, They are meeting with Standard Oil on Friday morning to work out their part of the easement. They have three easements and the easement on their property makes 4 easements which will run about 300 ft.

Mr. Smith asked if the Gulf Company would deliver the signed easement without delay to Crown.

Mr. Cramer stated that he did not have the easement in his hands, but they would deliver it.

Mr. Smith asked if they gave Crown the easement without cost.

Mr. Cramer stated that they did.

Mr. Donphain stated that Gulf is the only one that gave them the easement without cost.

Mr. Smith stated that this applicant certainly should be afforded some relief from the setback requirement of the Ordinance because the Highway Department took a considerable amount off their property. They have an existing two pump island station with a large building and three bays in it. Certainly they should be allowed to continue. If the granting of this variance produces a hardship on the adjacent property to the rear, then that property should be entitled to a variance also. He told Mr. Donphain that if it does in fact produce a hardship, then they should come in and request a variance.

Mr. Donphain stated that his group wanted to be on record because some day they might need to ask for a variance.

Mr. Smith stated that they could park right up to the property line in a commercial zone.

There was no other opposition to this application.

Mr. Smith asked if they could move the little building any closer to the front.

Mr. Cramer stated that it would be difficult because they need as much turning radius as they could get.

In application No. S-53-74, OTH, application by Gulf Oil Corp. under Section 30-7.2.10.3.1 of the Zoning Ordinance to permit change in plans for gas station under existing Special Use Permit, S-168-73, granted October 17, 1973, on property located at 5520 Franconia Road, Lee District, also known as tax map 81-4((1))70, 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 5th day of June 1974.

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 CD.
3. That the area of the lot is 21,314 sq. ft.
4. That compliance with Site Plan Ordinance is required.
5. That the applicant was granted SUP # S-168-73 on October 17, 1973, for a gasoline station and car wash on 42,791 sq. ft. on land located on north side of Franconia Rd., This development was contingent upon applicant's acquiring the rear portion of the site from other owners which failed to materialize.
6. That total takings of 46 feet across front of property for road widening, travel lane and sewer easement.
7. That compliance with all applicable county codes is required.

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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 30-7.2.1 in the Zoning Ordinance), and

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping, screening and/or fencing shall be to the satisfaction of the Director of County Development.
7. Construction of a standard sidewalk for the full frontage of the property along Franconia Road is required.
8. There shall be no storage, rental or leasing of automobiles, trucks, recreational equipment or trailers on the premises.

Mr. Barnes seconded the motion. The motion passed 3 to 0 with Mr. Runyon abstaining. Mr. Baker had left the meeting earlier in the day.

In application No. V-54-74, application by Gulf Oil Corp., under Section 30-6.6 of the Zoning Ordinance, to permit structure closer to rear property line than allowed by Ord., on property located at 5520 Franconia Road, Lee District, also know as tax map 81-4((1))70, 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 5th day of June, 1974, and

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GULF OIL CORP. (Continued)

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

1. That the owner of the subject property is Gulf Oil Corp.
2. That the present zoning is CD.
3. That the area of the lot is 21,314 sq. ft.
4. Compliance with Site Plan Ordinance 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 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, non-residential use permits and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed 3 to 0 with Mr. Runyon abstaining. Mr. Baker had left the meeting earlier in the day.

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DEFERRED CASES:

JOHN O. HEMPERLY, application under Section 30-7.2.6.1.3.2 of Ord. to permit increased enrollment from 50 to 94 children in existing school of general education, 8608 Pohick Road, 98-1((1))22, (2.00082 acres), Springfield District, (RE-1), S-28-74. (Deferred from May 8, 1974 for new plats showing dedication. Plats are in Steve Reynolds office, Preliminary Engineering Department. They have not yet completed the details of the dedication and need a couple more weeks).

Mr. Runyon moved that the case be deferred until June 19, 1974.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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ELIZABETH S. COLLINS, S-42-74. (Deferred from May 8, 1974 for new plats showing parking for 10 cars and showing proper setback for parking since the Ordinance requires that there be no parking in any front setback area nor within 25' from any property line).

Mr. Runyon stated that they did not have a report from Preliminary Engineering as to whether or not Mr. Garman, Landscape Architect, had checked the plats to determine whether or not screening would be required, therefore, he moved that the case be deferred until June 19, 1974 to obtain this information.

Mr. Baker seconded the motion.

Mr. Covington stated that the plats did not come in until this morning.

The motion passed unanimously with all members present.

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THE EXXON COMPANY, U.S.A., application under Section 30-7.2.10.2.1 to permit removal and rebuilding of existing service station, 6149 Franconia Road, 81-3((5))5, (.5720 acres), Lee District, (CN), S-36-74. (Deferred from May 15, 1974 for decision only).

Mr. Smith stated that the Sign Ordinance would not allow a sign at this location because it is not on a primary highway.

Mr. Kelley stated that the sign has been there 18 years.

Mr. Barnes stated that it seemed to him that if the man had had the sign for 18 years, he should be allowed to keep it. Mr. Barnes stated that he had read all the minutes on this case and he wished to vote on it and is prepared to vote on it.

Mr. Smith stated that he would support a Resolution granting this if it includes a condition that this use must conform to all State and County Codes and to the Sign Ordinance. He stated that since it is not on a primary road, the sign would not be allowed by right.

After further discussion, Mr. Kelley moved to grant the application with the following resolution.

In application No. S-36-74, application by The Exxon Company, U. S. A. under Section 30-7.2.10.2.1 of the Zoning Ordinance, to permit removal of the existing building and construction of a new three-bay service station on property located at Lee District, southeast corner of Franconia Rd. & Grovedale Dr., also known as tax map 81-3((5))5, 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 15th day of May, 1974 and deferred to June 5, 1974 for additional information and viewing.

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

1. That the owner of the subject property is Esso Standard Oil Co.
2. That the present zoning is CN.
3. That the area of the lot is 0.40 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable county codes is required.
6. That a portion of said property has been taken for road widening.

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

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 the plans submitted with this application. Any additionald structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals . It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. Landscaping, screening and/or fencing shall be provided to the satisfaction of the Director of County Development.

Mr. Barnes seconded the motion.

The motion passed 3 to 1 with Mr. Smith voting No. Mr. Baker was out of the room.

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FAITH BAPTIST CHURCH, application under Section 30-7.2.6.1.11 of Ordinance to permit use of office-type trailer, 12 ft. x 50 ft. as an office and Sunday School space on Sundays, 5723-5725 Telegraph Road, 83-1((1)) 12, (23,756 sq. ft.), Lee District, (R-10), S-20-74, (Deferred from 4-24-74 to allow applicant time to work out parking problem).

The case was deferred to allow the applicant to obtain an agreement from a nearby property owner that would provide the necessary parking for the use.

The applicant submitted statements from Mr. Glenn Barnhill, Manager, Safeway Stores, Inc., 5695 Telegraph Road, Alexandria, Virginia, Mr. William Neitzey, Manager, Burgundy Texaco Service Station, 5644 Telegraph Road, Alexandria, and Mr. Rex Markley, Jr., Manager, Telegraph American Service Center, 5700 Telegraph Road, Alexandria,

Mr. Smith stated that the only opposition to this application was from the adjoining property owner of the shopping center who objected to the church's use of his parking lot. These letters should take care of the parking problem.

Mr. Runyon moved to grant.

In application No. S-20-74, application by Faith Baptist Church under Section 30-7.2.6.1.11, of the Zoning Ordinance, to permit temporary use of office type trailer as an office and Sunday School space on Sundays, on property located at 5723-5725 Telegraph Road, Lee District, also known as tax map 83-1((1))12, County of Fairfax, Mr. Runyon 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 24th day of April, 1974 and deferred to allow applicant time to work out parking problem.

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

1. That the owner of the subject property is Trs. of Happy Valley Community Hall.
2. That the present zoning is R-10.
3. That the area of the lot is 23,756 sq. ft.
4. That compliance with 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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details), whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The permit is to run for 2 years.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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AFTER AGENDA ITEMS:

SHELL OIL COMPANY, 6136 Franconia Road, 81-3((4))4A, originally granted to Jack Coopersmith in 1955, granted to Shell Oil Company under SUP NO. S-35-70.

Mr. Smith read a memo from D. W. Beaver, Zoning Inspector, dated June 3, 1974, asking the Board to institute a show cause hearing as the above applicant, Shell Oil Company, has failed to comply with the provisions of the granting of the Special Use Permit "To erect a chain link fence and provide standard plantings as required."

The Board reviewed the letters and violations that had been sent to Shell Oil Company. Mr. Covington stated that Shell Oil has acknowledged receipt of the correspondence as it had been sent by certified mail.

Mr. Runyon moved that the Board issue a Show-Cause notice to Shell Oil Company to show cause why their Special Use Permit should not be revoked for violations of the conditions of the Resolution granting the Special Use Permit No. S-35-70, i.e. "To erect a chain link fence and provide standard plantings as required."

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Mr. Baker moved that the March 13 through May 15 minutes be approved.

Mr. Kelley seconded the motion.

The motion passed unanimously.

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The hearing adjourned at 2:45.

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By:
Jane C. Kelsey
Clerk
Dana Brandt, Typist

APPROVED: Daniel Smith
Daniel Smith, Chairman

July 24, 1974
Date

The Regular Meeting of the Board of Zoning Appeals was held on Wednesday, June 12, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Charles Runyon, Joseph Baker and George Barnes. Mr. Wallace S. Covington, Assistant Zoning Administrator, and Harvey Mitchell, Associate Planner, were present from the County Staff.

The meeting opened with a prayer by Mr. Barnes.

10:00 - FOXVALE CONSTRUCTION COMPANY, application under Section 30-6.6.5.4 of Ord. to permit existing detached garage to remain closer to front property line than allowed by Ord., (46.8' from front property line, 3'2" variance), 11805 Vale Rd., 46-2((11)) 9, Foxvale Subd., Sec. 4, (41,862 sq. ft.), Centreville District, (RE-1), V-55-74.

Mr. Smith stated that Mr. Harold Miller, the attorney for the applicant, had called in to ask that this case be deferred until July as he was ill today and could not be present.

Mr. Baker moved that the case be deferred until July 10, 1974.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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10:20 - THE SPRINGS, INC. app. under Section 30-7.2.6.1.3.2 of Ord. to permit continued operation of existing Montessori school, 119 children, ages 2 1/2 to 9 years, 5 days a week, 8:30 to 3:00, 5407 Backlick Road, Springfield Christian Church, 80-2((1))4, (147,559.5 sq. ft.), Mason District, (RE-0.5), S-56-74.

The application was amended as to land area to 147,559.5 sq. ft. instead of 15,000 sq. ft.

Mr. Tom Kerester, 8200 Hooes Road, Springfield, Virginia, president of the school presented the school application before the Board. His wife, Beverly was also present.

Notices to property owners were in order. The contiguous owners were H. T. Rogers, 5412 Gainesville Road and Leslie Jelacic, 5414 Gainesville Road.

Mrs. Kerester stated that they have 105 children. They have a Health Department permit for 119. They have 25 children in each classroom and they have 4 classrooms. They have been operating in this location since September 1966. She stated that they neglected to file the letter that they were supposed to file in November to requests an extension of their Special Use Permit. When they went to file this new application in January, they were told that they could not file at that time because of the Interim Development Ordinance that had just been passed by the Board of Supervisors. They received a violation notice on April 18, 1974. They filed the application immediately thereafter. The ages of the children are 2 1/2 to 9. They do not transport the children by bus. The hours of operation are from 8:30 A.M. to 3:00 P.M., 5 days per week for a regular school year.

In application no. S-56-74, application by The Springs, Inc., under Section 30-7.2.6.1.3.2 of the Zoning Ordinance, to permit continued operation of existing Montessori school, 119 children, on property located at Annandale District, 5407 Backlick Road, Springfield Christian Church, also known as tax map 80-2((1))4, 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 June 1974.

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

1. That the owner of the subject property is Springfield Christian Church.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 147,559.5 sq. ft.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable state and county codes is required.
6. That the applicant has been operating a private day school, pursuant to special use permit (S-210-70) granted December 8, 1970, in the Springfield Christian Church, which is located on the east side of Backlick Road approximately 700 feet south of its junction with Edsal Road in Annandale District. That use permit was limited to a maximum term of three years, and expired December 8, 1973. This application to renew the use permit was delayed in filing beyond the effective period of the Emergency Ordinance of January 7, 1974, during which it could not be accepted, and a Notice of Violation was issued on April 18, 1974.

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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The maximum number of children shall be 119, ages 2 1/2 to 9 years, 5 days a week, during regular school year, and the hours of operation shall be 8:30 A.M. to 3:00 P.M.
7. The operation shall be subject to compliance with the inspection report, the requirements of the Fairfax County Health Department, the State Department of Welfare and Institutions, and obtaining a Non-Residential Use Permit.

8. This Special Use Permit is granted for a period of 3 years with the Zoning Administrator being empowered to extend for two 1-year periods.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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10:40 - VIRGINIA DEVELOPMENTAL SCHOOL OF READING, app. under Section 30-7.2.6.1.3.4 of Ord. to permit continuance of four week summer reading school each July for next five years, 6215 Rolling Road, Messiah United Methodist Church, 79-3((8))6, Springfield District, (RE-1), S-57-74.

Mr. Raymond Benzinger, 5509 Ivoe Street, Springfield, Virginia represented Mr. Matta before the Board.

The Board amended the application to read Michael Matta, T/A Virginia Development School of Reading.

Notices to property owners were in order. The contiguous owners were Nancy and Robert DeAngela, 6159 Roxbury Avenue, Springfield and Jacqueline F. and William Betzold, 6157 Roxbury Lane, Springfield.

Mr. Benzinger stated that Mr. Matta had run this summer session last year and wished to have it again this summer. The school operated four weeks of reading school in the Messiah United Methodist Church last summer. This application is for the same type operation this summer. This school is for children who have reading problems. The hours vary from a minimum of two hours on Fridays to six hours mid-weekdays. No classes will start sooner than 8:45 A.M. and none run later than 3:30 P.M.. Each student will attend three, two-hour sessions per week. With children only coming in three times per week for a two hour session, there would be a maximum of thirty-five to forty in the building at one time. The maximum enrollment would be 75. There will be one fully certified teacher for every five students in a session. All teachers are Fairfax County Public School reading specialists or classroom teachers. All students will provide their own transportation. The area to be serviced will be the Greater Springfield area, but all students from all of Fairfax County are eligible.

He submitted a statement from Robert L. Gleason, Chairman of the Board of Trustees of the Church, stating that the applicant does have permission to use their classrooms during the 1974 term.

Mr. Runyon moved to grant the following motion.

In application No. S-57-74, application by Michael Matta T/A Virginia Developmental School of Reading, under Section 30-7.2.6.1.3.4 of the Zoning Ordinance, to permit continuance of four week summer reading school each July for the next five years, on property located at 6215 Rolling Road, Messiah United Methodist Church, also know as tax map 79-3((8))6, Springfield District, County of Fairfax, Mr. Runyon 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 June 1974.

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

1. That the owner of the subject property is Messiah United Methodist Church, Trs.
2. That the present zoning is RPC.
3. That the area of the lot is 3.927 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable state and county codes is required.
6. That pursuant to a special use permit (S-98-74) granted on June 13, 1973, Michael Matta T/A Virginia Developmental School of Reading operated a four-week summer reading school in the Messiah United Methodist Church.

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

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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Hours of operation 8:45 A.M. to 3:30 P.M. Monday thru Friday during July.
7. Maximum number of children enrolled at any one time shall be 75, ages 5 to 13 years.
8. This permit shall run for the month of July, 1974.

Mr. Barnes seconded the motion.

The motion passed unanimously. Mr. Baker was out of the room.

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DIFFERENT DRUM, INC. & MT. VERNON UNITARIAN CHURCH, app. under Section 30-7.2.6.1.3.4 of Ord. to permit counseling and learning sessions on first floor area of Thorpe Mansion for 25 students, 1909 Windmill La., 93-3((1))10B, (10.5744 acres), Mt. Vernon District, (R-17), S-58-74.

Mr. Robert Simon, 12770 Cara Drive, Woodbridge, Virginia represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Jane W. Crawford, 7621 Leith Place and Thelma Latel, 1907 Windmill Lane, Alexandria.

Mr. Simon stated that Different Drum, Inc. is an alternative counseling and learning program designed to meet the needs of troubled young people who have left the public school. It offers a maximum of 25 children and their families a comprehensive program that includes counseling, teaching basic life skills, a vocational adjustment phase, and creative recreation. The objectives will center around helping the individual develope the appropriate skills and self concept that would allow him/her to obtain employment and/or return to school. The hours of operation will be from 9:00 A.M. to 4:00 P.M., Monday through Friday, A parents' counseling session will be held on Monday evenings from 7:00 P.M. to 8:30 P.M.. There will be a minimum of four staff persons, the Director Learning Specialist, Counselor, and part-time secretary. The maximum staff will be 8.

The Director will be himself. He has a Masters Degree in Education with a major in Rehabilitation Counseling. He has 21 hours toward his Doctorate Degree in Education at George Washington University. He was the Director of the Counseling and Evaluation Program at the National Orthopedic and Rehabilitation Hospital in Arlington for 2 and 1/2 years. He has 2 years of counseling and career development with the U. S. Army and graduate practicum experience at the Lorton Youth Center and Lorton Reformatory.

He gave the other qualifications of the other counsellors. This information can be found in the file.

Mr. Simon stated that there would be no bus service. The children would be brought to school by parents, or some might drive.

The facility will serve primarily children in the Mt. Vernon - Lee areas of Fairfax County and the City of Alexandria, but is open for all persons in Northern Virginia with ease of transportation being the only limiting factor.

Mr. Allen D. Searle, 7221 Stafford Road, Alexandria, representative of the Mount Vernon Unitarian Church, read a communication from the Board of Trustees of their church giving the applicant permission to have a school for up to 25 students on their property. The statement expressed the need for this type of facility in Fairfax County. It also indicated that Different Drum has been holding school at the church on an experimental basis with four students for the past nine months. They have every indication that the school will be run competently and that the behavior of the students will be no cause of concern to the neighbors.

The statement was signed by David E. Bumbaugh, Minister of the church.

There were 19 people in the room in favor of the application.

Mr. Arthur Crawford, 7621 Leith Place, spoke to this application. He stated that they have lived at this location for three years and they have had problems in the past with teenagers on the church property. The

church has realized the problem and tried to cope with it. The church's only access is through Mason Hills which means that all the traffic goes past their homes. Two years ago there was a child struck by a car returning from the church property. They will cause additional traffic on their streets. There have been a couple of incidents within the past year with problems with teenagers, but it is better than what it was previously.

Mr. John Papajohn, 1807 Windmill La., stated that he had made an informal survey of as many people as he could contact in the citizen's association and not one indicated support of this proposal. Mr. Crawford has voiced the basic problem. Even with everyone's good intentions, the people who are running the school have little control over the children once they leave school.

Mr. Donald L. Miller, 7618 Leith Place spoke in opposition to this application. He stated that his property backs directly onto the church property including the access road to the church. They have lived at this location for 6 years. During this time, except for the past year, they have been continually harassed by the people coming and going at all hours of the day from this church property. The church has been completely uncooperative as far as controlling the use of their property by young people. They were uncooperative according to the policy and there have been numerous complaints filed with the police department that have culminated in a number of drug arrests. Since that time the property has been relatively quiet. Mr. Miller stated that if these students have dropped out of school, they must have dropped out by choice. If they did, he stated that he felt there is a substantial question as to whether or not Federal funds should be submitted for this type of use. As a taxpayer, he stated that he has serious objections to in any way supporting this type of activity and if the Board does grant this use he will again request the Department of Real Estate Assessments to reduce his taxes as he had done in the past. As far as need is concerned, any one of these children could avail themselves of the public school resources if they so desire.

Mr. Simon, in rebuttal stated that they are not a program of the church nor are they associated with any church organization. He is applying for Federal funds through the law resources program. He has applied through the County Executive's office. They draw support from other sources, private foundations, direct contributions and to a very small degree, members of the program itself. The requirement for enrollment is that the student be completely out of the public school system. There is no fee charged these children. No one will be turned away because of lack of funds.

Mr. Kelley stated that he did not think there has been enough activity from this particular applicant for this operation to have been responsible for the vandalism; however, he could appreciate the feelings about this and he would think that it would be the responsibility of the Director to see that there is none of these students hanging around after classes. He told the people who were present that they could report any problems to the Zoning Administrator's office.

Mr. Simon stated that they do have rules and one of those rules is that there can be absolutely no visitors on the property without staff permission, no parents or friends. This has been successful during the experimental period. The property is completely surrounded by trees and it is a quiet area.

Mr. Smith stated that it has been the Board's opinion that schools that are properly operated do not devalue property.

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In Mr. Searle's statement, he mentioned that the church has a day care facility and Mr. Smith inquired as to whether or not they have a Special Use Permit.

Mr. Searle stated that this day care facility is run for the mothers of the church and is run directly by the church. The do not have a Special Use Permit. They have an enrollment of 30 to 40 children. These children are transported by carpools. It is a cooperative pre-school which begins at 9:15 A.M. and ends at 12:00 noon.

Mr. Smith inquired of Mr. Covington as to why they do not have a Special Use Permit.

Mr. Covington stated that Mr. Knowlton had taken the position on these church's mothers day out programs that if there is no more than 60 children, they do not need a Special Use Permit.

Mr. Kelley moved that S-58-74 be deferred for a lease agreement and information regarding the preschool that is operated in the church. Mr. Barnes seconded the motion and the motion passed unanimously. This case was deferred until July 10, 1974.

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11:40 - SPRINGWOOD LEARNING CENTER, INC. app. under Section 30-7.2.6.1.3.4 of Ord. to permit operation of a special summer session school for 25 students, ages 10 to 14, 6 weeks session, 1301 Trap Rd., 19-4((1))47, (5.96 acres), Centreville District, (RE-1), S-59-74.

Mr. Andrew Goodman, 11800 Sunrise Valley Drive, Reston, Virginia spoke before the Board.

Notices to property owners were in order. The contiguous owners were Catholic Traditionalist Movement, Inc., Pan Am Building, Suite 303E, 200 Park Avenue, New York, N. Y. and William R. and Constance Pullman, 9105 Leesburg Pike, Vienna, Virginia.

Mr. Goodman stated that this will be the same type special school for the learning disabled as was the school they operated last year. This school is designed to serve approximately 25 children, ages 10 to 14, who are making less than normal progress in regular school. The program will only run for approximately 6 weeks, beginning on or about July 1, 1974 and will be located in several classrooms in the school building area of Andrew Chapel United Methodist Church. The sessions will begin at 8:00 A.M. and end around 12:00 P.M.. The school will serve the McLean-Reston-Vienna area and will be staffed by four teachers, in addition to Ms. Keroher.

There was no one to speak in favor or in opposition to this application.

Mr. Runyon moved to grant the following motion:

In application No. S-59-74, application by Springwood Learning Center, Inc. under Section 30-7.2.6.1.3.4 of the Zoning Ordinance, to permit operation of a special summer session school for 25 students, on property located at 1301 Trap Road, Dranesville District, also know as tax map 19-4((1))47 County of Fairfax, Mr. Runyon 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 June 1974.

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

1. That the owner of the subject property is Andrew Chapel United Methodist Church.
2. That the present zoning is RE-1.
3. That the area of the lot is 5.96 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable state and 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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Maximum number of students shall be 25, ages 10 to 14 years.
7. Permit to run from July 1, 1974 to August 16, 1974.

Mr. Baker seconded the motion.

The motion passed unanimously.

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12:00 - PAUL GONZALES, app. under Section 30-6.6 of Ord. to permit enclosure of screened carport closer to side property line than allowed by Ord., (11.05 feet from side property line, variance of .95 feet), 3127 Shadeland Dr., 51-3((11))150, Sleepy Hollow Manor, (14,501 sq. ft.), Mason District, (R-12.5), V-60-74.

Mr. Gonzalez represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Henry Cox, 3129 Shadeland Drive and Paul Roberts, 3125 Shadeland Drive.

Mr. Gonzalez stated that they had owned the property for one year and plan to continue to reside there. This is for the use of his family and is not for resale purposes. They plan to enclose the already 40% enclosed carport with a red brick wall. This will require almost no structural change. The architectural appearance of the existing roof line will facilitate converting the space to a family room without any change to the roof. The remaining existing screening, visible from the street and adjacent properties, will be replaced by part brick and aluminum siding compatible with the original structure.

He stated that the need for this variance is caused by the unusual nature of the existing building development on the lot which would result in difficulties that would deprive him of the reasonable use of the dwelling and land. There is about 15' to 18' between his dwelling and Lot 151.

There was no one to speak in favor or in opposition to this application.

Mr. Gonalez submitted a petition from the neighbors concurring with the requested variance to enclose the carport.

In application No. V-60-74, application by Paul Gonzalez, under Section 30-6.6 of the Zoning Ordinance, to permit enclosure of screened carport closer to side lot line than allowed by Ordinance, on property located at 3127 Shadeland Drive, Sleepy Hollow Manor, also known as tax map 51-3((11))150, Mason 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 12th day of June, 1974, and

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

1. That the owner of the subject property is Paul and Wilman Gonzalez.
2. That the present zoning is R-12.5.
3. That the area of the lot is 14,501 sq. ft.
4. That the request is for a minimum variance of 0.95 feet to the requirement.

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 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) 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 or 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 used in proposed addition 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, residential use permits and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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12:20 - EARL R. & MARY R. DIXON, app. under Section 30-7.2.10.5.19, of Ord. to permit dance hall in existing restaurant, 10001 Richmond Hwy., Lorton, 113((1))123A, (1.25 acres), Springfield District, (CG), S-61-74.

Mr. Alton G. Hancock, attorney for the applicant, reppesented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Rainwater Concrete Company, P. O. Box 200, Lorton, Virginia and Ruby Swain Restaurant.

Mr. Hancock stated that this application is a required to operate a dance hall under Section 30-7.2.10.5.19 of Ordinance. Mr. and Mrs. Dixon are both present should the Board have any questions of them. The proposed restaurant will be open from 11:00 A.M. to 1:00 A.M., dancing will begin at 8:00 P.M.. This restaurant will be open 6 days a week and will be closed on Sunday. The zoning on this property is CG. The area of the property is 1.25 acres. The seating capacity is 150. There will be 6 employees. Under the ordinance, 44 parking spaces would be required. There will be 96 provided. The building and the use is on septic field, therefore, there will be no impact on the sewerage facilities of Fairfax County. They will be on public water. The applicant has spent $20,000 to bring public water from the opposite side of the road to this property. There was a dance hall operated on this property prior to the applicant's purchase. It was purchased in 1969. They applied for a license and were informed that he needed a public performance license and health certificate. Since he had been closed for a period of time, this was acquired. They were notified thereafter by the Zoning Department that he did not have a permit to operate this restaurant and dance hall. Mr. and Mrs. Dixon felt that it would not be profitable to operate without the dance hall. Therefore, they closed until they could get this Special Use Permit. Because of the emergency adoption of the Interim Development Ordinance in January 7, 1974, they are just now getting before this Board.

Other than general commercial use, Mr. Hancock stated that there is no real development in the area. He submitted pictures to the Board of the surrounding area. The property immediately in front of the applicant's property is zoned I-G. The property is surrounded by C-G uses on three sides. There is a concrete company to the rear and two other restaurants to the north which are a considerable distance away, over 1,000 yards. The only residential property is the RE-1 property which is lot 122 to the south of the property. It is undeveloped since it was zoned to RE-1 in 1970. The current plan was adopted in 1967 and the Planning Office feels that it will remain RE-1 in the future. As far to the south as you can see there is no development. Access to the property is from Route 1, which is a four lane highway immediately in front of the restaurant. Traffic will not be more hazardous with this use permit than for the restaurant which is there by right.

Mr. Smith stated that there has been a dance hall there for as long as he can remember.

Mr. Covington stated that it was once a grocery store.

There was no one present in favor or in opposition to the use.

In application No. S-61-74, application by Earl R. & Mary R. Dixon or survivor, under Section 30-7.2.10.5.19 of the Zoning Ordinance, to permit dance hall in existing restaurant, on property located at 10001 Richmond Highway, Lorton, also know as tax map 113((1))123A, Springfield District, County of Fairfax, Mr. Runyon 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 June, 1974.

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

1. That the owner of the subject property is Earl R. & Mary R. Dixon.
2. That the present zoning is C-G.
3. That the area of the lot is 1.25 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable state and 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

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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of the Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. Hours of operation are 11 A.M. to 1 A.M., Monday through Saturday, or as per the prevailing state regulation regarding hours of operation.

Mr. Baker seconded the motion. The motion passed uanimously.

The Board discussed the time limit. Mr. Smith stated that the way the motion was worded, the prevailing State regulations would rule.

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2:00 - JOHN E. & ELEANOR E. ROACH, app. under Section 30-7.2.6.1.3 of Ord. to permit increased enrollment to 125 students and change hours of operation to 7:00 A.M. to 6:00 P.M., in existing school and the additional use of another existing building on the property, 7152 Woodland Dr., 71-3((7))24A & 25A, Leewood Subdivision, Annandale District, (1.836273 acres), (RE-0.5), S-43-74.

Mr. Donald Stevens, attorney for the applicant, 4084 University Drive, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were William Backman, 7125 Braddock Road and Mr. Branberry, 7148 Braddock Road.

Mr. Stevens stated that this Special Use Permit was granted in 1969. They would like to increase the number of children from 68 to 125. The facility has been inspected and will accommodate 125 children. They would like to change the hours from 7:00 A.M. to 6:00 P.M. and ask that they be allowed to use another existing building on the property. These buildings have been inspected. He stated that there were questions regarding the traffic in 1969 and there have been questions since that time. He stated that testimony will indicate that this traffic is not produced by this school, but by people who use the road as a convenient short-cut through to avoid the traffic light on Braddock Road. He stated that he has used that short-cut himself in the past before he even knew Mrs. Roach.

In answer to Mr. Smith's question, Mr. Stevens stated that the present enrollment in the school is 80 or 81. He stated that there isn't any question but that this figure does exceed the allowable number. Mrs. Roach has violated the Use Permit in terms of enrollment and by using the garage. The hours have always been from 7:00 until 6:00 P.M. This is the normal hours for this type of operation. This operation started as a Kindergarten and the parents whose children were there wanted them to stay and, therefore, the school has grown. Mrs. Roach is a specialist in the field of teaching handicapped and disabled children. The oldest child is 13 years old and the earliest age of any of the children is 5.

Mr. Mulady, 7209 Braddock Road, directly across the street from the school, spoke in favor of the application. He stated that in 1969, he was one of the ones to lead the opposition to the school. He feared the safety of the children of the school because of the use that Woodland Drive had even then. He stated that he had lived at this location for 32 years and it has been a short-cut for people who want to avoid the corner at Braddock. However, the operation of the school and the way the children are cared for has shown him that there was no reason to worry about the safety of the children. He stated that Mrs. Roach has been a delightful neighbor and he endorses the application for the enlargement of the operation. He stated that Mr. Backman was present, but he had to leave. He is a contiguous property owner and he is in favor of this application. Mr. Granberry another contiguous property owner is also in favor of this application.

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Mrs. Woodberry, 7140 Woodland Drive, next door to the subject property, which is the corner home on Woodland and Larrlyn Drive. She stated that she was one of the original opposers of this school in 1969. Since that time she and other neighbors have found this school to be a good neighbor. The aesthetics have not been affected. The school property is carefully maintained and improved. The neighborhood has not been adversely affected. Traffic has not appreciably increased. She, too, stated that the traffic is caused by the fact that people use Woodland Drive as a shortcut. She stated that she knew that complaints that come in directly to the school are acted upon. She stated that she had complained on occasions and she has received a copy of the letter which was sent to the parents to rectify the complaint. She stated that she resented the fact that someone from the other end of the County was ringing doorbells in their neighborhood to try to get detrimental information about a good neighbor.

Mr. Thomas Fink, 5404 Ives Place, North Springfield, spoke in favor of the school. He stated that he is a member of the North Springfield Citizens Association and to his knowledge Mr. Wagner, who spoke last night at the Planning Commission meeting, does not represent the North Springfield Citizens Association. This matter has never been discussed at an open meeting of that association.

Mr. Foster, Lincolnia Park, near Wayne Oak School, stated that he was not a neighbor, but a parent of one of the children in the school. He spoke in favor of the application.

Mr. Smith stated that the Board is well aware of the fact that the school provides an excellent service and that it is very much needed in this area, but there is a limit to what should be allowed in certain areas.

Mr. R. Harman, resident of the West Springfield area, spoke in favor of the application. He is a parent of one of the children in the school.

Mrs. Ann Wirrell, 7025 Woodland Drive, one of the nearby property owners and a parent of one of the children in the school, spoke in favor of the application.

OPPOSITION: Mr. Wagner, Co-Chairman of the Zoning Committee of the North Springfield Citizens Association, spoke in opposition to this application. He stated that 8 people were present on that Committee at the time this question was raised. These 8 people are the officers of the Board. They asked him to speak before this Board as President of that Association in opposition to this application. He stated that this opposition has nothing to do with the quality of the school, but with the record of Mrs. Roach for having so many violations of the County Code and the traffic problem.

Mr. Runyon inquired if Mr. Wagner knew the number of vehicles per day that actually use Woodland Drive. Mr. Wagner did not know this.

Mr. John Dolan, 7727 Woodland Drive, spoke before the Board. He stated that he had no objection to the school, but he lives 50 feet off the blind curve and he is afraid someone was going to be killed on that curve.

Mrs. Dandow, 7018 Larrlyn Drive, stated that she did not oppose the use or the school the way she has been operating, but they do oppose an increase because of the traffic and the fact that the parents of the children in this school use Larrlyn Drive and the fact that the parents speed down this road. The safety of the children is at stake. This proposed increase is an increase of 84 percent which means the traffic will increase 84 percent. She stated that there have been several incidents of people passing school buses and the paper boy was run off the street.

Mr. Smith stated that the Board recognizes the letters both in favor of and in opposition to this application. The Board received a letter from Bonnie Polk, Chairwoman, Commission on Women, requesting the Board to give careful attention to the case and any other child care facility cases that might come before the Board and from Mr. Sterling, Director of the Department of Social Services in favor of her operation which he felt is excellent.

He stated that the Board also recognizes the letters from all the children in the school.

Mr. Donald Stevens spoke in rebuttal to the opposition. He stated that there is no question but that her enrollment has exceeded the stipulated number. At the time of the application on Ox Road, they had already filed this application. The enrollment has crept up over the allotted amount through the years. He stated that it has been his job to represent developers who are out to make money. He stated that he would submit that Mrs. Roach is not one of them. There was a number of people who spoke last night before the Planning Commission whose children go to this school, but do not reside in this neighborhood. They have not spoken today, but they are available to do so should the Board desire. He suggested that the Board visit this school while it is in session to see the fine way that it is operated. Mrs. Roach has 22 children from the Department of Social Services, most of whom have been sent there because Mrs. Roach has been unable to say "No". They need a place to go and the Department of Social Services, as indicated by the letter from Mr. Sterling, feels this is a worthwhile school that does a lot for the children.

Mr. Smith reminded Mr. Stevens that there was no question about the school itself. The question is the expansion, the traffic, etc.

Mr. Stevens stated that Mrs. Roach has learned that she must pay attention to the land use regulations. Whatever this Board decides, whether it is to increase the enrollment or expand the hours, she will operate in accordance with that. He stated that with regard to the traffic count, he did not know what the exact count is. Woodland Drive is a collector street and under the ordinance, the guidelines are that there can be a school with up to 660 students on a collector road.

The adjacent property owners have written letters saying that they had protested when this school was going to open originally, but they no longer object. There is a petition from 18 residents on Woodland Drive saying the same thing. There are several letters from residents on Larrlyn Drive saying that they have no objection. Therefore, the greater number of people in the immediate vicinity are saying that they have no objection. Mrs. Roach tells him that there are 32 students in the school who are in the boundaries of the North Springfield Citizens Association. You have to balance all these against the eight members of the Board of Directors of that Association.

He stated that he would submit that there is no adverse affect of this school on the neighborhood.

Mr. Kelley asked if when they cited Mrs. Roach for having more than 68 children, did they think that filing an application to amend that number would take care of the violation.

Mr. Smith stated that this wouldn't relieve her obligation until such time as this was passed on by the Board.

Mr. Stevens stated that it is not uncommon to attempt to correct that kind of a problem by requesting to amend the Special Use Permit.

Mr. Smith inquired of Mr. Stevens the present enrollment of the school.

Mr. Stevens stated that the present enrollment is 81.

Mr. Runyon stated that whether the street is 15 feet wide of 20 or 50, one cannot keep people off of it. He stated that he has heard the 26 people for the school and four people that were against it and even the ones that were against it said nothing detrimental about the operation Mrs. Roach is running.

Mr. Kelley stated that this is not the point. There is no question but that she is qualified, but when the County has gone to the trouble to establish these ordinances and regulations and she has been cited for being in violation and this has been admitted by her, he could not condone it regardless of the fine operation.

Mr. Stevens stated that it would have been much easier to just get rid of the extra students than to go through all this, but she just could not do that to the students and to the parents this late in the school year, even if she has to suffer for it. She did not do that out of any desire to have any additional revenue from those additional kids.

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JOHN E. & ELEANOR E. ROACH (Continued)

Mr. Smith stated that he wondered if she would be able to enforce the 81 if that many is granted, and instead of having 89 or 09.

Mr. Stevens stated that after what she has gone through in the last couple of months, he felt she would now live in strict accordance with the rules.

Mr. Kelley stated that he did not think that any of the Board members question the need for this operation, but he still goes back to the fact that he could not recommend that she be given 100 students when he wonders if she would live with the terms and conditions. He stated that if she can't bring herself to live by what she has now, he would be reluctant to increase the number to even 73.

Mr. Stevens assured the Board that she would live by whatever the Board decides.

Mr. Smith asked how many children the house would accommodate.

Mr. Stevens said the house would accommodate 88 children.

Mr. Smith asked why she moved into the garage.

Mr. Stevens stated that she moved into the garage because she has had as many as 102 children.

Mr. Kelley stated that last night at the Planning Commission, Mrs. Becker brought out that this is not a collector street.

Mr. Mitchell stated that Mrs. Becker indicated that it is a terrible Master Plan. It is an adopted plan and on that plan it is delineated as a collector street.

Mr. Smith stated that he felt everyone would agree that this street has not been developed as a collector street.

Mr. Runyon stated that he had just gotten the latest traffic count information from VDH on Woodland Drive and the count from VDH was 651 vehicles that travel this road between Larrlyn Drive and Braddock Road and between Larrlyn Drive and Route #3225 to Route #2893, 540 vehicles. From that, it indicates that this traffic count that comes up Braddock Road would indicate that 111 vehicles apparently do not make it to Larrlyn Drive from Braddock Road. They go to the school. If you go from Larrlyn Drive to Route #2893, it drops down to 540 and up again to 588 between Route #3223 and Backlick Road. There is an increase of 48 vehicles generated within that local community. He stated that he felt that under the definition that the Board is operating under, this would be a collector street. He stated that he did not see that the traffic that is generated by this school really creates all this volume of traffic that he had just referred to. Most of the traffic from the school does use Braddock Road. These traffic counts were taken on an average condition on a weekday. These are the facts; and, he stated that, in his opinion, that much traffic is coming around that collector. "If the road is there, people are going to use it and apparently they do use it; not just this school and residents of this community. The school is pretty adequately covered by these figures that show that at least 111 do go directly to the school because between Larrlyn Drive and Braddock Road, there are not that many residences to generate a difference of that magnitude. It is interesting to know that with that much volumn, I don't believe the school would be the prime cause of these accidents of paper boys being run off the street as one lady said and people running through the school bus lights. If someone runs through school bus lights, I would like to catch him myself. That is a cardinal sin. It is a beautiful shortcut, if you are going from Springfield. I have looked at it. I do not see that the traffic generated on that road by this school as a big problem, whether the Board increases the number of children or not. Traffic is a problem on every street in Fairfax County.

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Mr. Smith inquired how many children are transported by school bus from this school.

Mr. Stevens stated that none were. The only purpose of the bus is to take children on field trips from this location to the farm, etc. The two buses are both painted and the proper lights are now being put on them. They are in the garage now. Summer camp opens June 25. All of the children are brought to the school by carpools.

Mr. Runyon requested a 5 minute recess.

In application number S-43-74, application by John E and Eleanor Roach under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit increase enrollment to 125 students and change hours of operation to 7:00 A.M. to 6:00 P.M. on property located at 7152 Woodland Drive, Leewood Subdivision, also known as tax map 71-3((7))24A & 25A, Annandale District, County of Fairfax, Mr. Runyon 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 June, 1974.

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 1.836273 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable State and County Codes is required.
6. That the Planning Commission on June 11, 1974, recommended approval of the application.
7. That the school is presently operating under SUP - S-56-69, granted March 25, 1969.
8. That many violations of the existing SUP have occurred.

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

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 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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The maximum number of students shall be 81, with ages of 5 or 13 years, grades K through 6th.
7. The hours of operation shall be 7:00 A.M. to 6:00 P.M.
8. All buses and/or other vehicles used for transporting children shall comply with County and State standards for color and light requirements.
9. This permit shall run for a period of one year, at which time the permit shall be reevaluated.

Mr. Barnes seconded the motion.

Mr. Barnes stated that he is concerned about the violations that this applicant has received in the past. It seems that the applicant has ignored the restrictions that were placed on this Special Use Permit. He stated that he would second the motion, but he would hope that Mr. Stevens will look after this and see that these violations are not permitted again.

Mr. Smith inquired of Mr. Runyon whether or not this included the use of the garage.

Mr. Runyon stated that this is where the better part of the equipment is.

Mr. Smith stated that the house is adequate to take care of the 81 students and the Board prohibited the use of the garage originally.

Mr. Runyon stated that probably at that time the garage was in pretty bad condition.

Mr. Barnes stated that at that time the citizens were not concerned about the use of the garage. He stated that he would support the motion with the use of the garage. It is not a garage anymore. It is an additional small buildings with all of the equipment in it. It would be a shame if they could not use it.

Mr. Smith stated that he could not support the application with the use of the garage being allowed.

Mr. Runyon stated that his feeling is that the use of the garage gives a little more openness and the classrooms will not be as crowded.

Mr. Kelley stated that to get this off dead-center, he would support this motion; however, he felt there is room in the house to accommodate 88 people and the Board is granting 81. This was a garage and she went and improved it to the state where she could use it as a school against the rules and terms set forth in her Special Use Permit. He stated that he agreed with Mr. Smith but to get it off dead-center he would support Mr. Runyon's motion and the other reason he would support the motion is because it will be reevaluated in one year.

The motion carried 3 to 1, with Mr. Smith voting "No". Mr. Baker was absent.

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DEFERRED CASES:

COMMUNITY COVENANT CHURCH OF SPRINGFIELD, app. under Section 30-7.2.6.1.11 of Ord. to permit construction of church for worship, Sunday school and other religious gatherings, 7000 Sydenstricker Road, 89-3((1))3A, 5 acres, Springfield District, RE-1, S-49-74, Deferred from June 5, 1974, for lease agreement between applicant and property owner and statement regarding status of corporation. Defer for By-Laws and Constitution.

The Board reviewed the lease agreement and the statement regarding the status of the corporation. In their letter, the East Coast Conference of the Evangelical Covenant Church of America, Inc., stated that it had granted unlimited use of the property they own located at 89-3((1))3A to the Community Covenant Church of Springfield, Virginia, without fee or lease, provided that the Community Covenant Church abides by its present Constitution and By-Laws and until such time as the property is deeded to the Community Covenant Church or to a third party. They also submitted a copy of the contract of sale between the Community Covenant Church of Springfield, Virginia, Purchaser, and the East Coast Conference of the Evangelical Covenant Church of America, Inc., a Connecticut non-stock, non-profit corporation, Seller.

Mr. Lake left a message that Mr. George Bryant, Jr., First Assistant Clerk of the State Corporation Commission had told him that the East Coast Conference of the Evangelical Covenant Church of America, Inc., could not receive any kind of standing by the State Corporation Commission because of its status as an ecclesiastical body. This is under Article IV, Section 14 of the Constitution of Virginia.

Mr. Smith suggested that this be again deferred in order for the applicant to submit a copy of their Constitution and By-Laws.

Mr. Runyon moved that this case be deferred until June 19, 1974, for final action and asked the applicant to submit a copy of their By-Laws and Constitution.

Mr. Kelley seconded the motion. The motion passed unanimously.

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MOUNT VERNON - LEE DAY CARE CENTER, INC., Appl. under Section 30-7.2.6.1.3 of Ordinance to permit renewal of SUP for community day care center with increase in number of children from 50 to 60 children, 7:00 A.M. to 6:00 P.M., 6120 North Kings Highway, 83-3((4))1, 2, and 3, at Calvary Presbyterian Church, 27,906 square feet, Lee District, R-10, S-51-74, Deferred from June 5, 1974, for applicant to work out parking arrangement - Re: Lease - letter giving them permission to use another year. To June 19, 1974.

Mrs. Caldwell had submitted a letter from the Principal of the school next door, Mr. Talbox, stating that the school had permission to use their parking lot.

Mr. Smith then checked the lease. The lease had not been signed.

Mr. Kelley moved that the Board defer this case for a signed lease giving them permission to use the church building for the school for another year.

Mr. Runyon seconded the motion.

The motion passed unanimously.

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AFTER AGENDA ITEMS:

GIANT FOORS, INC., Request for out-of-turn hearing.

Mr. Smith read a letter from Mr. Lee Fifer, attorney for the applicant, requesting an out-of-turn hearing because of the financial situation and problems being experienced by GEM that has caused the takeover by Giant to be quite rapid. The renovation of the service station facility also must proceed rapidly and this hardship which goes beyond the normal business risk, occasions the request for the out-of-turn hearing. The second basis for the request is that the opening of the main facility by Giant is planned for the very near future and it is quite important that the service station be opened at the same time as the store opening.

The Board granted the out-of-turn hearing for July 17, 1974.

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MILDRED FRAZER - Discussion

Mr. Smith stated that this school has been inspected by the Zoning Inspectors and records indicate that Mrs. Frazer is operating as Grasshopper Green School Inc., and the permit was issued to Mildred Frazer.

Mr. Smith stated that she should come in and discuss this and see if the Board can find out why she misrepresented herself and misinformed the Board as to who was operating the school.

Mr. Runyon stated that it did not seem to be a big thing.

Mr. Kelley stated that all the other people have to come in when they change ownership of an operation and he did not think the Board should overlook this.

Mr. Runyon then stated that perhaps she should come in to explain the ownership of the school that she operates under Special Use Permit S-192-73 on the 10th of July, 1974.

Mr. Barnes seconded the motion.

Mr. Kelley stated that it should be straightened out.

The motion passed unanimously.

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The hearing adjourned at 5:20 P.M.

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By Jane C. Kelsey, Clerk
Jean McCleery and Dana Brandt, Typists

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED August 21, 1974
(DATE)

The Regular Meeting of the Board of Zoning Appeals was held on Wednesday June 19, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Charles Runyon, Joseph Baker and George Barnes. Mr. Wallace Covington, Assistant Zoning Administrator, and Harvey Mitchell, Associate Planner, were present from the County Staff.

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

10:00 - HOURLY CHILD CARE, INC., appl. under Section 30-7.2.6.1.3 of the Ord. to permit child care center or nursery school for 135 children at any one time, 10811 Kelley Drive, 68-1((2))20 & 21, (71,636 sq. ft.) RE-1, Springfield Dist., S-62-74

Mr. John Karcha, Ford Building, 3977 Chain Bridge Road, Fairfax, attorney for the applicant, represented the applicant before the Board.

Notices to the property owners were in order. The contiguous owners were Claude Mahoney, 4708 Ox Road; Morris Jones, 10801 Kelley Drive; Robert Wright, Trustee, 10312 Monroe Court.

Mr. Karcha stated that this is a private, non-profit corporation formed three and one-half years ago. It has been granted its exempt status from IRS. This center provides early childhood education. Rev. Roger Verley is the Executive Director of the corporation and is present to speak as is Mr. Bosserman, the engineer who prepared the plats. This corporation is the contract purchaser of the subject property and the contract is contingent upon the granting of this permit. The center has been in operation for some time at 4510 Ox Road; however, that is George Mason University property and the college has indicated that they have need of it and the child care center must be out by July 11, 1974. The present operation consists of 96 students,maximum, and the details regarding this are in the file. If this Special Use Permit is granted, the maximum number of children at the new location would be 135 in attendance at any one time. The general enrollment age is 2 to 6. He stated that there are 51 letters in support of the application in the file. He then submitted 11 additional letters to the Board. The letters, he stated, were from working people in the community who need this service; lawyers, teachers, students. The center provides care for the child on a flexible time basis. The development of the child is important to the staff and the center has a well qualified, competent staff. He also submitted a Petition containing 169 names requesting favorable action on this application.

Mr. Karcha indicated that the subject property is located on the corner of Kelley Drive and Rose Lane. The green area on the map indicates that it is surrounded by the George Mason University property. There are 16 subdivision lots in that vacinity; however, only 7 of them are improved.

In answer to Mr. Smith's question, Mr. Karcha stated that 50 percent of the children are the parents directly connected with the University and 50 percent are from the community in general.

Mr. Roger Verley, Executive Director of the corporation, spoke before the Board and stated that the children are transported by parents or carpools. About 15 percent of the enrollment have either 2 in the family that use this facility or are carpooled.

Mr. Smith asked Mr. Verley if he was aware that the ordinance relating to this use limits the number of children to 75 as this is not on a collector road, but is on a subdivision street.

Mr. Verley stated that they had not been able to find a definition for collector street. This is a state secondary road and is state maintained. Both Kelley Drive and Rose Lane come out onto an arterial road.

Mr. Smith read a letter from the Health Department stating that the sewage disposal system was adequate for a maximum of 135 children for toilet waste only. Mr. Smith inquired if they had a kitchen to serve the children who stay all day.

Mr. Verley stated that they do not have a kitchen. The children bring their own lunch if they stay all day.

Mr. Kelley questioned their statement made earlier that they had a Special Use Permit for their location on Ox Road and asked the Zoning Administrator to check this out.

Mr. Verley stated that they must have some type of permission as they have been in operation since 1971. He assumed the University took care of whatever they had to have since it is their property.

Mr. Kelley stated that the Board still does not have any indication from the Health Department that the building itself would serve the number of children that they have requested.

Mr. Raymond Freezon, 6361 Black Oak Drive, Fairfax, spoke in favor of the application. He stated that he does not live in the immediate neighborhood but is a parent of a child in the center. He submitted petitions from the people in his neighborhood that were in favor of the center. He stated that there is a child care center in their neighborhood that originally the neighbors were against, but these neighbors have now signed this petition. They have found that the day care center has not affected the traffic nor caused undue noise nor caused the property values to decrease.

Mr. Kelley stated that he felt each school and each individual location must stand on its own merits and the facts surrounding the case. He stated that sometimes there are 12 to 15 cars backed up to get out on Braddock Road from this street. George Mason owns the property across the street and this is a thoroughfare through the area. Sometimes cars have been parked on both sides of the street and one could hardly get through. There is also a bad curve on this street and this applicant is proposing approximately 270 trips per day and this certainly will affect traffic. He further stated that he felt that few people will use carpools particularly when this particular child care center is catering to people who need varied hours for the care of their children.

Mr. Verley stated that because of the staggered hours, all of the cars would not be coming in and going out at once. The maximum number of cars would be between 8:45 a.m. and 9:15 a.m.

Mr. Kelley stated that most of the people who come up Braddock Road, turn left on Rose Lane to miss the traffic light. He stated that he personally had almost been hit headon. It is a dangerous street and this has to be taken into consideration.

Mrs. Merle Hahn, across the street from the subject property, 4704 Rose Lane, spoke in favor of this location as she would like to put her children in this center in order that she can go back to teaching.

There were 29 people in the audience in favor of the application.

Mr. Tim McPherson, with the law firm of Farley and Harrington, 10560 Main Street, Fairfax, spoke in opposition to the application representing approximately 30 homes in the area outlined by Route 123, Braddock Road Kelley Drive and Rose Lane. He submitted a Petition signed by 26 of those 30 families. Twenty-two people appeared before the Board and indicated that they all live within two blocks of the subject property.

Mr. McPherson submitted a statement of his presentation to the Board. His main points of objection were that it would change the residential character of the neighborhood and would create a greater traffic safety problem and hazard. One of his points was that George Mason University has its Economics Department across the street from the subject property and does not plan to move it until 1976. There are and will be about six cars parking on the street.

Mr. Smith inquired of Mr. Covington as to why this street parking was allowed and asked that he check into this further as it should be stopped.

Mr. Morris Jones, 1080 Kelley Drive, who owns the lot directly east of the subject property, spoke in opposition to this application as he felt it would set a precedent in this completely residential community, would create a traffic safety problem, and would cause a hardship on him as he has a swimming pool in his yard with a 4' high fence around it which could be easily climbed.

Mr. Stan Shaner, 4728 Rose Lane, spoke in opposition to the application citing the traffic safety problem as his reason for opposition. He stated that as recently as a year and one-half ago, a child was hit by a car in this subdivision.

Mr. Smith stated that the Staff has checked the school referred to earlier by Mr. Freezon. That school is on Zion Drive and Sideburn Road and is operated by Lois Skala. They made application for 130 children, but the Board allowed only 40. There is 3 and 1/2 acres of land and Sideburn Road is a much larger street than Kelley Drive or Rose Lane and Sideburn Road also has curb and gutter already in.

In rebuttal, Mr. Karcha had Mr. Donald Bosserman, engineer, 5400 Bradford Court, spoke before the Board. He stated that the only visible improvements to the property would be the modification of the doors on the back side of the building and the parking lot. There will be screening on all sides of the parking area. He challenged the figures presented by the opposition as to the amount of water runoff.

Mr. Karcha stated that the plan meets all the zoning requirements with respect to space per child, parking spaces, playground area and setback lines. This is an orderly operation with the children being driven onto the property, not dropped off. The children have adequate supervision. There are 30 homes in the immediate area and 11 of the homeowners have signed the Petition in favor of the application.

Mr. Smith inquired if they had considered any other sites for this center and Mr. Karcha answered that they had tried to get this center on Roberts Road in Fairfax City, but they were turned down.

In application No. S-62-74, application by Hourly Child Care, Inc. under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit child care center or nursery school for 135 children at any one time, on property located at 10811 Kelley Drive, Springfield District, also known as tax map 68-1((2))20 & 21, 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 property owners and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 19th day of June, 1974.

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

1. That the owner of the subject property is Carroll D. and Kathleen P. McDonald.
2. That the present zoning is RE-1.
3. That the area of the lot is 71,636 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.

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

Mr. Barnes seconded the motion. He stated that he was seconding the motion because he feels this is not the proper place for this many children and because of the traffic situation.

Mr. Smith stated that he would have liked to have seen a decrease in the number of children requested, if this is the only location that can be found in this area.

Mr. Runyon stated that they could talk a lot about the merits of the organization, but basically what has been summarized is that the location is not in keeping with the residential character of this neighborhood and the quality of the roads in this area is not good enough to support this intense use. The roads could be upgraded, but under the proposal of the master plan, this use does not meet the criteria of the guidelines of the Ordinance that the Board has been holding in the past.

Mr. Baker stated that he felt the maximum he could support in a condition like this would be 75.

Mr. Smith agreed.

The motion passed 4 to 0 with Mr. Smith abstaining as he stated he felt the Board should have considered a lesser number.

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10:20 - THE TARA SCHOOL, INC., application under Section 30-7.2.6.1.3.2 of the Ordinance to permit school of general instruction for 55 children, 9 to 2:30, ages 4-6 years, 1130 Towlston Road, 19-2((1)) 66, (2.353 acres), Dranesville District (RE-2), S-63-74

Mr. Rogers with the Tara School represented the school before the Board.

Notices to property owners were in order. The contiguous owners were Elahi Abbas Bashir, 4408 Sleepy Hollow Road, Falls Church, Virginia and Robert J. Silberberg, 1120 Towlston Road, Oakton, Virginia.

Mr. Rogers stated that Rev. David Johnson, minister of the Bethel Church in which this school is proposed, is present to speak on behalf of the church. Mr. Werner, one of the nearby property owners is present, as is Mr. Jenson. There are three mothers present to speak who have had children in the Tara School. The Health Department has approved this school for 40 children, ages 4 through 7. Fifteen of these children would be in the First Grade and would be in school from 9:00 a.m. to 2:30, 25 more would be in Kindergarten from 9:00 a.m. until 12:00 noon. In the Tara School on Crowell Road, they have no more room for these First Grade students. They have a lot of parents who are looking to them to provide the First Grade class for their children who were in Kindergarten last year. The Health Department has said in their memo, a copy of which is in the file, that they could have a total of 55 students if they modify their plumbing. They have talked with some of the residents of the community and one of the greatest concerns is traffic. They have one small van-type bus and they plan to get two of these in a year or so. One is sufficient at the present time. There are also one or two carpools at the Crowell Road location and they expect to have carpools at this location. They have allowed for a turn-around area and off street parking. The new school is planned to serve the local residents. There is heavy vegetation to the rear of the church property. This church is in a rural atmosphere. He was present at the citizens association meeting and explained the concepts of this school. He presented a Petition to the Board of the signatures he had obtained at that meeting in support of the application. He also submitted a Petition with 56 names representing 42 separate families supporting the new school. The Board of Zoning Appeals at the time the Board denied an expansion to the Tara School on Crowell Road told them to find a more appropriate area and they feel this is an appropriate location. The church building is already there and is not being used during the week.

Mr. Rogers stated that as to the citizen concern about expansion, there are two septic fieldson this property which is 2.3 acres, the property would not have room for another septic field, therefore, they would not be able to expand beyond the 55.

Rev. David Johnson, 1130 Towlton Road, pastor of the Bethel Church, spoke before the Board in support of the application. He stated that the church is not charging the Rogers rent because the church wants to feel that it is having a vital part in this ministry. This church has existed for 107 years and its purpose is Christian education.

Mr. W. C. Werner, 1119 Towlston Road, spoke in favor of the application.

Mr. Stan McCormick, 1134 Towlston Road, spoke in opposition to the application. He stated that he would have been more agreeable if the church had come to him and told him they wanted to start a school, but Mr. Rogers is from another community and the children will be from other communities.

Mr. Kelley asked him if he did not think that since the church facility is already there with 2 and 1/2 acres that this is a good use of the property as it does also take some of the burden off the County school system.

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Mr. McCormick stated that Towlston Road is a street with high banks and no sidewalks and there is also a dangerous curve there. The school is also going to use the fence that is along his property line for their playground. The playground is actually on someone else's land as there is an easement between his property and the church property. He stated that he also has a horse and this would be a hazard to the children and a worry to him to have their playground directly adjacent to where the horse is pastured. He would also like some screening.

The Board checked the plats that showed the playground right up to the McCormick's property line. The zoning section sheet showed an easement directly up to Mr. McCormick's property line.

Mr. Smith stated that the Board would need new plats to show the playground on church property. This fence should setback at least 25' from the other property line. As to the screening, this would be taken care by the Site Plan office of the County.

Mrs. Stanley Richards, Land Use Chairman for the Rocky Run Citizens Assoc., spoke in opposition to this application.

Mr. Smith noted the letters that were in the file indicating both support and opposition to this application.

Mr. Rogers spoke in rebuttal to the opposition stating that he was sympathetic and would do what he could to alleviate any problems. He would be glad to move the playground. He stated that he did not realize there was an easement there.

Mr. Kelley moved that the Board defer the decision on this case until 12:35 P.M. on July 10, 1974, for new plats and to give Mr. Rogers an opportunity to meet with more people in the neighborhood to explain the type operation he is proposing to have.

Mr. Barnes seconded the motion.

Mr. Smith stated that the record would be kept open for written information.

The motion passed unanimously with all members present.

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10:40 - COMMERCIAL EQUITIES, INC., application under Section 30-7.2.10.5.19 of the Ordinance to permit dance hall in existing pizza parlor (Village Inn), 5863 Columbia Pike, 61-2((19))pt. of 2, 4, 6 & 12, and all of 8 & 10, Mason District, (C-G & C-D), S-64-74

Mr. Walsh, attorney for the applicant, with the law firm of HARRELL, CAMPBELL AND LAWSON, 1400 North Uhle Street, Arlington, Virginia, appeared on behalf of the applicant.

Notices to property owners were in order. The contiguous property owners were United Services Investment Corporation, 3530 Moncure Avenue, Lot 14, Baileys Crossroads, Virginia and William L. Peele, 6825 Clifton Road, Clifton, Virginia.

Mr. Walsh stated that they would like to be allowed to have dancing at their Village Inn Pizza Parlor during the hours of 6:00 P.M. until 1:00 A.M. 7 days a week. There would be no other changes in the character or appearance of the premises. They are not permitted to have dancing as "Dinner Dancing" because they are not considered as providing dinner under the regulations of Fairfax County and thus not eligible for the Dinner Dance License. Approximately sixty percent of their gross sales is derived from the sale of pizza. The Village Inn Pizza Parlor is located two blocks from the intersection of Route 7 and Columbia Pike and the entire character of the neighborhood is high density commercial zoning. Immediately adjacent to the Village Inn Pizza Parlor on its western and rear boundary are two office buildings and on its eastern boundary, a Seven-Eleven Store. Across the street is a major shopping center development. The pedestrian and vehicular traffic would remain the same. The dance floor area is 16x12 as shown on the plans submitted with the application.

Mr. Smith read a letter in opposition to this application from Rev. Pearson, pastor of the Werner Baptist Church, because of continuing disturbances at this location, requiring the services of ambulances and police. Rev. Pearson stated that he felt the addition of a dance hall in this environment would increase the difficulties.

The Manager of the Village Pizza Parlor appeared before the Board and stated that there were no more difficulties at this location than any other location.

Mr. Smith stated that if this permit is granted, the use would be under a Special Use Permit and they would have to be very, very careful or the permit would be revoked.

The Manager stated that this application was initiated by citizen interest and the fact that there is no place to dance in the neighborhood and this is a neighborhood facility.

There was no one present to speak in favor or in opposition to the application.

Mr. Smith stated that all parking connected with the use would have to be on site. If this dancing permit causes an increase in patronage, they would have to provide additional parking.

Mr. Lenn Koneczny, Zoning Inspector, stated that their office has no problem with the issuance of this permit. It is not a permit that the Zoning Office could issue under "Dinner Dancing" and that is why they are before this Board.

In application no. S-64-74, application by COMMERCIAL EQUITIES, INC. under Section 30-7.2.10.5.19, of the Zoning Ordinance, to permit dance hall in existing pizza parlor (Village Inn), on property located at 5863 Columbia Pike, Mason District, also known as tax map 61-2((19))pt of 2, 4, 6, & 12 and all of 8 & 10, County of Fairfax, Mr. Runyon 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 19th day of June 1974.

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

1. That the owner of the subject property is John D. Krooth & Lawrence A. Freedman.
2. That the present zoning C-G.
3. That the area of the lot is 42,538 sq. ft.
4. That compliance with 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

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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.

4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The hours of dancing will be 6 P.M. to 1 A.M. daily.

6. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

Mr. Baker seconded the motion.

The motion passed unanimously.

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11:00 - COURTHOUSE COUNTRY CLUB OF FAIRFAX, INC., appl. under Section 30-7.2.6.1.3 of Ord. to permit construction of two tennis courts, 5110 Ox Rd, 68-1((1))18-& 20, (151,3463 acres), Springfield District, (RE-1), S-66-74.

Mr. Stephen Best, 4069 Chain Bridge Road, Fairfax, Virginia, appeared on behalf of the applicant.

Notices to property owners were in order. The contiguous owners were Millie A. Jones, 4912 Ox Road and Arthur Glazier, 5300 Ox Road.

Mr. Best stated that these additional tennis courts are needed to meet the demands of the Club. The proposed hours are from 7:00 A.M. until nightfall. They do not intend to light the courts.

Mr. Robert Graham, Tennis pro and instructor of English at Robertson High School, appeared before the Board. He stated that the courts will be 70' from the right of way.

Mr. Smith asked if they were going to screen the Courts.

Mr. Graham stated that there will be a 10' fence adjacent to the courts and that they are going to put up a 4' fence and grow a hedge along the 4' fence.

There was no one to speak in favor or in opposition.

In application no. S-66-74, application by Courthouse Country Club of Fairfax, Inc. under Section 30-7.2.6.1.3, of the Zoning Ordinance, to permit construction of two tennis courts, on property located at 5110 Ox Road, Springfield District, also known as tax map 68-1((1))18 & 20, County of Fairfax Mr. Runyon 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 19th day of June, 1974.

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

1. That the owner of the subject property is Courthouse Country Club of Fairfax, Inc.
2. That the present zoning is RE-1.
3. That the area of the lot is 151.3463 acres.
4. That compliance with Site Plan Ordinance is required.
5. That the applicant is under S.U.P. #S-255-70.

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

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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. All other provisions of the existing Special Use Permit shall remain in effect.
6. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous plane along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Kelley abstained.

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11:20 - PUBLIC STORAGE, INC., appl. under Section 30-2.2.2 Col. 2, SUP uses for CG zone, for private storage lockers, 9927 Richmond Hwy., 113((1))124, (2.14 acres), Springfield District, (C-G), S-71-74, OTH.

There was no one in the room interested in this application other than the applicants and their attorney.

Mr. Smith recognized the notices. He stated that there is a pending variance application coming up on June 28 and that these two cases will have to be heard concurrently.

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PUBLIC STORAGE, INC. (continued)

The Board then discussed the variance problem briefly with the applicant's attorney, Mr. Jim Tate.

The Board deferred this case until June 26 at 10:00 A.M. in order that it could be heard concurrently with the variance application.

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12:00 - A. C. OIL CO., INC., - V. T. WORTHINGTON, PRESIDENT, app. under Section 30-6.6 of Ord. to permit building closer to side property line than allowed by Ord. (15' from side property line, variance of 85'), 7820 Cinder Bed Road, 99-2((3))5, Happy Valley Subd., Lee District, (2.255 acres), I-G, V967-74.

Mr. Worthington appeared before the Board.

Notices to property owners were in order. The contiguous property owners were A. K. Mohammad on the south, and Terry Lewis, 7813 Cinderbed Road, on the north.

Mr. Worthington stated that he is requesting a variance of 85'. If he had to set back the required 100', it would deprive him of any use of his property, as his property is very narrow, 115'. There are also topography problems with the land. He was granted a Special Use Permit (SP-49) by the Board of Supervisors, and a variance to the setback requirement by the BZA in 1964. The variance expired, and he is requesting to be allowed to construct 2 buildings and 6 diagonal tanks above ground, 4 future round tanks aboveground, and 9 round tanks above ground. The first building would be 515' from the front property line.

The plats showed that he had constructed a building 100' from the residential property line toward the front of the property. Therefore, he did not use the variance that was granted him in 1965.

Mr. Worthington stated that the tanks would be depressed with a berm built around them. This is under site plan. He stated that he had never received a site plan waiver on this type of installation.

Mr. Smith questioned the berm location on the plats. He inquired as to why there were no comments from Preliminary Engineering on this.

Mr. Mitchell stated that Preliminary Engineering usually does not make comments on variance applications.

Mr. Runyon stated that this will be under site plan and the contours indicated on the plats do indicate a bank of both sides of the tanks.

In answer to Mr. Smith's question, Mr. Worthington stated that he was going to build a ford type concrete, reinforced bridge between this proposed construction and the street.

Mrs. Baskin, 7717 Cinderbed Road, spoke before the Board. She stated that she had been in opposition to this ever since it came up. Mr. Worthington has done nothing in 10 years. There are trucks parked there. Cinderbed Road is a 14' roadway and she does not want him to build closer to that road than he already has.

Mr. Smith had her come up and look at the plats showing what Mr. Worthington planned to do.

She stated that she was not opposed to his building in the back.

Mr. Worthington stated that he had three trucks, but he keeps them parked in Arlington now.

Mr. Smith stated that the tanks would have to be back from the property line so that if they ever fell, they would fall on his own property. Mr. Smith also suggested he move the location of the future building over and get it away from the residential property as much as possible.

Mr. Runyon stated that the reason the applicant has the building near the residential property is he needs room to swing the trucks around. There is a minimum turning radius of 30' for the trucks. The residential property next door is slated to be industrial on the master plan. It has not been applied for yet, but eventually this variance would not be necessary. What Mr. Worthington has to do is bring his trucks into the parking area

and back into his oil storage area so that he will not have to turn around on the street.

Mr. Kelley asked if the parking should be 25' from the residential property. The original motion granting a variance for this property stipulated that the parking must be set back 25' off the property line from the residential property. He said that he did not like to write a motion where the plans are not correct. The Board would also be granting a variance when it is not known when he might build the building.

Mr. Covington stated that there is no restriction of setbacks on I-G zoned property except when it abuts residential property.

Mr. Worthington stated that he intended to begin putting these tanks in within the year.

Mr. Smith stated that the Board could have Mr. Worthington mark the future tanks and future building off the plats.

Mr. Kelley stated that he could not support a motion without proper plats.

Mr. Worthington stated that if the Board could grant the variance for the building to be within 15' of the residential property line, he would not argue about the future building.

Mr. Kelley moved that this case be deferred until July 10, 1974 for new plats removing the future oil tanks and the future building and moving the tanks so that their fall area would be on Mr. Worthington's own property.

Mr. Barnes seconded the motion.

The motion passed unanimously with all members present.

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DEFERRED CASES:

D. B. JOHNSON, app. under Section 30-6.6. of Ord. to permit building to be erected closer to front property line than allowed by Ord., 2800 Juniper Street, 49-1((1))29, (.476 acres), Providence District, (I-L), V-24-74, (Deferred from 4-24-74 and 5-8-74 for additional information).

Mr. Johnson, 1301 Randlee Road, McLean, appeared before the Board on his own behalf. Mr. Johnson stated that the preliminary site plan has been finally approved on the other parcel at the end of the street. He had not been able to reach Mr. McCue, the owner of that parcel. Therefore, he does not know what the problems are with that project.

Mr. Runyon stated that he had checked with the County and the plans are ready for final approval. It is a question of getting the bond put together. It will be done. The building will be in the location where the street would go, therefore, the road will not go in there. Therefore, he does not see the necessity for making Mr. Johnson set back from a non-existant street.

Mr. Smith stated that the fact that the plans are ready to be approved is not enough. Mr. McCue had a marina that he never did build.

Mr. Runyon stated that this is in an industrial area and he has been working on this for some time. It is currently under construction. Mr. McCue probably still has a bond on the other section he has constructed. He stated that he could not see any reason for holding Mr. Johnson up any longer.

Mr. Smith stated that the only thing the Board has to base the variance on is the fact that the road is not going to be developed. He stated that he would like to support the application, but he could not unless he could be assured that the road would never be built.

Mr. Covington stated that Mr. McCue has been building in that area and has pursued it diligently.

Mr. Runyon stated that there is no extension of that road throught Mr. McCue's property so there is no place for the road to go. He stated that he looked into this as he wanted to find out the circumstances himself.

Mr. Kelley stated that he had listened to the record and read the minutes of the meeting as he was absent on the 24th. He asked how long the applicant had owned this property and if, when he purchased the property, the plans showed a 50' right of way.

Mr. Johnson stated that he had owned the property for two years. He stated that the plans have shown the right-of-way since January 1948. That was when the residential subdivision was laid out. The houses are being torn down now.

Mr. Smith stated that Mr. Johnson has since built a building there and adhered to the setback. This request is for an addition to the existing building.

Mr. Covington stated that Mr. Johnson did not meet the setback on the existing building that he built as the easement was not shown on some of the maps. There is no street there and it does not serve any abutting property. Therefore it was not picked up from the maps that he had to set back from a street.

Mr. Smith suggested that this case be deferred until final approval of Mr. McCue's bond and, at that time, the case would be put back on the Agenda for decision at the following meeting.

Mr. Barnes so moved that this be done. Mr. Kelley seconded the motion. The motion passed 4 to 0. Mr. Baker was not present as he left the meeting around 1:00 P.M.

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ELIZABETH COLLINS, appl. under Section 30-7.2.6.1.3 of Ord. to permit room addition and to increase enrollment from 43 to 78 children in existing school, 6396 Lincolnia Road,, 72-1((7))3,4, & 19, (33,825 sq. ft.), Mason District, Lincolnia Heights, (R-12.5), S-42-74, (Deferred from May 22, 1974 for new plats showing proper setback for parking -- Deferred from June 5, 1974 as the plats did not arrive until the last minute and had not been reviewed by the Landscape Architect for Fairfax County to determine if they met the screening requirements. The plats have now been reviewed by Mr. Garman, Landscape Architect, and they do meet the requirements).

In application No. S-42-74, application by Lincolnia Private Day School, Inc. (amended), under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit room addition and to increase enrollment from 43 to 78 children, on property located at 6396 Lincolnia Road, Mason District, also known as tax map 72-1((7))3, 4 & 19, 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 22nd day of May 1974, and deferred to June 19, 1974.

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 33,825 sq. ft.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable county and state codes is required.
6. That the applicant has been operating a nursery school for a maximum of 43 children on said site, pursuant to S. U. P. #S-43-73, granted April 18, 1973.

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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the Conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The maximum number of children shall be 78, ages 2 to 6 years.
7. The hours of operation shall be 7 A.M. to 6 P.M., five days per week, Monday through Friday, during regular school year.
8. The operation shall be subject to compliance with the inspection report, the requirements of the Fairfax County Health Dept., the State Dept. of Welfare and Institutions, and obtaining a Non-Residential Use Permit.
9. All buses and/or vehicles used by the applicant for transporting children to and from the school shall meet the standards of the county and state (for schools) in color and light requirements.
10. The minimum number of parking spaces shall be 11.

Mr. Banres seconded the motion. The motion passed 4 to 0. Mr. Baker was absent.

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JOHN O. HEMPERLY, appl. under Section 30-7.2.6.1.3.2 of Ord. to permit increased enrollment from 50 to 94 children in existing school of general education from 50 to 94 children in existing school of general education, 8608 Pohick Road, 98-1((1))22, (2.00082 acres), Springfield District, (RE-1), S-28-74, (Deferred from May 8, 1974 for new plats showing dedication -- Plats are now in Steve Reynolds office showing the dedication along with an executed Deed of Dedication - copy attached). Applicant is anxious to have a decision in order that he can be prepared to begin operating with increased enrollment in September.

In application No. S-28-74, application by John O. Hemperly under Section 30-7.2.6.1.3.2, of the Zoning Ordinance, to permit increased enrollment from 50 to 94 children in existing school of general education, on property located at 8608 Pohick Road, Springfield District, also known as tax map 98-1((1))22, 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 8th day of May 1974 and deferred to June 19, 1974.

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

1. That the owner of the subject property is John O. & Bess M. Hemperly.
2. That the present zoning is RE-1.
3. That the area of the lot is 2.00082 acres.
4. That compliance with the Site Plan Ordinance is required.
5. The compliance with all applicable county and state codes is required.
6. That on April 25, 1973, the applicant was granted a Special Use Permit #S-53-73, for a school of general education for 50 children on this site.

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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The maximum number of students shall be 94, ages 4 to 8 years.
7. The hours of operation shall be 8:00 A.M. to 4 P.M., 5 days per week, Monday through Friday.
8. The operation shall be subject to compliance with the inspection report, the requirements of the Fairfax County Health Department, and State Department of Welfare and Institutions and obtaining of a Non-Residential Use Permit.
9. All buses and/or other vehicles used by the applicant for transporting students shall meet the requirements of the county and state in color and light standards.
10. Outside lighting and loudspeakers are not to be used.

Mr. Barnes seconded the motion. The motion passed 4 to 0. Mr. Baker was absent.

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COMMUNITY COVENANT CHURCH OF SPRINGFIELD, appl. under Section 30-7.2.6.1.11 of Ord. to permit construction of church for worship, Sunday School and other religious gatherings, 7000 Sydenstricker Road, 89-3((1))3A, (5 acres), Springfield District, (RE-1), S-49-74, (Deferred from June 5, 1974 for lease agreement between applicant and property owner -- Deferred again June 12, 1974 for Constitution and By-Laws of church -- These have been received).

In application No. S-49-74, application by Community Covenant Church of Springfield under Section 30-7.2.6.1.11, of the Zoning Ordinance, to permit construction of church for worship, Sunday School & other religious gatherings, on property located at 7000 Sydenstricker Road, Springfield District, also know as tax map 89-3((1))3A, County of Fairfax, Mr. Runyon 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 June, 1974 and deferred to June 19, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Covenant Church of America, Inc.
2. That the present zoning is RE-1.
3. That the area of the lot is 5.00 acres.
4. That compliance with 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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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MT. VERNON-LEE DAY CARE CENTER, INC., appl. under Section 30-7.2.6.1.3 of Ord. to permit renewal of SUP for community day care center with increase in number of children from 50 to 60, 7:00 A.M. to 6:00 P.M., 6120 North Kings Highway, 83-3((4))1, 2, & 3, at Calvery Presbyterian Church, (27,906 sq. ft.), Lee District, (R-10), S-51-74, (Deferred from June 5, 1974 for applicant to work out parking arrangement -- This was done on June 12, 1974 -- Deferred again June 12, 1974 for renewal of lease -- Letter in file).

Mr. Smith read a letter in the file from the principal of Mt. Eagle School giving the day care center permission to park on the school property. He also read a letter from the church giving the school permission to continue to use the church for their day care center.

In application No. S-51-73, application by Mt. Vernon-Lee Day Care Center, Inc. under Section 30-7.2.6.1.3, of the Zoning Ordinance, to permit renewal of Special Use Permit and increase in number of children from 50 to 60, on property located at 6120 N. Kings Highway, Lee District, also known as tax map 83-3((4)) 1, 2 & 3, 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 5th day of June, 1974 and deferred to June 19, 1974.

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

1. That the owner of the subject property is Trs. of Calvary Presbyterian Church.
2. That the present zoning is R-10.
3. That the area of the lot is 27, 906 sq. ft.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable county and state codes is required.
6. That the applicant has been operating a day care center for 50 children, pursuant to Special Use Permit #S-64-71, granted May 11, 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

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 the plans submitted with this application. Any additonal structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other then minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditons of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this

County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resoltuion pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of thepermitted use.

6. The maximum number of children shall be 60, ages 2 to 8 years.

7. The hours of operation shall be 7:00 A.M. to 6:00 P.M., 5 days per week, Monday through Friday, during normal school year.

8. The operation shall be subject to compliance with the inspection report, the requirements of the Fairfax County Health Department, the State Department of Welfare and Institutions, and obtaining a Non-Residential Use Permit.

9. Landscaping, screening and/or fencing shall be to the satisfaction of the Director of County Development.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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AFTER AGENDA ITEMS:

MURRAY WEINBERG, V-111-73 -- Letter requesting extension.

Mr. Smith read a letter from Mr. Hansbarger, attorney for the applicant, requesting that they be granted an extension to their variance as they were having a problem getting a sewer hookup.

Mr. Runyon moved that in Application V-111-73, application by Murray Weinberg that Item 2 of the conditions be revised to read as follows:

2. This permit shall expire unless renewed by action of this Board upon whichever of the following events shall last occur:

a. Twelve months from this date.

b. Three months after Fairfax County permits connection with the existing sewerage facilities thereon.

c. Six months after Fairfax County permits a Site Plan to be filed thereon.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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IVAN L. REDDINGTON, v-96-74 -- Letter requesting an out of turn hearing.

Mr. Smith read the letter of request. It was the Board's decision that the request be denied as Mr. Reddington gave insuffieient grounds for an out of turn hearing.

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PARKMONT SCHOOL, S-97-74 -- Letter requesting an out of turn hearing.

Mr. Smith read the letter requesting the out of turn hearing. This is a school that wanted to begin at another location. However, the plans at that location fell through and they obtained this location at the last minute. They wish to have this new location ready by the first of September.

Mr. Runyon stated that he felt that this case has a hardship and he moved that the out of turn hearing be granted for August 1 in view of the circumstances.

Mr. Baker seconded the motion. The mation passed 4 to 0. Mr Baker was absent.

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The hearing adjourned at 3:50 P.M.

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By Jane C. Kelsey, Clerk
Jean McCleery, Typist

APPROVED:

Daniel Smith, Chairman

September 11, 1974
Date

A Special Meeting of the Board of Zoning Appeals was held on Tuesday, June 25, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice Chairman; Charles Runyon, Joseph Baker and George Barnes. Mr. Gilbert R. Knowlton, Zoning Administrator; Mr. Lenn Koneczny, Senior Zoning Inspector; and Mr. Harvey Mitchell, Associate Planner were present from the County Staff.

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

10:00 - PUBLIC STORAGE, INC., appl. under Section 30-2.2.2 Col. 2, SUP uses for C-G zone, to permit private storage lockers, 113((1)) 124, 9927 Richmond Highway, Springfield District, (2.14 acres), (C-G), S-71-74.

PUBLIC STORAGE, INC., appl. under Section 30-6.6 of Ord. to permit buildings to be constructed on property line to rear and within 2 ft. of side property line (25 ft. required), according to site plan on file in Zoning Office at 4100 Chain Bridge Road, Fairfax, Virginia, property located at 9927 Richmond Highway, 113((1))124, Springfield District, (C-G), V-86-74, OTH.

Mr. James Tate, 10560 Main Street, Fairfax, represented the applicant before the Board.

At this time, Mr. Tate offered an amendment to the application for the variance application to read Ruby P. Swain as the property owner and Public Storage as co-applicant.

Mr. Runyon moved that the amendment be approved and Mr. Baker seconded the motion.

The motion passed unanimously.

Mr. Smith stated that the Special Use Permit, which was deferred from June 19, 1974, and the variance application would be heard together.

Notices to property owners were in order. The contiguous owners were Mr. & Mrs. Earl R. Dixon, 3107 Clayborne Avenue and Mr. and Mrs. Ray Rainwater, 127 Washington Street, Occoquan, Virginia.

Mr. Tate introduced to the Board Members Ruby Swain, who is the applicant for the variance; John Schiller, engineer for the project; Mr. Sydney Corrie, Eastern Regional Manager for Public Storage; and Mr. Ray Rainwater, owner of the contiguous property.

Mr. Tate introduced into the records a letter from Mason's Neck Citizens Association giving support of the proposed use on the subject property and a letter from Supervisor Herrity stating his attendance at the Mason's Neck Citizens Association meeting giving support for the facility and that it would be an improvement for that section of the Route 1 corridor.

Mr. Tate also read into the record a letter from the Zoning Administrator to the Chairman and Members of the Board of Zoning Appeals concerning this use in the C-G zone. (A copy of this letter is in the file).

Mr. Smith asked what percentage of the storage would be for residential purposes and what percentage would be for commercial purposes.

Mr. Tate stated that he had consulted with Mr. Corrie, Eastern Regional Manager for the project and the type of commercial storage would be the small businessmen or individual, such as a shoe store, who may have a seasonal inventory of shoes, or a Christmas inventory. He also stated that this type of storage could run up to 40% and 60% residential with no more than 4 to 5 cars on the site at any one time.

Mr. Smith asked if he would be renting one building to one storage outfit or as individual units.

At this point, Mr. Tate introduced Mr. Corrie to further elaborate on the subject.

Mr. Sydney Corrie, Regional Manager for Public Storage, 5004 Gunpowder Road, Fairfax County. Mr. Corrie stated that the size spaces they are anticipating would be as small as 5' x 10' and the largest would be 10' x 30'. He also stated that there is probably 20% of the total area of this particular facility that consists of the 10' x 30' size and the balance would be 10' x 20', 10' x 10' and 5' x 10', with the 5' x 10' size amounting to the greater percentage of the entire facility.

Mr. Smith asked what material the building would be constructed of.

Mr. Corrie stated it would be masonry and concrete block, and painted with latex paint, the standard sand beige color.

Mr. Smith asked if the building would have an architectural front.

Mr. Corrie stated that they would like to think the whole building has an architectural front.

Mr. Baker asked where the offices would be located in this building.

Mr. Corrie stated that the offices would be located in one of the storage facilities.

Mr. Kelley asked if any overnight parking would be allowed.

Mr. Corrie stated that there would be no overnight parking, however, the manager would have his own personal vehicle.

Mr. Corrie also stated that the manager/caretaker would live at the project and they would be one and the same person. After hours, the caretaker would lock up the project and tenants who desire to get in after hours would have to make arrangements with the caretaker.

Mr. Smith asked if Mr. Corrie has had an opportunity to go over the site plan with the Planning Engineer's Office of County Development and if they have provided the information that they have required.

Mr. Corrie stated he had, and that they gave him recommendations and they have complied. He also stated that Mr. Tate stated that it was approximately 60% to 40%, 60% individual, 40% commercial. He stated that these were the figures approximately 5 weeks ago and he has found in his new breakdowns that it is heavier on the individual apartment house dwellers. He stated that they have designed it so that it has a greater number of smaller stalls, 5' x 10', etc.

Mr. Smith asked Mr. Corrie what the percentage is for residential as opposed to the commercial.

Mr. Corrie stated that at this point it is approximately 70 to 73% residential and 27% commercial.

Mr. Smith stated that this was what concerned both the Zoning Administrator and the Board of Zoning Appeals as to what percentage is residential storage as opposed to commercial uses.

Mr. Smith asked if there were any other questions from the members.

There was no one to speak in favor of the Special Use Permit application.

There was no one to speak in opposition to the Special Use Permit application before the Board.

Mr. Smith stated that the Board would move on and discuss the variance portion of this request.

Mr. Tate stated that this application comes under Section 30-6.6 of the Code and that they are requesting the variance based on the topography of this particular lot. Also he pointed out that under Section 30-6.6. 5.3. the variance does not do any violation to the neighborhood or to the long range comprehensive plan for the area. He stated that there was some discussion of this issue at the last meeting when this matter was deferred. Mr. Tate stated that the land that immediately surrounds the subject property on the south side is commercial now. On the side fronting Route #1 is Hillbilly Heaven and behind that is property owned by Mr. Ray Rainwater. He owns all the land behind the subject property, which is RE-1, as is Parcel 119. Lot 119 is now non-conforming as it is the Rainwater Concrete Company. He stated that Parcel 126, which is to the north of the subject property, is the only piece of ground affected by this variance. Parcel 126 is wooded with nothing on it but a boarded up house. Parcel 132, next to a filling station and a Seven Eleven store, has an occupied dwelling on it. He stated that the master plan that was adopted in 1967 shows RE-2 and that this is questionable and after a conference with the Office of Comprehensive Planning, he could not get a memorandum from them, -- the reason being that it is a bit premature. But from the indications given him, it was obvious that they intend this area to be commercial and industrial in conformance with uses surrounding the area. The building itself will only be 12 feet high. They are going to leave 2 feet on the side adjacent to parcel 126. He stated, in accordance with 30-6.6, the topography of the back of the lot and the fact that they are going to balance out the neighborhood make this a proper case for a variance.

Mr. Smith stated that a better case can be made for the development of the adjacent land because they are developing the land to its fullest capacity as far as zoning is concerned. They may have a topography problem; but, under the Ordinance, the Board should consider the development on the adjacent land and the use of land which is basically industrial and nonconforming. The nonconforming uses would be allowed to continue under their present state for an indefinite period of time unless new legislation prohibited it.

Mr. Tate stated that, on the back part of this land next to Mr. Rainwater, there would be no problem. Any dwellings built would overlook substantially the 12' high building that they propose to build.

Mr. Smith stated that the height of a building certainly has a great bearing on this request. Certainly this is less than approximately the 1/3 height allowable for a dwelling. The height of the building is certainly a big factor.

Mr. Smith asked if the Board had any more questions.

There was no one to speak in favor of the variance request.

There was no one to speak in opposition to the variance request.

In application No. S-71-74, application by Public Storage, Inc. under Section 30-2.2.2, of the Zoning Ordinance, to permit private storage lockers, on property located at 9927 Richmond Highway, Springfield District, also know as tax map 113((1))124, County of Fairfax, Mr. Runyon 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 19th day of June 1974 & deferred to June 25, 1974 to be heard concurrently with the variance application.

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

1. That the owner of the subject property is Ruby P. Swain.
2. That the present zoning is C-G.
3. That the area of the lot is 2.14 acres.
4. That compliance with Site Plan Ordinance is required.

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

1. That that 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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicious place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The storage facilities shall contain 73% residential type storage at all times.
7. The fascade fronting along Route #1 will be treated as the architectural front, with mansard roof and buff brick to match color of the proposed painted block.

Mr. Baker seconded the motion. The motion passed unanimously.

In application No. V-86-74, application by Ruby P. Swain, applicant and Public Storage, Inc. under Section 30-6.6 of the Zoning Ordinance, to permit buildings to be constructed on property line to rear and within 2 feet of side property line, on property located at 9927 Richmond Highway, Springfield District, also known as tax map 113((1))124, County of Fairfax, Virginia, Mr. Runyon 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 25th day of June, 1974, and

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

1. That the owner of the subject property is Ruby P. Swain.
2. That the present zoning is C-G.
3. That the area of the lot is 2.14 acres.
4. That the adjacent property is developed in a non-conforming industrial use.

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

1. That the applicant has satisfied the Board that the 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 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 structures indicated in the plats included with this application only, and is not transferable to other land or to other sturctures 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, Non-Residential Use Permits and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed unanimously.

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Mr. Baker moved that the minutes of May 22, 1974 be approved as noted.

Mr. Barnes seconded the motion. The motion passed unanimously.

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Mr. Smith read a letter requesting an out of turn hearing for International Town and Country Club for tennis courts.

Mr. Smith stated that the earliest time the Board could hear this case is the last meeting of summer, August 1, 1974.

Mr. Runyon moved that the request be granted.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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Mr. Runyon moved that the meeting be adjourned.

The meeting adjourned at 11:25 A.M.

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By: Wanda Thorpe, Acting Clerk

APPROVED:

Daniel Smith

Daniel Smith, Chairman

September 11, 1974
Date

The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, July 10, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Charles Runyon; and Joseph Baker. Mr. Barnes and Mr. Kelley were absent. Mr. Harvey Mitchell, Associate Planner, and Wallace S. Covington, Asst. Zoning Administrator, were present from the Staff.

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

10:00 - FRANK B. HENNION, application under Section 30-6.6 of Ordinance to permit construction of two car garage, utility room, bedroom and bath closer to front property line than allowed by Ordinance, 4028 Elizabeth Lane, 58-4((8))93, Lee Forest Subdivision, (28,480 sq. ft.), Annandale District, (RE-1), V-68-74.

Mr. Hennion represented himself before the Board.

Notices to property owners were in order. The contiguous property owners were Walter M. Lewis, 4200 Elizabeth Lane, Fairfax, owner of Lot #1; and Elva Hall, 9021 Littleton Lane, Fairfax, owner of Lot #7.

Mr. Hennion stated that the lot is a substandard lot and it is supposed to have 175' frontage on the street. His lot is approximately 140' on Elizabeth Lane. They also have a drainage problem to the rear of the lot. There is an approximately 3 1/2' drop from the front of the proposed garage to 75' back from that point. It also slopes down from the Lewis property which is just south. He has a drainage ditch along his property line that runs back on his lot. It overflows during heavy rains and runs back to his lot. He stated that he is now in a position to build if this variance is granted.

The applicant was granted a variance (V-211-69) on December 9, 1969, to permit construction of an addition to his residence at the corner of Elizabeth Lane and Littleton Street in Lee Forest Subdivision, 16 feet closer to the front lot line along Littleton Street than the 50 foot minimum required front setback. The applicant never constructed the addition and this application seeks the same variance to the same requirement for the same purpose, although the proposed addition has been enlarged and slightly rearranged to include a utility room increasing the amount of the variance requested to 16.2 feet.

Mr. Smith asked if he could cut off that 2 inches in order that he could be within the boundary of the original application.

Mr. Hennion stated that it is possible, but he would like to have a 20' interior width on the garage. That is the minimum for a 2 car garage.

There was no one to speak in favor or in opposition to the application.

Mr. Runyon inquired as to the type of material he plans to use for this addition.

Mr. Hennion stated that he was going to try to match the brick with the existing brick in the house. The architectural design will be the same as is in the existing house.

In application No. V-68-74, application by Frank B. Hennion, under Section 30-6.6 of the Zoning Ordinance, to permit construction closer to front property line than allowed (33.8' minimum), on property located at 4028 Elizabeth Lane, also know as tax map 58-4((8))93, County of Fairfax, Virginia, Mr. Runyon 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 10th day of July, 1974, and

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

1. That the owner of the subject property is Frank B. & Gladys H. Hennion.
2. That the present zoning is RE-1.
3. That the area of the lot is 28,480 sq. ft.

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,
   (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. Architectural detail shall be in conformance to that of the 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, residential use permits and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed 3 to 0. Mr. Barnes and Mr. Kelley were absent.

Mr. Hennion stated that he wished to commend the staff in the Zoning Office for the efficient and courteous service they provided.

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10:15 - THE RIDGEMONT MONTESSORI SCHOOL, INC., application under Section 30-7.2.6.1.3.2 of Ordinance to permit continued operation of a Montessori School, 9:00 A.M. to 3:00 P.M., 65 children maximum, 888 Dolley Madison Boulevard, 31-2((1))4A, (6 acres), Dranesville District, (RE-1), S-69-74.

The president of the Ridgemont Montessori School, Mr. Joseph Duffy, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Stephen R. Rozbicki, 1146 Basil Road and Dr. and Mrs. James Cooper, 6037 Crimson Court, McLean.

A Special Use Permit for this location (S-659-67) was granted August 1, 1967, and renewed (S-121-70) July 21, 1970. The applicant has been operating a Montessori school for a maximum of 66 children on the site of Immanuel Presbyterian Church. The last permitted extension expires July 21, 1974. The applicant seeks to continue the operation for the same number of children.

Mr. Duffy stated that they have a three year lease with the church. The ages of the children are from 3 to 6.

There was no one to speak in favor or in opposition to this application.

In application no. S-69-74, application by The Ridgemont Montessori School, Inc. under Section 30-7.2.6.1.3.2, of the Zoning Ordinance, to permit continued operation of a Montessori School, 9:00 A.M. to 3:00 P.M. on property located at 888 Dolly Madison Boulevard, also known as tax map 31-2((1))4A, County of Fairfax, Mr. Runyon 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 10th day of July, 1974.

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

1. That the owner of the subject property is Trs. of Presbytery of Washington City.
2. That the present zoning is RE-1.
3. That the area of the lot is 6.000 acres.
4. That the applicant has been operating under Special Use Permit, S-121-70.

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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. The number of children shall be 66, ages 3 to 6 years.
7. Hours of operation shall be 9 A.M. to 3 P.M.
8. The permit is to run for a period of 1 year with the Zoning Administrator being empowered to extend the permit upon presentation of a proper lease.

Mr. Baker seconded the motion.

The motion passed 3 to 0. Messrs. Barnes and Kelley were absent.

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The Board then brought up two deferred cases, Tara School and Different Drum, Inc. Mr. Runyon moved that the Board defer the Tara School case until July 17, 1974, until there is a full Board.

Mr. Baker seconded the motion and the motion passed 3 to 0. Messrs. Barnes and Kelley were absent.

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Mr. Baker moved that the Board defer the Different Drum, Inc. case until July 17, 1974, until there is a full Board.

Mr. Runyon seconded the motion and the motion passed 3 to 0. Messrs. Barnes and Kelley were absent.

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10:30 - ST. MARKS EPISCOPAL CHURCH, application under Section 30-7.2.6.1.3 of Ordinance to permit nursery school and/or day care center, 60 pupils, 6744 Kings Highway, 92-2((1))2, Lee District, (5.7 acres), (RE-1), S-70-74.

Wm. Phillips Brown, member of the vestry of the Church and architect, 113 S. Patrick St., Alexandria, represented the applicant before the Board.

Notices to property owners were in order. The contiguous property owners were Terry Short, 6736 South Kings Highway, Alexandria; and J. H. Stevens, 6752 South Kings Highway, Alexandria. All five owners who were notified were contiguous property owners.

The Staff Report indicated that this application meets the specific and general requirements of the Ordinance for the use proposed. The Health Department reported that the facilities would be adequate for 60 children at any one time if one or two additional hand basins were installed in the rest rooms, and the outside play area fenced.

Mr. Brown requested that the church be allowed to operate this nursery school/day care program, for 60 children, 2 through 6 years of age, Mondays through Fridays, from 7 A.M. to 6 P.M. throughout the year. There will be no new construction and they will install an adequate fence to enclose the play area at the east end of the parish hall.

Mr. Brown stated that there will be no transportation furnished.

In answer to Mr. Smith's question as to whether the church was operating this nursery school itself, Mr. Brown stated that they have a group that is presently operating the Hourly Day Care Center here in Fairfax City that will provide the staff and the personnel for this operation. The Church will oversee the operation. The church is not leasing anything to them. The church is responsible for its being and its operation as a church project for community service.

There was no one to speak in favor or in opposition to the application.

In application No. S-70-74, application by St. Marks Episcopal Church under Section 30-7.2.6.1.3, of the Zoning Ordinance, to permit nursery school and/or day care center, on property located at 6744 Kings Highway, also known as tax map 92-2((1))2, County of Fairfax, Mr. Runyon moved that the Board of Zoning Appeals adopt the following resolution:

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ST. MARKS EPISCOPAL CHURCH (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 10th day of July, 1974.

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

1. That the owner of the subject property is Trs. of St. Marks Episcopal Church.
2. That the present zoning is RE-1.
3. That the area of the lot is 5.7 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 for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Hours of operation shall be 7 A.M. to 6 P.M., 5 days per week.
7. The maximum number of students shall be 60, ages 2 through 6 years.

The motion was seconded by Mr. Baker.

The motion passed 3 to 0. Messrs. Barnes and Kelley were absent.

Mr. Runyon pointed out that if someone comes in to take over this school, they would have to come back to the Board. This use will run continuously as long as the church itself operates the school, but if the property is leased, or there is an increase in the number of students, then it will have to come back to this Board.

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10:45 - MERRIFIELD MONTESSORI PRESCHOOL,,application under Section 30-7.2.6.1.3.2 of Ordinance to permit Montessori School for 30 children, 2709 Hunter Mill Road, Oakton, Fairfax Unitarian Church, 37-4((1)) 23, Centreville District, (RE-1), S-72-74.

Mrs. Sheila Morgan, 10231 Raider Lane, Fairfax, President of the Merrifield Montessori School, testified before the Board.

Notices to property owners were in order. The contiguous owners were Church of the Latter Day Saints, 10 South Main Street, Salt Lake City, Utah and Harold Thomas, 4000 Cathedral Avenue, N. W. Washington, D.C.

Mrs. Morgan stated that they will operate out of the Fairfax Unitarian Church, at 2709 Hunter Mill Road, Oakton, Virginia. They have a one year lease with the option to renew. They wish to have 30 children ages 2 1/2 to 6, five days a week, 3 hours a day for the younger children and 5 hours a day for the 5 to 6 year olds.

There was no one to speak in favor or in opposition to this application.

In application No. S-72-74, application by Merrifield Montessori Preschool under Section 30-7.2.6.1.3.2, of the Zoning Ordinance, to permit Montessori school for 30 children, on property located at 2709 Hunter Mill Road, Oakton, also knownas tax map 37-4((1))23, County of Fairfax, Mr. Runyon 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 10th day of July, 1974.

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

1. That the owner of the subject property is Trs. of Fairfax Unitarian Church.
2. That the present zoning is RE-1.
3. That the area of the lot is 11.121 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 for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.

4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The number of students shall be 30, ages 2 1/2 to 6 years.
7. The hours of operation shall be 9 A.M. to 3 P.M., 5 days per week.
8. This permit shall run for 1 year with the Zoning Administrator being empowered to extend the permit upon presentation of a proper lease.

Mr. Baker seconded the motion.

The motion passed 3 to 0. Messrs. Barnes and Kelley were absent.

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11:00 - ACCOTINK ACADEMY, application under Section 30-7.2.6.1.3.2 of Ordinance to permit classrooms for learning disability children in existing church, 8200 KeeneMill Road, 79-4((6))2A, (4.926 acres), Springfield District, (RPC), S-73-74.

Mrs. Corler, 9302 Annapolis Road, Fairfax, Virginia, represented the operator of the school, Mrs. McCormick.

Notices to property owners were in order. The contiguous property owners were Irene Gill, 8347 Carrleigh Parkway, Springfield and Robert Vines, 8349 Carrleigh Parkway.

Mrs. Corler stated that Mrs. McCormick wishes to operate from 8:00 A.M. to 4:00 P.M. with three classrooms with 8 children in each classroom. There will be bus transportation or carpools.

In answer to Mr. Smith's question, she stated that she was not sure if this is a corporation or not, but she thought it was just a trade name.

In answer to Mr. Smith's question, Mrs. Corler stated that the busses were painted, lighted and marked in accordance with the State code.

Mr. Mitchell stated that he had talked with the applicant and the lease was to be forthcoming. They were expected to execute the lease tonight after the Board meeting. He stated that he had explained to them that they would have a problem, as the Board requires the lease before they make a decision.

Mr. Runyon moved that the case be deferred until July 17, for a lease agreement.

Mr. Baker seconded the motion.

The motion passed 3 to 0. Messrs. Barnes and Kelley were absent.

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11:30 - LAKEVALE ESTATES COMMUNITY ASSOCIATION, application under Section 30-7.2.6.1.1 of Ordinance to permit construction of two tennis courts and repaving of parking lot, additions to existing facilities, 2556 Oak Valley Drive, 37-4((5))A, Lakevale Estates Subdivision, (11.276 acres), Centreville District, (RE-0.5), S-74-74.

Mrs. Kathleen Clemente, 2511 Lakevale Drive, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Mr. Batchelder, 2558 Oak Valley Drive, and Mr. Philip Guglielmo, 2552 Oak Valley Drive.

Mr. Smith asked Mrs. Clemente if she was aware that there are only three members of the Board present, therefore, the Board would have to have a unanimous decision in order to grant the application. He told her that they could ask for a deferral to a date when 4 or 5 members would be present.

Mrs. Clemente stated that, under these circumstances, they would ask for a deferral until such time as there are 4 or 5 Board members present.

Mr. Smith asked if there was any opposition to the request for a deferral.

Mr. Philip Guglielmo, 2552 Oak Valley Drive, stated that he had several complaints about the use of the area right now. He submitted to the Board a copy of the statement that he was prepared to make.

Mr. Smith stated that the Board would consider the complaints based on the present operation and turn them over to the Zoning Administrator. This should be resolved prior to the hearing. If there are existing violations on the existing use permit, this puts the present operation in jeopardy.

Mr. Amoroso, 2500 Rocky Branch Road, President of the Lakevale Court Community Association which adjoins the subject property, stated that he is on a day of annual leave and might not be able to attend the meeting August 1, 1974. He stated that he is in opposition to this application.

Mr. James Pammel, 2517 Rocky Branch Road, spoke in favor of the deferral, and stated that he felt at least 4 members of the Board should be present when this case is heard.

Mr. Swortzel, 2519 Rocky Branch Road, adjoining the subject property stated that he hoped the applicants would be able to get their ducks in line and when they come back, perhaps some of the people who are present in objection today will be in a status of approval then. Mr. Swortzel stated that they represent another citizens association called Lakevale Court which adjoins their property. It is an adjoining subdivision of which Mr. Amoroso, who spoke earlier, is president and of which Mr. Guglielmo is a resident. He stated that they do have a recreational association of their own and that he had served three years on the Fairfax City Park and Advisory Committee and he is interested in recreation; however, the organization has an obligation to take care of what they presently have before starting anything new. An inspection of the site will show the erosion that is taking place, the height of the weeds and other things that need taking care of. If they will take care of these problems, then the adjoining residents will come back and support them in their efforts.

Mrs. Diana Zamarra, 2566 Oak Valley Drive, spoke before the Board. She stated that on August 1, they would be on vacation and asked if she could submit a letter to the Board prior to that date for the record.

Mr. Smith advised her that she could.

The Board deferred the case until August 1, 1974, at 12:15 P.M.

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11:50 - CLAUDE A WHEELER AND BETTY J. WHEELER, application under Section 30-6.5 of Ordinance to appeal Zoning Administrator's decision that SUP #S-166-65 was granted to the applicant only and does not run with the land, 7150 Telegraph Road, 91-4((1))13, (2.81 acres), Lee District, (RE-1), V-65-74.

Mr. Smith read a letter requesting that this case be withdrawn.

Mr. Runyon moved that the request be granted.

Mr. Baker seconded the motion and the motion passed 3 to 0. Messrs. Barnes and Kelley were absent.

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July 10, 1974
FOXVALE CONSTRUCTION COMPANY

DEFERRED CASES:

12:10 - FOXVALE CONSTRUCTION COMPANY -- Recessed until later as the applicants were not in the room.

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DIFFERENT DRUM, INC. AND MT. VERNON UNITARIAN CHURCH, application under Section 30-7.2.6.1.3.4 of Ordinance to permit counseling and learning sessions on first floor area of Thorpe Mansion for 25 students, 1909 Windmill La., 93-3((1))10B, (10.5744 acres), Mt. Vernon District, (R-17), S-58-74, (Deferred from June 12, 1974 for decision only for lease agreement and to check on the church's preschool).

This case was deferred earlier in the day until July 17, 1974 until there is a full Board.

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THE TARA SCHOOL, INC., application under Section 30-7.2.6.1.3.2 of Ordinance to permit school of general instruction for 55 children, 9 to 2:30 P.M. ages 4 to 7 years, 1130 Towlston Rd., 19-2((1))66, (2.353 acres), Dranesville District, (RE-2), S-63-74, (Deferred from June 19, 1974 for new plats and to allow applicant to meet with his neighbors).

This case was deferred earlier in the day until July 17, 1974, until there is a full Board.

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A. C. OIL CO., INC., - V. T. WORTHINGTON, PRESIDENT, application under Section 30-6.6 of Ordinance to permit building closer to side property line than allowed by Ordinance (15 ft. from side property line; variance of 85 ft.), 7820 Cinder Bed Road, 99-2((3))5, Happy Valley, Lee District, (2.255 acres), I-G, V-67-74, (Deferred from June 19, 1974 for new plats).

New plats had been submitted as the Board had requested June 19, 1974.

In application No. V-67-74, application by A. C. Oil Co., V. T. Worthington, President, under Section 30-6.6 of the Zoning Ordinance, to permit building closer to side property line than allowed by Ordinance (85' variance), on property located at 7820 Cinder Bed Road, Happy Valley Subdivision, also knownas tax map 99-2((3))5, Lee District, County of Fairfax, Virginia, Mr. Runyon 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 19th day of June, 1974 and deferred to July 10, 1974.

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

1. That the owner of the subject property is Vernald T. & Virginia T. Worthington.
2. That the present zoning is I-G.
3. That the area of the lot is 2.255 acres.
4. That the applicant was granted a Special Use Permit (SP-49) by the Board of Supervisors, and a variance to the setback requirement by the Board of Zoning Appeals, in 1964. The variance expired, and a new application (V-239-70) was granted March 23, 1971. That variance also expired, and this application seeks to renew it.

5. That compliance with 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 interpretaion 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 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 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, non-residential use permits and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed 3 to 0. Messrs. Barnes and Kelley were absent.

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FOXVALE CONSTRUCTION CO., application under Section 30-6.6.5.4 of Ordinance to permit existing attached garage to remain closer to front property line than allowed by Ord., (46.8' from front property line, 3'2" variance), 11805 Vale Road, 46-2((11))9, Foxvale Subd., Sec. 4, (41,862 sq. ft.), Centreville District, (RE-1), V-55-74, (Deferred from June 12, 1974).

Mr. Spiro Anthony from the law firm of Miller, Gattsek and Schultz, 5205 Leesburg Pike, Bailey's Crossroads, Virginia, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were David Lipp, 11802 Cobb Hill Court and Joseph Robertson, 3707 Cobb Hill Road.

Mr. Anthony stated that Foxvale Construction Company constructed a house and garage on a lot located at the southeast corner of Vale Road and Cobb Hill Lane in the new Fox Vale Subdivision and subsequently discovered that the garage was 46.8 feet from the front lot line along Cobb Hill Lane. Since the minimum required front setback is 50 feet, the applicant is requesting a variance of 3.2 feet to the requirement pursuant to the "mistake" section of the Ordinance.

They have attempted to determine the source of the error and can only say that the professional engineering firm of Matthews and Wheatly originally staked the house and garage location and certified it to be correct. The builder affirms that the house and garage were built precisely as the engineers staked the sturctures. At this stage with construction completed it is exceedingly difficult to ascertain who was responsible for this error. It was an honest error, an error which would benefit no one. This type of error has never before been made by Foxvale Construction Company. Without the requested variance, it would cost in excess of $6,000 to move the subject garage. The mistake was made even though no one will admit responsibility for the mistake.

Mr. Smith noted that on the building permit plat, the curb cut was off Vale Road.

Mr. Anthony stated that the Highway Department preferred the curb cut off Cobb Hill Lane.

There was no one to speak in favor or in opposition to this application.

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They have attempted to determine the source of the error and can only say that the professional engineering firm of Matthews and Wheatly originally staked the house and garage location and certified it to be correct. The builder affirms that the house and garage were built precisely as the engineers staked the structures. At this stage, with construction completed, it is exceedingly difficult to ascertain who was responsible for this error. It was an honest error, an error which would benefit no one. This type of error has never before been made by Foxvale Construction Company. Without the requested variance, it would cost in excess of $6,000 to move the subject garage and they would be required to install significant landscaping and regrading of the affected area. However, the mistake was made even though no one will admit responsibility for the mistake.

Mr. Smith noted that on the building permit, the curb cut was off Vale Road.

Mr. Anthony stated that the Highway Department preferred the curb off Cobb Hill Lane.

There was no one to speak in favor or in opposition to the application.

In application No. V-55-74, application by Foxvale Construction Co., under Section 30-6.6.5.4 of the Zoning Ordinance, to permit existing garage to remain closer to front P/L than allowed by Ord. on property located at 11805 Vale Rd., Foxvale S/D, Sect. 4, also known as Tax Map 46-2((11))9, Centerville, County of Fairfax, Virginia, 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 10th day of July, 1974, 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 41,862 sq. ft.
4. That the request is for a 3.2 ft. 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 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.

Mr. Baker seconded the motion.

The motion passed 3 to 0. Messrs. Barnes and Kelley were absent.

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AFTER AGENDA ITEMS:

MILDRED FRAZER, 4955 Sunset Lane, for private school, S-192-73 and S-85-65.

Mr. Smith told Mrs. Frazer that the Board granted a Special Use Permit to her as an individual and then discovered that she was operating as a corporation.

Mrs. Frazer stated that she owns the property and the two schools. These two schools are on the same property at 4955 Sunset Lane. One school with the younger children is called Grasshopper Green School, and the other is called Kenwood School. There is one office and one kitchen for the two schools. It is one operation. She stated that it didn't make any difference, whether she has one or five schools as long as she owns the property and operates the school.

Mr. Smith disagreed. He inquired if these schools are incorporated?

Mrs. Frazer stated that there is a corporation operation, but she is not operating it. She owns the property feme sole. Grasshopper Green School is on the property.

Mr. Smith stated that she had failed to instruct the Board and the Board did not know that there were two schools there.

He asked why she uses the name Grasshopper Green School, Inc.?

Mrs. Frazer stated that it is because it was a school she owned 100 percent when she first applied for a Special Use Permit.

Mr. Smith stated that she couldn't have two schools at the same location without two separate Special Use Permits.

Mrs. Frazer stated that she operates as an individual and she also operates Grasshopper Green School.

Mr. Smith stated that the Board should have had a Certificate of Good Standing from the State Corporation Commission.

Mrs. Frazer stated that the corporation might be someplace else very shortly, but she is still staying there.

Mr. Smith told Mrs. Frazer that she indicated when she came to the Board that she owned the land and operated the school and there was no indication that there was a corporation involved in it. This came about through an inspection. If there are two schools, there needs to be another Permit.

Mrs. Frazer stated that she did not want it as Grasshopper Green School, Inc.

Mr. Smith stated that she also needed an Agreement between she as owner of the property and the corporation which operates the school.

Mrs. Frazer repeated that she operates the school.

Mr. Smith stated that the Zoning Inspector has gone to the trouble of establishing that she is operating Grasshopper Green School, Inc. at this location and the Board has no record of it. He told her that it was up to her to resolve it. Grasshopper Green School, Inc. is now operating without a Special Use Permit.

Mrs. Frazer stated that Grasshopper Green School, Inc. is there at her pleasure.

Mr. Smith stated that she is operating it without a proper permit.

Mrs. Frazer stated that she has given Grasshopper Green School, Inc. notice to vacate the property by September 1, 1974. She stated that they have a summer day camp.

Mr. Smith asked if she had received a violation for operating a school without a Special Use Permit.

Mrs. Frazer stated that she had not.

Mrs. Frazer inquired whether or not the 3 year limit could be lifted from her permit as some of the other schools were granted for a longer period of time.

Mr. Smith stated that she has given the County a lot of trouble in the last few years. The fact that she is operating Grasshopper Green without a Special Use Permit is the item under discussion and in light of this information it seems that there are other problems of whether there is a proper permit at all at the present time.

Mr. Runyon inquired what the purpose is for requiring another Special Use Permit for a corporation.

Mr. Smith stated that she could operate as an individual, but this is a corporation. A corporation is perpetual.

Mr. Runyon asked if she changed the name to Grasshopper Green School, Inc. is that all she needs.

Mr. Smith stated that she needs a new application.

This actually is just two age groups.

Mr. Runyon stated that sometimes there are two schools operating in a church.

Mr. Smith stated that both those schools have separate Special Use Permits.

Mrs. Frazer stated that they would be out by the first of September. She asked if there is any way she could have an amendment to her Special Use Permit.

Mr. Smith stated that September is 2 months away. It is up to the Zoning Administrator and the Board whether they want to allow the continued operation without a Use Permit.

Mrs. Frazer stated that in no way does she want Grasshopper Green on the Permit because it will muddy the waters.

Mr. Frazer spoke before the Board. He stated that he is Director and stockholder of Grasshopper Green. About August 1957, he talked with the former owner and discussed the purchase terms with her. Subsequently, they gave her money and agreed to purchase on January 13, 1958. At that time Mrs. Frazer and he purchased the property under the name of Grasshopper Green School, Inc. The corporation owned the school, land, building and everything known as Kenwood School in Alexandria. They operated that way. At that time, she held all the stock. It was subsequently agreed that she would sign 50 percent of the stock over to him.

He stated that they sold the property and the school and went into rented headquarters in Fairfax County, but she moved in her name.

Kenwood School operated in Mount Vernon, but that has ceased to exist.

Now, she has revised it and calls it a separate operation. He stated that he is still a stockholder and half owner of the corporation.

Mr. Smith inquired if there are any other stockholders.

Mr. Frazer stated that there is not. There are just two directors. Mrs. Frazer undertook to take in another director, but it has never been done in writing.

Mr. Smith stated that there is a violation here and since Mr. Frazer is party to the violation as stockholder in the corporation, both parties have the same responsibility as far as the violation is concerned.

Mr. Smith informed Mr. and Mrs. Frazer that they were to be notified of the results of the Board's decision.

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FOX HUNT SWIM CLUB, INC., S-110-72 -- Request for further expansion of geographical area surrounding the swim club by removing the geographical restrictions presently imposed on them by the BZA. In their letter, which Mr. Smith read, they stated that there was no geographical limitation imposed on the Hunt Valley Swim Club, nor Orange Hunt.

Mr. Smith stated that the reason the applicant gave the Board for reducing the number of parking spaces was becuase the pool only serves the immediate area. The permit was granted based on the membership being from that immediate area in the immediate subdivision.

Mr. Runyon suggested that the Board request a representative from Fox Hunt to come before the Board and explain what they plan to do and see if they will need any additional parking spaces.

This case was deferred until July 24, 1974.

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ORANGE HUNT SWIM CLUB, S-98-72

Mr. Covington stated that Orange Hunt Swim Club had requested to have a Teen Party on July 18 and an Adult Party on July 27, 1974. However, there had been complaints from several of the neighbors regarding noise from previous parties and a Petition had been presented to him complaining about the noise. Therefore, he cancelled the party for the 18th and is bringing this matter before the Board as to whether or not to allow any additional parties.

Mrs. Bradford appeared before the Board and stated that she had spoken with Mrs. Middleton who was the lady who had complained and initiated the Petition and Mrs. Middleton wishes to withdraw her complaint. Mrs. Middleton has submitted a letter requesting that withdrawal on behalf of the Petitioners.

Mr. Runyon moved that the Board resolve this on July 24, 1974, with a clarification from the other signers of the Petition.

Mr. Baker seconded the motion.

Mr. Runyon stated that he would like to change his motion to read that the signers on the Petition should clarify their intent to the satisfaction of the Zoning Administrator by July 24, 1974.

Mr. Baker accepted this. This motion passed.

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OUT OF TURN HEARING REQUEST -- THE AQUINAS SCHOOL, MR. & MRS. ALAN FUTRELL, S-110-74 Application Complete

Mr. Smith read a letter from Mr. Futrell requesting an out of turn hearing based on the fact that they would like to begin the operation of their school at the beginning of the school year.

Mr. Runyon moved that the request be granted for an August 1, 1974, hearing.

The motion passed 3 to 0. Messrs. Barnes and Kelley absent.

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OUT OF TURN HEARINGS

OUT OF TURN HEARING REQUEST -- ROGER A. YOUNG, Contract Purchaser. Applicant has application in, but plats need several small changes. The Youngs' also must amend the application in order to have the owner of the land as the applicant.

Their letter of request indicated that they needed an out of turn hearing in order to get the house underway before bad weather.

Mr. Runyon moved that the hearing be granted for August 1, 1974, provided they are able to get the information in by tomorrow, July 11, 1974, in order for the Clerk to meet the advertising deadline.

Mr. Baker seconded the motion.

The motion passed 3 to 0. Messrs. Barnes and Kelley absent.

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OUT OF TURN HEARING REQUEST -- LAKE BARCROFT RECREATION ASSOCIATION, INC.

Mr. Hobson in his letter to the Board stated that Mr. Yaremchuk, Director of County Development, revoked the subdivision approval for the Cloisters Subdivision adjacent to the Recreation Center. On June 24, 1974, the Board of Supervisors reversed Mr. Yaremchuk's decision and granted a stay in the revocation of the subdivision permit for 60 days to permit Lake Barcroft to bring before the Board of Zoning Appeals its request for the amended permit for the Recreation Center.

Mr. Hobson went into the list of requested amendments to the Special Use Permit that was originally granted. He stated in his letter that his clients were in serious financial difficulty. Because of this and the 60 day stay granted by the Board of Supervisors, he requested an early hearing in July.

The Clerk indicated that there was no way the case could be heard at a Regular Meeting in July because of the advertising deadline.

Mr. Runyon moved that the Lake Barcroft case be scheduled for a Special Meeting on July 31, or August 2, whichever time the BZA could get the Board Room and the Clerk could meet the deadline.

Mr. Baker seconded the motion.

The motion passed 3 to 0. Messrs. Kelley and Barnes absent.

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FRANCES W. CHINN, S-118-73 -- SUP for preschool at 1860 Beulah Road, granted July 18, 1974.

Mr. Smith read a letter from Mrs. Chinn requesting an extension to the Special Use Permit because she has had problems with the church and could not get started. These problems have now been resolved, but she needs to make the requested modification to the building and get a Non-Residential Use Permit which will require some additional time.

The Board granted her an extension as requested, until October 21, 1974.

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The meeting adjourned at 1:35 P.M.

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By Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED September 11, 1974
DATE

The Regular Meeting of the Board of Zoning Appeals was held on Wednesday, July 17, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Charles Runyon; Joseph Baker; and George Barnes.

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

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10:00 - PRESLEY COMPANY EAST, INC., application under Section 30-6.6 of the Zoning Ordinance to permit reduction of lot frontage, 2251, 2253 and 2255 Richelieu Drive, 39-3((1))Parcel 12A and ((28)) 121, 122 and 123, Tysons Woods Subdivision, Section 5 (2.39232 acres) Providence District (R-12.5 and R-10), V-75-74

Bob Lawrence, attorney for the applicant, P.O. Box 547, Fairfax, Virginia, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Thomas Beyer, 8437 Idlewood Road, Vienna, Virginia and Michael Sullivan, 7911 Ashland Avenue, Manassas, Virginia.

Mr. Lawrence stated that 1.7 acres are involved in this request for a variance for street frontage. The reason for the request is the applicant would like to develop four lots with pipestem access through two existing lots to Richelieu Drive at its junction with Minerva Court in Tysons Wood Subdivision. He stated that the lots are all above the minimum requirement for lot size in an R-10 zone. Tysons Woods consists principally of a tract that was originally planned for industrial use and, at the request of citizens and County officials, reconsidered and zoned for residential use in the R-10 category. The topography, existing tree cover and adjacent development necessitates utilization of the development plan before the Board. Development under conventional layout with the extension of a public street would severely and adversely impact the existing tree cover and topography.

There was no one to speak in favor of the application.

Mr. Tom Cuserath, Tysons Woods Subdivision, Lot 130, Section 3, 8517 Idlewood Road, spoke in opposition to the application because he is opposed to increasing the density of the lots in that area.

Mr. Smith stated that the proper density is being maintained. The lots actually could have been smaller. They are increasing the open space by this arrangement.

Mr. Cuserath stated that they still raise objection to this method. He also questioned the posting of the property.

Mr. Smith stated that the Staff has indicated that the property was posted in accordance with the Code.

Mr. Lawrence stated that the applicant has endeavored to follow the County's requirements regarding notification. This request is not for smaller lots, but for less street frontage. Tysons Woods has smaller lots than what they are proposing in this subdivision.

Mr. Runyon stated that the Board has had these type applications before and they actually do serve the purpose of giving more open space and also providing a savings to the taxpayers, as the taxpayer doesn't have to maintain the streets in the subdivision.

RESOLUTION

In application No. V-75-74, application by Presley Company East, Inc., under Section 30-6.6 of the Zoning Ordinance, to permit reduction of lot frontage on property located at 2251, 2253, 2255 Richelieu Drive, also known as tax map 39-3((1))Parcel 12A and ((28))121, 122 & 123, County of Fairfax, Mr. Runyon 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 17th day of July, 1974; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Duane W. Beckhorn, Tr.
2. That the present zoning is R-12.5
3. That the area of the lot is 1.7 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) exeeptionally 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.

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 responsible for fulfilling his obligation to obtain building permits, residential use permits and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed unanimously with all members present.

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10:15 - SUNSET HILLS RACQUET CLUB, application under Section 30-6.6 of the Ordinance to permit proposed structure closer to front lot line than allowed by Ordinance, Michael Faraday Drive, 18-3((5))part of parcel 99, Reston, (4.90392 acres), Centreville District, I-L, V-76-74

Mr. Charles Kent, 3416 Country Club Drive, Fairfax, Virginia, with Gulf Reston testified before the Board.

Mr. Kelley questioned who the landowner and applicant should be. He stated that the Staff Report indicates that the owner of the land is John Hancock Mutual Life Insurance Company.

Mr. Kent stated that the site is now in the ownership of John Hancock Mutual Life Insurance Company with Gulf Reston being the lessee and the future owner under an existing repurchase agreement. Actually both Gulf Reston and John Hancock Mutual Life Insurancy Company should be listed as owners. He requested the application be amended to reflect this.

Mr. Smith so ordered.

Notices to property owners were in order. The contiguous owners were VEPCO, 11133 West Main Street, Fairfax, and Gulf Reston, c/o Fran Steinbauer, Vice-President, 11440 Issac Newton Square North, Reston, Virginia.

Mr. Kent stated that this request is for a variance on the northwest corner of the proposed structure (a total of approximately 128 square feet) that will be within the required 50 foot setback requirement. The closest point of the proposed building will be 36 feet from the right of way of Michael

Faraday Court and will have no more than 16 lineal feet of the west facade and no more than 16 lineal feet of the north facade within the 50 foot setback. The reason for the need for this variance is because of the shape of Parcel 99. It is an irregular polygon. A cul-de-sac from Sunset Hills Road is required to render developable parcels of the eastern portion of Parcel 99. The parcel configuration is further aggravated by the fact that existing topography reasonably dictates the location of the cul-de-sac needed to serve Block 9 and other parcels in the section. Building locations are not as flexible as they would be if sanitary sewer treatment capacity were available. This is an industrial zone and this use does not have heavy truck traffic, noise, odor, glare, etc. that make many of the I-L uses "bad neighbors".

In answer to Mr. Smith's question, Mr. Kent stated that they intend to begin construction within three years. Mr. Smith then informed him that the construction where a variance is concerned must begin within one year from the date the variance is granted.

Mr. Kent stated that they were going to build all the other buildings now except this future building where the variance is needed, but they need to know if they can put that building there in order to plan the other buildings. The over-all building plans must be prepared now.

Mr. Runyon stated that he felt they need some direction now. If they do not get the variance, they will have to move the other buildings back. They have the 100' setback requirement from the residential property to the north of their property.

The Board discussed this question at length.

Mr. Smith questioned the setback on the parking and Mr. Covington stated that there are no requirements on the parking setback in an industrial zone.

In answer to Mr. Smith's question, Mr. Kent stated that they plan to construct a steel framed structure, 25' in height. There is an eve in the roof.

RESOLUTION

In application No. V-76-74, application by Sunset Hills Racquet Club, Gulf Reston, Inc. and John Hancock Mutual Life Insurance Company, under Section 30-6.6 of the Zoning Ordinance, to permit proposed structure closer to front lot line than allowed by Ordinance (within 36') on property located at Michael Faraday Drive, Centreville District, also known as tax map 18-3((5))part of parcel 99, 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 17th day of July, 1974; and

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

1. That the owners of the subject property are the applicants.
2. That the present zoning is I-L.
3. That the area of the lot is 4.90392 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 involved:

a. exceptional topographic problems of the land,
b. a proposed 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.

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, non-residential use permits and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed unanimously with all the members present.

Mr. Runyon disclosed that he does work for Gulf Reston occasionally.

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10:30 - CENTRAL FAIRFAX SERVICES FOR RETARDED PERSONS, INC., application under Section 30-7.2.6.1.3.2 of Ordinance to permit school of general education in existing church facility, 8922 Little River Turnpike, 58-4((1))61, Bethlehem Lutheran Church, (5.65 acres), Providence District (RE-1), S-77-74

Mrs. Marea Alexander, 6322 King Lewis Drive, Alexandria, Virginia, Director of Central Fairfax Services for Retarded Persons, Inc., appeared before the Board on the corporation's behalf.

Notices to property owners were in order. The contiguous property owners were Annandale Volunteer Fire Department, 7128 Columbia Pike, Annandale, and Associated Builders, 8515 Arlington Blvd.

Mrs. Alexander stated that they wish to have 25 persons, ages 16 and up. They received their existing Special Use Permit, S-157-70, on September 15, 1970, which was granted to the Northern Virginia Association for Retarded Children, Inc. This request is for a continuation of that permit with a name change. They do have an agreement with the Bethlehem Lutheran Church and a letter to that effect is in the file. The permit that was originally granted was for 3 years and that permit has expired.

Mr. Smith stated that the Health Department indicates that the facilities are adequate for 25 persons.

RESOLUTION

In application No. S-77-74, application by Central Fairfax Services for Retarded Persons, Inc., under Section 30-7.2.6.1.3.2 of the Zoning Ordinance, to permit school of general education in existing church facility, on property located at 8922 Little River Turnpike, also known as tax map 58-4 ((1))61, County of Fairfax, Mr. Runyon 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 17th day of July, 1974.

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

1. That the owner of the subject property is Bethlehem Lutheran Church.
2. That the present zoning is RE-1.
3. That the area of the lot is 3.8351 acres.
4. That the applicant is presently operating under Special Use Permit No. S-157-70.

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.

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Hours are from 9:00 a.m. to 4:30 p.m., 5 days per week.
7. All conditions of the existing permit are to remain in effect.

Mr. Baker seconded the motion.

The motion passed unanimously with all members present.

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10:45 - CLARENDON BANK AND TRUST COMPANY & GEORGE H. RUCKER REALTY CORPORATION, application under Section 30-6.6 of the Ordinance to permit temporary structure closer to front property line than allowed by the Ordinance, 3090 Williams Drive, 49-3((22))4, (31,043 square feet), Providence District (C-O), V-78-74

Mr. Thomas Mays, attorney for the applicants, testified before the Board.

Notices to property owners were in order.

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CLARENDON BANK NAD TRUST COMPANY & GEORGE H. RUCKER REALTY CORP.

The Board amended the application to include the name of the owner of the land as Mr. Mays represents both Clarendon Bank and Trust Company the lessee and the landowner, George H. Rucker Realty Corporation.

Mr. Mays stated that the applicant proposed to place a portable banking structure for temporary use as a branch bank on property located at the northwest corner of Arlington Boulevard and Williams Drive in the Merrifield vicinity of Providence District. It is proposed to locate the structure 1 foot from the front property line along Arlington Blvd. established by a V.D.H. taking for eventual road widening, and since the minimum required front setback is 50 feet, the applicant needs a variance of 45 feet to the requirement.

The reason for the need for this variance is they need to avoid interference with construction of the permanent building to the rear of this site.

The proposed location of the temporary bank structure is in alignment with the other buildings on sites to the east and west of the bank site and presents no detriment to the alignment of the other buildings referred to.

The permanent building will be located in accordance with the setback requirements of the Zoning Ordinance.

The problems presented herein are in part attributable to unusual topographical conditions brought about by a leap-frog system of condemnation of strips of land along Arlington Boulevard for future widening which (if at all) will occur long after the temporary banking structure is removed.

Mr. Runyon stated that as far as the frontage, this would be no further toward the front than the structure that is next door.

The Board discussed the length of time they could grant a variance for a temporary building.

Mr. Smith felt that the Board could only grant a variance for a temporary building for two years. Mr. Covington stated that there was nothing in the Ordinance regarding a time limit. He stated that the Board had granted a temporary bank structure in Centreville that has been there 12 years, but Mr. Smith stated that there was a permanent building.

Mr. Runyon stated that he didn't think this was a problem. If its there longer than two years, they can request an extension.

Mr. Kelley asked Mr. Smith if, in view of the fact that they have a three year lease, if he would go along with a three year variance. Mr. Smith indicated that he would not.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application No. V-78-74, application by Clarendon Bank & Trust - George H. Rucker Realty Corp., under Section 30-6.6 of the Zoning Ordinance, to permit temporary structure closer to front property line than allowed by Ord. on property located at 3090 Williams Drive, Providence District, also known as tax map 49-3((22))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 17th day of July, 1974 and

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

1. That the owner of the subject property is George H. Rucker Realty Corporation.
2. That the present zoning is CO.
3. That the area of the lot is 31, 043 sq. ft.
4. That the request is for a Temporary Variance of 3 years.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has satisfied the Board that this variance will facilitate construction of a permanent building on said property.

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, Non-Residential Use Permit and the like through the established procedures.

Mr. Barnes seconded the motion.

The Motion passed 4 to 0 with Mr. Smith abstaining.

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11:00 - SLEEPY HOLLOW BATH & RACQUET CLUB, INC., application under Section 30-7.2.6.1.1 of Ordinance to permit additional construction of 3 tennis courts to existing facility, increase in membership from 400 to 425 and decrease in parking from 160 to 140, 3516 Sleepy Hollow Road, 60-2 ((1))55, (7,7813 acres), Mason District, (RE-0.5), S-79-74

Mr. Joseph Cannata, President of the Sleepy Hollow Bath and Racquet Club, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Senator and Mrs. Robert Stafford, 3541 Devon Drive and Col. and Mrs. Gielman, 3545 Devon Drive, Falls Church.

Mr. Cannata submitted a statement for the record from four property owners adjoining the subject property stating their support.

Mr. Cannata stated that the applicant seeks to increase the membership from 400 to 425 and to decrease their parking. They have three bike racks. They have only experienced overflow in parking one time and that was for a Regional Swim Meet. They have an excellent relationship with the Sleepy Hollow Recreation Association across Holmes Run and they can use their parking lot if there is an overflow. This is a verbal agreement between the two associations.

There was no one to speak in favor of the application.

Mrs. Gielman, 3545 Devon Drive, spoke in opposition to the application. She stated that she is the most affected of all the adjoining property owners as the three tennis courts will be just outside her garden. They now have the bop-bop of the tennis balls from down until dust. They start at 7:00 am in the morning.

Mr. Smith stated that their original permit was granted in 1962. They were originally required to have 220 parking spaces and that was reduced to 160. There was no stipulation on the hours of operation.

Mrs. Gielman stated that they now have 4 tennis courts and this will make a total of 7.

Mr. Smith after going through the old file stated that they were originally permitted 2 tennis courts, then the Board of Supervisors permitted them to build 2 more tennis courts in flood plain but they

never came back to this Board for approval. They had to have Board of Supervisors approval in order to construct in flood plain, but they should have come back to this Board for the use of the land as this was an additional use.

Mr. Roger Jones, 3549 Devon Drive, inquired if the courts would be lighted. He stated that the P.A. System is quite offensive now. They also can hear the amplified phone ringing and then they page someone and that can be heard all around the neighborhood.

Mr. Smith stated that those factors will have to be changed as all the noise should be confined to the property. They cannot have lights on the courts without first coming back to this Board for permission.

In rebuttal, Mr. Cannata stated that Mrs. Geilman and Mr. Jones have some valid points and they will certainly do something to reduce the noise. He stated that they did construct 2 courts in 1962 and 2 more in 1971. It was their understanding that the Board of Supervisors did give them permission to build courts 3 and 4 when they approved the construction in the flood plain. They took away from the parking area in 1964 when courts 3 and 4 were constructed. They now have 140 parking spaces. They have had a membership of 425 since 1972. They have not found any overcrowding of the facilities.

Mr. Smith stated that they actually need a Board action to cover the existing courts that were not granted earlier in order to bring them into conformity. There should also be some additional screening to buffer the noise from the existing courts.

Mr. Cannata stated that they are in a position to put in extra screening. The land has been cleared for the additional tennis courts before they found they were in error. They did remove the fill dirt with the approval of the Zoning Administrator in order that it would not wash into the Holmes Run area.

Mr. Runyon stated that there is a lot of studying being done on the 7th floor of the Tower with sound buffering screening.

RESOLUTION

In application No. S-79-74, application by Sleepy Hollow Bath & Racquet Club, Inc. under Section 30-7.2.6.1, of the Zoning Ordinance, to permit additional construction of 3 tennis courts to existing facility, on property located at 3516 Sleepy Hollow Road, also known as Tax Map 60-2((1))55, County of Fairfax, 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 17th day of July, 1974.

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

1. That the owners of the subject property is Sleepy Hollow Bath & Racquet Club, Inc.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 7.7813 Acres.
4. That the applicant is presently operating under S.U.P. #8315, granted March 13, 1962.

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.

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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals, It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Hours of operation shall be 8 am to 9 pm.
7. Membership shall be for 425 families.
8. Parking shall be provided for 140 spaces with all parking being confined on site and any overflow for swim meets shall be provided on the adjacent rec. site
9. Supplemental sound buffer of evergreens shall be provided between the tennis courts and the residential area to the north.
10. All noise from loudspeakers, etc. shall be confined to the site.
11. Any after hour parties will require special permission of the Zoning Administration and such parties shall be limited to 6 per year.

Mr. Baker seconded the motion.

Mr. Runyon stated that he would not want to see the tennis courts open at 6 am in this particular area and he felt the applicant is agreeable to this time limitation. They might even modify them further.

The motion was passed unanimously.

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11:15 - LANGLEY SCHOOL, INC., application under Section 30-7.2.6.1.3 of Ordinance to permit additional construction of new multi-purpose building to existing facility, 1411 Balls Hill Road, 30-1((1))42A & 43 & ((11))1 & 2, (7.2584 acres), Dranesville District, (R-12.5), S-80-74

Mr. Blaine Friedlander, attorney for the applicant, testified before the Board.

Notices to property owners were in order. The contiguous property owners were American Legion, Post 270, c/o Mr. Politano, 7114 Churchill Road, McLean, and Fairfax County Board of Supervisors, 4100 Chain Bridge Road, Fairfax.

Mr. Friedlander stated that they seek to amend their existing Special Use Permit to permit construction of this new multi-purpose building as an addition to the existing facilities. They have been operating this private school on property located on the east side of Balls Hill Road approximately 600 feet northeast of its junction with Lewinsville Road pursuant to a special use permit No. 5631 granted originally November 16, 1954 and amended several times since.

He stated that they do not plan to increase the number of students.

The Board discussed the comments from Preliminary Engineering regarding the suggested dedication. Mr. Smith stated that this Board has no jurisdiction over site plan. This is under site plan control.

Mr. Friedlander stated this school serves 268 children. He went into the merits of the existing school.

Mr. Charles Beardsley, 5315 Manning Place, N. W. Washington, D. C. stated that the size of the proposed structure is 50 feet wide and 114 feet long with a height of 24 feet to the top of the roof. This is a story building with a raised platform at one end. Inside the major room in the building is an elementary sized basketball court. The exterior of the building will be brick to 10' off the ground and metal wall panels from there to the eves. It will have an "A" roof, but it is hidden behind the facade. All of the buildings at the present school have a flat roof and this will conform architecturally with the existing buildings.

Mr. Friedlander stated that they transport the children to and from the school partially by bus and partially by carpool. They have 31 parking spaces. The school is from Kindergarten to 8th grade and their hours of operation are from 8:30 am to 3:00 pm Monday through Friday during the school year. The busses met the County and State requirements as to lighting, lettering and coloring.

RESOLUTION

In application No. S-80-74, application by Langley School, Inc. under Section 30-7.2.6.1.3, of the Zoning Ordinance, to permit additional construction of multi-purpose building to existing facility, on property located at 1411 Balls Hill Road, Dranesville District, also known as Tax Map 30-1((1))42A & 43, & ((11))1 & 2, 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 17th day of July 1974.

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 7.2584 acres.
4. That the compliance with Site Plan Ordinance is required.
5. That the 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 R Districts as contained 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 has stated 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details)without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.

4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. That the maximum number of students shall be ~~200~~ 268 #corrected 11-20-74 by BZA, ages 3 to 14 years.

7. That the hours of operation shall be 8:30 a.m. to 3:00 p.m., 5 days per week, Monday through Friday, during normal school year.

8. That the operation shall be subject to compliance with the inspection report, the requirements of the Fairfax County Health Department, the State Department of Welfare and Institutions, and obtaining a Non-Residential Use Permit.

9. All busses and/or other vehicles used by the applicant for transporting students to and from the school shall comply with county and state standards in color and light requirements.

10. Landscaping and screening shall be provided to the satisfaction of the Director of County Development.

Mr. Baker seconded the motion.
The motion passed unanimously with all the members present.

11:30 - GIANT FOOD, INC., application under Section 30-7.2.10.3.1 of Ordinance to permit renewal of special use permit for existing service station with change of ownership, 8353 Leesburg Pike, 29-3((1))part of 32, (.607 acres), Centreville District, (C-D and Highway Corridor District), S-91-74, OTH

Mr. Lee Fifer, attorney for the applicant, testified before the Board.

Notices to property owners were in order.

Mr. Fifer stated that the size of the parcel has been reduced and is not 6.09 acres, but 6.4953 acres. This is reflected on the plats that are now before the Board. (These revised plats were submitted for the file two days prior to the hearing).

The Board then discussed the sign that they planned to put on the canopy.

Mr. Fifer stated that Giant Food, Inc. is taking over the old GEM operation. The store is anticipated to open in August and they want to open the gasoline station at the same time.

Mr. Smith stated that based on C-D zoning, they could not put up an additional sign for the gas station in conjunction with the store.

Mr. Covington stated that they do not plan to have a free standing sign.

Mr. Smith stated that this sign on the canopy amounts to the same thing as a free standing sign. This is a planned shopping center and Giant Food and the Gasoline Station are one retail complex. They have one free standing sign for Giant which is dominant in the shopping center.

There are three existing building sides there now and the canopy is in addition to that. They have the right to put the sign on the existing building. To allow signs on three sides of the canopy is not in keeping with the Board's record for signs for gasoline service stations. The Board did not allow it for Crown recently. The existing facility does not have this type arrangement.

Mr. Runyon stated that this is what he thought the Board was looking for, a sign that is not a free standing sign. He stated that he assumed the sign ordinance would speak to this.

Mr. Smith stated that this is a Use Permit use and the Board could determine the type of sign that would be appropriate. What this canopy amounts to is a free standing sign.

Mr. Fifer stated that Giant is not known as a distributor of gasoline, therefore, they need a certain amount of advertisement.

Mr. Smith stated that they shouldn't be given an advantage over other operators. This canopy is a garish looking thing and not in keeping with what the Board has done in the past.

He questioned the underground storage and stated that the plats would have to be revised to show this. He recessed the hearing until after lunch and stated that this case would be reopened if they had the plats revised to show this underground storage area.

The hearing was reopened after lunch. Mr. Fifer had submitted a copy of Site Plan 238A submitted by GEM originally showing the underground storage area.

In application No. S-91-74, appliation by Giant Food, Inc. under Section 30-7.2.10.3.1 of the Zoning Ordinance, to permit renewal of special use permit for existing service station with change of ownership, on property located at 8353 Leesburg Pike, also known as tax map 29-3((1)) part of 32, County of Fairfax, Mr. Runyon 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 17th day of July, 1974.

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

1. That the owner of the subject property is Trulie Investment Corp. et al.
2. That the present zoning is C-D (H-C).
3. That the area of the lot is 0.4953 acres.
4. That the site was operating under SUP #7251 granted January 9, 1962.

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

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 not transferable to other land, and is for the location indicated in this application.
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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals It shall be the duty of the Permittee to apply to the Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.

4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The Resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The sign area shall be reduced to a sign on two sides of the existing building.

Mr. Baker stated that he would second the motion as long as there would be no signs on the canopy.

Mr. Smith inquired if everyone understood the amended Resolution as it is stated above, as this means there will be no signs on the canopy. There would be signs on the existing building only.

All Board members indicated that they understood the amended Resolution.

The motion passed unanimously. The original motion died as Mr. Baker withdrew his second. Mr. Runyon revised Cond.No. 6 to read as it is above, which carried.

DEFERRED CASES:

DIFFERENT DRUM, INC. & MT. VERNON UNITARIAN CHURCH, appl. under Section 30-7.2.6.1.4 of the Ordinance to permit counseling and learning sessions on first floor area of Thorpe Mansion for 25 students, 1909 Windmill Lane, 93-3((1))10B, (10.5744 acres), Mt. Vernon District (R-17), S-58-74 (Deferred from 6-12-74 for lease agreement and for Zoning Administrator to check on pre-school operated by church.

Lease agreement had been submitted for the file and the church's preschool is permitted as a matter of right as it is a religious activity directly related to the church with less than 60 students.

In application No. S-58-74, application by Different Drum, Inc. and Mt. Vernon Unitarian Church, under Section 30-7.2.6.1.3.4, of the Zoning Ordinance, to permit counseling and learning session on first floor area of Thorpe Mansion on property located at 1909 Windmill Lane, also known as tax map 93-3((1))10B, Mt. Vernon District, County of Fairfax, Mr. Runyon 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 June, 1974, and deferred to July 17, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Mt. Vernon Unitarian Church, Trustees.
2. That the present zoning is R-17.
3. That the area of the lot is 10,5744 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable State and 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.

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The maximum number of students shall be 25, ages 15 to 18 years.
7. The hours of operation shall be 9:00 a.m. to 4:00 p.m., Monday through Friday, with parents counseling sessions on Monday evenings from 7:00 p.m. to 8:30 p.m. during regular school year.
8. This permit is granted for a period of 2 years with the Zoning Administrator being empowered to extend for three (3), one (1) year periods.

Mr. Barnes seconded the motion.

The motion passed unanimously.

THE TARA SCHOOL, INC., application under Section 30-7.2.6.3.2 of the Zoning Ordinance to permit school of general instruction for 55 children, 9:00 a.m. to 2:30 p.m., ages four to six, 1130 Towlston Road, 19-2((1)) 66, (2.353 acres), Dranesville District (RE-2), S-63-74 (Deferred from 6-12-74 for applicant to talk further with residents of the area and for him to revise play area on plats to show it away from adjacent property owner's property) Plats are in file along with letters from some neighbors and letter from Mr. Rogers.

Mr. Runyon stated that some of the neighbors are in objection because they felt this operation would be expanded into a larger operation. He said he understood the applicant to say that this was a temporary use. He asked Mr. Rogers to come forward and answer a few questions relating to this use to refresh his memory. He asked Mr. Rogers how long he planned to operate this facility.

Mr. Rogers stated that he plans to operate this facility indefinitely. He stated that they do not plan to expand at this time beyond the 55. The Health Department has approved this facility for 40 children now and 55 if they add additional plumbing.

Mr. Runyon asked Mr. Rogers if he had canvassed the neighborhood to explain to the neighbors what his plans are.

Mr. Rogers stated that he started to canvas the neighborhood and went to five or six neighbors and it was very awkward. They felt they did not have a decision of the Board on which to speak, but they would be glad to try again.

Mr. Smith stated that the Board had directed Mr. Rogers to clear up the problem with the outlet road and show the proper location of that road and the play area on the plats and that has been done.

Mr. Kelley stated that he could not support the application if it was for an indefinite period of time.

Mr. Runyon stated that they could not do any expanding without first coming back to this Board.

Mr. Smith asked Mr. Rogers if all the students come from Fairfax County and Mr. Rogers answered that they do.

In application No. S-63-74, application by The Tara School, Inc. under Section 30-7.2.6.1.3.2 of the Zoning Ordinance, to permit school of general instruction for 40 children, on property located at 1130 Towlston Road, Dranesvile District, also known as tax map 19-2((1))66, 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 19th day of June, 1974 and deferred to July 17, 1974.

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

1. That the owner of the subject property is Trustees of Bethel Regular Baptist Church.
2. That the present zoning is RE-2.
3. That the area of the lot is 2.353 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable County and State Codes is required.
6. The applicant is operating a similar school on Crowell Road at Westford Drive in Dranesville District pursuant to Special Use Permit No. S-239-71, granted January 18, 1972.

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.

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The maximum number of children shall be 40, ages 4 to 7 years.
7. The hours of operation shall be 9:00 a.m. to 2:30 p.m., 5 days per week, Monday through Friday, during regular school year.
8. The operation shall be subject to compliance with the inspection report, the requirements of the Fairfax County Health Department, the State Department of Welfare and Institutions, and obtaining a Certificate of Non-Residential Use.
9. Landscaping, screening and/or fencing shall be to the satisfaction of the Director of County Development.
10. The minimum number of parking spaces shall be 24.
11. All buses and/or vehicles used by the applicant for transporting students shall meet the standards of the Fairfax County School Board in color and light requirements.
12. This permit is granted for a period of Two (2) years.

Mr. Barnes seconded the motion .

The motion passed 4 to 0. Mr. Baker left the meeting earlier.

AFTER AGENDA ITEMS:

DECISION -- Request for rehearing on Annandale-Springfield Country Day School on Woodland Drive in Springfield.

Mr. Runyon said that in the request for a rehearing, he would move that the Board sustain the previous action and not reconsider the hearing. The evidence that has since been submitted is not different from what the Board had in the file prior and during the hearing.

Mr. Kelley seconded the motion.

The motion passed unanimously.

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REQUEST FOR REHEARING ON COURT HOUSE COUNTRY CLUB OF FAIRFAX

Mr. Runyon said that the reason he made the motion was because so many people in the immediate neighborhood were opposed to it.

Mr. Kelley said that actually what they are trying to do is vacate the right of way.

Mr. Kelley said he would abstain. He said they had signed the papers to vacate, but it had not been vacated yet.

Mr. Smith stated that he did not see any new evidence according to the Ordinance.

Mr. Runyon said he felt the vacation of the land would be new evidence.

Mr. Smith said that it would be, at the time it comes about, but it won't come about within the 45 day period.

Mr. Barnes said that after they have gotten the vacation, then if they reapply; but it would be too late for the 45 days.

Mr. Smith said that he didn't see, in view of the high embankment what they want the 6' fence for. He said that it seemed to him that a 4' high fence would be very effective.

Mr. Barnes said that in view of the opposition from the citizens and in view of the fact that the vacation has not been completed, he would move that the case be left like it is. There is not enough new evidence at this time to give them another hearing. He made this his motion.
Mr. Baker seconded the motion and the motion carried 3 to 1 with Mr. Runyon voting No, and Mr. Kelley abstaining.

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MULFORD PRIVATE SCHOOL -- Mr. Steve Reynolds from Preliminary Engineering questioned whether or not the Board was aware when they granted the amendment to Mrs. Mulford's Special Use Permit that she was getting an addition to her house. The Resolution did not mention this.

Mr. Runyon stated that it was shown on the plat and they were aware of it.

Mr. Smith stated that it was the intention of the Board to allow that addition.

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The hearing adjourned at 3:07 P.M.

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By Jane C. Kelsey
Clerk

DANIEL SMITH, CHAIRMAN

APPROVED September 11, 1974
(DATE)

The Regular Meeting of the Board of Zoning Appeals was Held on Wednesday, July 24, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Charles Runyon; Joseph Baker; and George Barnes.

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

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10:00 - LEARY SCHOOL, INC. & LEARY EDUCATIONAL FOUNDATION, INC., application under Section 30-7.2.6.1.3.2 of Ordinance to permit private school of special education not to exceed 150 students, 9:00 a.m. to 3:00 p.m., Monday through Friday, September to mid July, 6349 Lincolnia Road, 72-1((1))50A, (2.435 acres), Mason District, (RE-0.5), S-104-74

Mr. Hansbarger, attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Beverly T. Hummer, 6341 Lincolnia Road and Trustees of Grace Baptist Church, 6325 Lincolnia Road.

Mr. Hansbarger stated that this initially started as an application on behalf of Educo, Inc. to take over the facilities that had been owned and operated by Pixieland School. Educo has withdrawn its application and Leary Educational Foundation, Inc. is now the applicant. Leary is the contract purchaser and lessee of the Pixieland School. During 1974 and 1975, it would continue to operate as it now operates with 160 students going through the Third Grade and, in 1975 in June, Leary Educational Foundation, Inc. would operate the type of school it has operated for 10 years in Fairfax County. Their facility is currently located in Falls Church on Hillwood Avenue. At the time this school becomes fully operational, the school in Falls Church would be closed. Leary is licensed by the State Board of Education. He made a part of the record, the license from the State for the Falls Church School. He stated that there were some things that will be required of Leary by the various inspection departments of Fairfax County and they intend to comply with whatever those requirements are. The property has two adjoining neighbors. This has been discussed with Mr. Hummer, one of the contiguous owners, and Mr. Hummer has authorized him to advise the Board that he has no objection to the operation. The only imposition he would make is that he wants a fence along the common property line. They have not discussed the type of fence, except he does not want a stockade fence. Mr. Hummer's daughter is present and perhaps can make a statement.

There is a need for this type school in Fairfax County. This school takes children with emotional and learning disabilities that cannot cope in public schools and prepares them so they can once again return to the public schools. Some of the letters from parents of children in that school will show that this school has been very successful in their efforts. There is a typical letter from Col. Tolby in the Marine Corps in support of the application. Col. Tolby states that his two sons attend this school and he feels it is an excellent school. Mr. Kohlaas, attorney in Falls Church, writes that he has a daughter that goes to Leary and he feels they are doing an excellent job. He submitted these letters and several others to the Board in support of the application.

Mr. Hansbarger stated that the maximum number of children would be 150, hours from 9:00 a.m. to 3:00 p.m., ages 12 through 19. Their school year would be consistent with public schools, no summer school, no day care. Leary does not plan to construct additional facilities on this property at this time.

A representative from the Grace Baptist Church spoke before the Board and requested that the school erect the same kind of fence along their common property line that they will erect along Mr. Hummer's line. He stated that they have a good relationship with the present school.

Mr. Hansbarger stated that he was sure the school would have no objection to fencing the side contiguous with the church.

There was no one present to speak in favor or in opposition to the application.

RESOLUTION

In application No. S-104-74, application by LEARY SCHOOL, INC. & LEARY EDUCATIONAL FOUNDATION, INC., under Section 30-7.2.6.1.3.2 of the Zoning Ordinance, to permit school of general education for 150 students, on property located at 6349 Lincolnia Road, also known as tax map 72-1((1))50A, County of Fairfax, Mr. Runyon 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 24th day of July, 1974.

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

1. That the owner of the subject property is Anthony L. and Martha D. Cermele. The applicant is the lessee with the option to purchase.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 2.435 acres
4. That compliance with Site Plan Ordinance is required.
5. That the site has been operating as a school since 1958 under Special Use Permit under Pixieland.

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.

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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The maximum number of students shall be 150, ages 12 to 19 years.
7. Hours of operation shall be 9:00 a.m. to 3:00 p.m., Monday through Fridays.
8. All buses and/or vehicles used for transporting children shall comply with County and State standards in color and light requirements.
9. Fencing shall be placed along the property lines to the satisfaction of the property owners involved.

Mr. Baker seconded the motion.

The motion passed unanimously with all the members present.

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ANDREW CHAPEL UNITED METHODIST PRESCHOOL, application under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit increase in enrollment from 40 children to 75 children for 4 hours daily, 1301 Trap Road, 19-4((1))47, (5.96 acres) Dranesville District (RE-1), S-81-74

Wanda Beans, 965 Towlston Road, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were William Pullman, 9105 Leesburg Pike and Catholic Traditional Movement, 210 Maple Avenue, Westbury, New York.

Mrs. Bean stated that this church has been operating since 1970 with 40 children under Special Use Permit No. S-116-70. They would like to increase the number of children they can have to 75. The age group is from 3 to 5.

Mr. Kelley stated that the plat shows 5.96 acres of land and the application shows 7.344 acres of land.

Mrs. Bean stated that the 5.96 acres is correct as that is the parcel the church is on, the remaining land area being that for the parsonage.

Mrs. Bean stated that this is the only service of this type west of Tyson's Corner and convenient to Route 7. There will be no buses and the children are transported by carpool.

There was no one to speak in favor or in opposition to this application.

In application No. S-81-74, application by Andrew Chapel United Methodist Preschool, under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit increase in enrollment from 40 to 75 children for 4 hours daily, on property located at 1301 Trap Road, Dranesville District, also known as tax map 19-4((1))47, 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 24th day of July, 1974.

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

1. That the owner of the subject property is Andrew Chapel Methodist Church.
2. That the present zoning is RE-1.
3. That the area of the lot is 5.96 acres.
4. That compliance with all applicable County and State Codes is required.
5. That compliance with Site Plan Ordinance is required.
6. That the applicant has been operating a preschool for a maximum of 40 children at this location pursuant to SUP No. S-116-70, granted 7-14-70.

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

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 the plats submitted with this application. Any additional structures of any

kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Use Permit.

4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. That the maximum number of children shall be 75, ages 3 months to 5 years.

7. That the hours of operation shall be 9:30 a.m. to 2:30 p.m., 5 days per week, Monday through Friday, during the normal school year.

8. That the operation shall be subject to compliance with the inspection report, the requirements of the Fairfax County Health Department, the State Department of Welfare and Institutions, and obtaining a Non-Residential Use Permit.

9. Landscaping and screening shall be to the satisfaction of the Director of County Development.

Mr. Barnes seconded the motion.

The motion passed unanimously with all members present.

10:40 - SAMUEL B. SCAGGS, application under Section 30-6.6 of Ordinance to permit carport closer to side lot line than allowed by Ordinance, (6' to side line, 9' variance), 9609 BelGlade Street, 48-3((17))6, (22,768 square feet), Providence District (RE-1), V-82-74

Mr. Scaggs represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Edward E. Buckley, 9634 Blake Lane and Arnold Ryan, 9640 Bel Glade Lane.

Mr. Scaggs stated that he would like to enclose his carport and the only feasible location would be on the west side of his property. He stated that he had discussed this with Mr. Ryan and he has no objection to this. There is screening of hemlock hedge on that property line. In addition, Mr. Ryan has a large lot and his house is located a considerable distance west of the subject property line. This, therefore, would not impact him in any way. The addition would be constructed of the same architectural design and by the same building contractor who constructed the subdivision 15 years ago. He stated that he has owned the property for 17 years, and is the original purchaser. He plans to continue to live there.

He stated that he planned to have a tool shed in the back of the carport.

Mr. Smith stated that that was not shown on the plans and would have to be shown.

Mr. Covington stated that this is a substandard lot and as such would be allowed a 15 percent exception, so the side yard would be 14' anyway. Therefore, the Zoning Office would allow him 14' by right. Technically, he could have been granted this without a variance. He stated that he had not seen this file, or he would have done so.

Mr. Baker moved that this case be deferred until the 2nd of August to see if this variance could be granted administratively and if so, it would not be necessary to have the applicant return.

There was no one to speak either in favor or in opposition to this application.

Mr. Runyon seconded the motion and the motion passed unanimously. Later in the day, Mr. Covington informed the Board that they were able to grant this variance administratively. Mr. Runyon moved that the application be withdrawn. Mr. Baker seconded the motion. The motion passed unanimously.

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11:00 -
FAIRFAX BAPTIST TEMPLE, application under Section 30-7.2.6.1.11 of Ord. to permit Sunday School and church services in mobile classroom, 9524 Braddock Road, 69-1 & 69-3((1))21, (5 acres), Annandale District, (RE-1), S-83-74.

Mr. Histand, 7111 Evanston Road, represented the applicant before the Board. He stated that they had neglected to send out notices and asked if the Board could reschedule this case for another date.

Mr. Smith inquired if they had outgrown the church already.

Mr. Histand stated that they have.

Mr. Smith asked if they have as-built approval on the existing church as yet and Mr. Histand stated that they have not.

Mr. Tinney, President of Surrey Square, stated that the community has not received adequate notice.

Mr. Runyon moved that this case be rescheduled for September 11, 1974.

Mr. Kelley seconded the motion and the motion passed unanimously.

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11:20 - FITZGERALD KNIGHTS OF COLUMBUS HOME ASSOCIATION, INC., application under Section 30-6.6 of Ordinance to permit waiver of paved parking lot requirement, 7155 Telegraph Road, 91-4((1))42, (4 acres), Lee District, (RE-1), V-84-74.

Mr. Peter Arban, Jr., attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Paul Harvey, 5547 Dunsmore Road, T. B. Berg, 7204 Racepoint Way and J. Gregory, 7200 Racepoint Way.

Mr. Arban stated that this Board granted a Special Use Permit, S-163-72, on December 13, 1972 for a meeting hall in an existing house located on Telegraph Road near Hayfield Farm Subdivision. They did not request this waiver at the time they requested the Special Use Permit because they were under the impression that they did not have to pave the parking lot. They were notified by the Zoning Office that the lot had to be paved and they tried to argue that it was not necessary, but Zoning said it was. Zoning suggested that the only thing they could do was come back before this Board.

Mr. Covington stated that Site Plan cannot waive that requirement, it is up to the Board of Zoning Appeals.

The Staff report indicated that on February 11, 1974, Notice of Violation was issued to the permittee for failure to provide parking spaces (70) as required by their Special Use Permit and for occupying a structure without a Non-Residential Use Permit.

This application is for a variance to waive the requirement that the parking spaces be constructed and maintained with a dustless surface, the granting of which would make possible the clearing of the cited violations.

The report from Preliminary Engineering suggested that the driveway be paved to 30' back from the edge of pavement on Telegraph Road to prevent dust in dry weather and the tracking of mud onto the highway in wet weather.

Mr. Arban stated that they feel to pave this area for 70 cars would destroy the beauty of their land. They have 4 acres of grassy land now. They also use this field for baseball games, etc. The price of the asphalting is also very prohibitive. Their membership is about 50 members. There are only 25 or 30 members who show up for a meeting, so they really do not need a parking lot for 70 cars. They have submitted an alternative plan that would only require 17 parking spaces which is more practical and would follow the existing driveway.

In answer to Mr. Smith's question, Mr. Arban stated that they do not allow membership in addition to the family membership.

Mr. Arban stated that originally they expected membership of 250, but they have not had that much growth. In addition, the building would not hold 250 people.

Mr. Don Beaver, Zoning Inspector, stated that there was a notice of violation issued to Mr. Paul Kelley for occupying a structure without a Non-Residential Use Permit. The paving of the parking lot is what is holding up the Non-RUP.

Mr. Arban stated that all the inspector's requirements have been complied with, but he had not seen a final report.

Mr. Baker moved that this case be deferred until the 2nd of August in order for the applicants to get a final inspection report from all the inspection agencies.

Mr. Runyon seconded the motion.

The motion passed unanimously.

There was no one in the room interested in this case.

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11:40 WALDEN GLEN SWIM CLUB, INC. appl. under Section 30-7.2.6.1.1 of Ordinance to permit construction of open shelter and extension of fence at rear of pool for additional recreational facilities, 6125 Harmon Place, 79-4((9))90, 91 & part of parcel 14, (1.80950 acres), Springfield District, (RPC), S-85-74.

Col. Joseph Dougherty, represented the applicant.

He did not have the notices. Thes case was deferred for an hour until he could locate the notices.

This case was recalled at 2:15.

Mr. Dougherty appeared with the notices which were in order. The contiguous property owners were Mr. Gunthrie and Col. Dougherty. Col. Dougherty stated that this facility is now in operation pursuant to an approved development plan for the Cardinal Forest RPC. This application is to add an open pavilion with a shed on the back. They will then move the fence on the end of the pool to enclose the added pavilion. There will be no water or sewerage connections necessary for this pavilion.

Mr. Smith stated that according to the Staff and the plats, they are proposing a snack bar which is 20' x 36'.

Mr. Smith stated that the Board would need new plats to reflect exactly what they propose to construct.

In answer to Mr. Kelley's questions, Mr. Dougherty stated that they have a 30 family membership with 103 parking spaces, bike racks sufficient for 40 bikes their maximum hours of operation have been from about 11:00 until 9:00 P.M. with occasional after hours parties.

There was no one to speak in favor or in opposition to the application.

Mr. Kelley moved that the case be deferred until August 1, 1974, until the applicant could get proper plats.

Mr. Barnes seconded the motion and the motion passed unanimously.

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12:00 - HELEN R. CARLSON, appl. under Section 30-7.2.6.1.8 of Ord. to permit nursing facility in existing single family dwelling, 7804 Lee Ave., 102-2((17))106, Wellington Subdivision, Section 2, (42,797 sq. ft.), Mt. Vernon District, (RE-0.5), S-87-74.

Mr. John Harris, attorney for the applicant, 1500 Belleview Blvd., Alexandria, Virginia testified before the Board.

Notices to property owners were in order. The contiguous owners were John Berterman, 1131 Alexandria Avenue, Alexandria, and William McClelland, 7813 Accotink Place.

"The applicant has been sharing her home, located on the west side of Lee Avenue approximately 200 feet south of its intersection with Alexandria Avenue in the Wellington Subdivision, Mt. Vernon District, with four elderly ladies, and providing them with special supervision and care required as a consequence of their advanced years. A Notice of Violation was issued to the applicant on March 25, 1974 for operating a nursing home in a Residential zone without a special use permit, and the purpose of this application is to clear the violation.

The application does not comply with several of the specific requirements for the use proposed, including access to an arterial highway and a minimum setback of 100 feet for buildings, and the application has not been submitted to the Health Care Advisory Board for its recommendation as required by the Zoning Ordinance.

There is a possibility that the applicant's operation could be considered a rooming house rather than a nursing home. A rooming house, under Group IX Special Permit Uses, may be established only in a dwelling that was in existence on March 1, 1941, and the applicant's dwelling is not thought to be that old. The proposed new Zoning Ordinance changes the base date for older structures to January 1, 1949, which would probably qualify applicant's dwelling for a rooming house special use permit.

As another alternative, if applicant's dwelling is used for herself and no more than three elderly persons, it would comply with the Ordinance definition of "family", and would be permitted by right." -- Excerpt from Staff Report.

Mr. Ash, Zoning Inspector, stated that on March 25, 1974, his office gave him a complaint notice to check at 7804 Lee Avenue for the operation of a nursing home. He stated that he spoke with Mrs. Carlson outside her home and advised her of this. She stated that she was not operating a nursing home. On the 28th, he issued a violation notice for the operation of a nursing home without a Special Use Permit. At a later date, Mr. Harris, Mr. Covington, and he made an on-the-spot check and at that time, they observed 4 patients or residents of the home. They were either sitting in a chair or in bed.

Mr. Harris stated that the people who live in Mrs. Carlson's home are mobile. Mrs. Carlson is a widow and has a large 6 bedroom home with 5 baths. It is 1 story except for the back portion and it is 80' long. It is well landscaped with a patio in the rear. There are 6 exit doors. All the other homes in the area are on very large lots. One might call Mrs. Carlson's operation a half-way house. Her guests are fully able to take care of themselves. They are not the type to be put in a nursing home. She has a maximum number of 4 guests. They eat together, talk together, and occasionally Mrs. Carlson takes them for a Sunday afternoon ride. They are not under any doctor's care. If it becomes necessary for them to have some kind of medical care, she has a doctor standing by. There are no medical facilities on the premises. Mrs. Carlson is a registered nurse. Each guest has a bathroom and each have private rooms. There is no traffic problem. A lot of these people's relatives are no longer in the area. These guests stay with Mrs. Carlson until such time as they become incapacitated and then they must go to a nursing home. This type of guest home is very much needed. These people are not able to maintain their own homes, but they are able to live in a home and this is home to them.

Mrs. Carlson is present today to answer any questions the Board might have. Several of the neighbors voluntarily came to testify on her behalf. Also, there are numerous letters in the file that have been sent to the Board in support of this operation.

Mr. Smith stated that we all agree with the need, but there is an Ordinance that we have to base decisions on. One of the problems is that this house does not meet any of the Specific Requirements for a nursing home. He asked when this operation started.

Mr. Harris stated that she started this in 1962 shortly after her husband died. Mr. Harris stated that he contacted the Health Department and was told that they have no jurisdiction over this type facility. He stated that he felt this should be classified as a home for aged persons that limits its facilities to a boarding house. In answer to Mr. Smith's questions, Mr. Harris stated that the original house was constructed in 1949 and the addition was constructed in 1965. He stated that he had seen a copy of the inspection report and they could correct the deficiencies.

Mr. Smith stated that the first thing the Board should do is determine the category this type of facility comes under. He asked Mr. Covington for some guidance.

Mr. Covington stated that if you consider this a rooming house, they could only have two roomers or boarders, unless it was a dwelling established prior to 1941. This Board has no authority to grant this as a boarding house. If Mrs. Carlson has 4 guests and counting herself it is five, then she exceeds the definition of "family" by one.

Mrs. Helen R. Carlson, 7804 Lee Avenue, testified before the Board. In answer to Mr. Smith's questions, she stated that besides herself, her son lives in the home, plus the 4 ladies. The services that she provides the ladies is, she feeds them and makes them feel that they belong to a family. Many of them who have been in a nursing home at a previous time, would do anything to stay. Once they come, they never want to leave. They must be able to make meals by themselves and take care of their own basic needs. She stated that she does provide transportation for them to get to and from the doctor's office should they need to go. Their families who are in the area also sometimes help in this. The age group is from 75 to 85. She does not operate under medi-care as she is not qualified to do that as one has to have a physical therapy facility and other complicated things. The longest she has had a patient is 5 years. These guests do not work around the house. These guests are referred to her by word of mouth and sometimes by doctors. There is a waiting list. If they have to take any kind of medication, they take care of this themselves. Basically, she stated that she furnishes these people with room and board and a loving family environment.

Mrs. Elizabeth Gallows who has lived in this neighborhood for 24 years spoke before the Board to state that she feels it is admirable for a woman who is left alone to find a means to continue to live in her home and maintain it and do something useful with her ability.

Mr. Smith stated that she might want to talk with her Supervisor to ask him to amend the Ordinance to allow this type of operation.

Mrs. Ross, 7805 Accotink Place, stated that she had known Mrs. Carlson for 25 years and she is a wonderful neighbor and the neighbors are hopeful that she will stay in her home. It is a beautiful home and very well kept and well maintained.

There was no opposition to this application.

The Board discussed whether or not this might come under the definition of "foster home".

Mr. Baker stated that he felt this is a similar use.

Mr. Smith stated that under the nursing home ordinance, this Board would have to deny this application.

The Board discussed this problem and similar cases with Mr. Knowlton, Zoning Administrator, and asked him if the new Ordinance might cover this.

Mr. Knowlton stated that it would not cover this, but he would bring it to the Board of Supervisors' attention.

Mr. Smith suggested that the Board defer this case until September to give the applicant time to pursue this with the Board of Supervisors and discuss this with Mr. Knowlton to determine whether or not they could reduce the number by 1 and call it a family. He stated that this would be a broad interpretation however.

Mr. Baker moved that this case be deferred until September 18, 1974.

The motion was seconded and passed unanimously.

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12:15 - SHOW-CAUSE HEARING, SHELL OIL CO., 6136 Franconia Road, 81-3((4))4A, S-35-70, Show-cause why Special Use Permit should not be revoked for failure to comply with conditions of SUP granted to Shell Oil Company, Lee District

The Board received a report from the Zoning Administrator's office regarding this case. Mr. Donald Beaver, Zoning Inspector, stated that an inspection was made by him on February 11, 1974, at which time the requirements as set forth in the Special Use Permit for the addition had not been completed, that a chain link fence, plantings and screening had not been put in. A notice of violation was issued to Shell on February 13, 1974.

Mr. Smith asked if Shell had made any effort to correct these deficiencies.

Mr. Beaver stated that Shell had made no effort to correct these deficiencies. He had made both the owners and operators aware of the problem. He talked with Mr. Leon and also one of the engineers from Shell at the site. The reason Mr. Leon gave as to why they had not complied was because they felt the plantings they had should suffice.

Mr. Hansbarger, attorney for Shell, stated that he wished to assure the Board that Shell has not intentionally or purposely attempted to avoid any condition this Board may have imposed in the past. What Mr. Beaver has related to the Board is correct as far as it goes; however, as he understands it, the Use Permit was granted for this storage shed in 1970 and one of the conditions was that there be a chain link fence with screening along the rear of the property. The problem arises insofar as Shell is concerned in that when they went to get the building permit for this addition, the representative that appeared for Shell at the hearing, Mr. Langley, be it from lack of communication or whatever, neglected to inform Mr. Phillips, the site engineer, of the conditions of the granting, that being the chain link fence. Consequently, when the plans were submitted, they didn't show the fence. That plan would have

to have gone before the Zoning Administrator's Office for approval of zoning and the Zoning Office failed to pick it up at that point too. Since the matter was brought to the attention of those currently responsible for it, they met with Mr. Beaver and indicated that on advice from the County, the thing to do was to come before the Board and seek a waiver of the Use Permit that was granted in 1970. They have tried, in effect, to do this, but they did not have the application totally complete and it was sent back to them with a letter saying what was missing. They filed in May and it has been returned on two occasions. One of the items missing was the Certificate of Good Standing for Shell and the other reason it was returned was because some of the information was missing from the plats. During the process of trying to get this before the Board, this Show-Cause was issued. It was also during this period that another change took place. The Highway Department began negotiations and plans for widening Franconia Road at its intersection with Valley View Drive and has found that it will be necessary to take part of the property that belongs to Shell. (He indicated the amount on a plan that he presented to the Board). The fence that was supposed to be constructed 20' to the rear of the addition that was approved in 1970, will have to be relocated. In addition, they probably will have to come back to the Board for the relocation of the pump islands. This fence was requested originally because trucks had been parking to the rear of the station and one of the adjacent property owners complained about this at the time of that public hearing. That situation no longer exists.

Mr. Hansbarger requested that the Show-Cause hearing be continued until they can get in the appropriate plans to show what the plans will be when the highway changes take place. This should be done by the middle of September or first of October.

Mr. Smith inquired of Mr. Beaver if there were any conditions existing at that location that would be a hazard to anyone.

Mr. Beaver stated that he found no such hazardous conditions.

There was no one else in the room to speak regarding this case.

Mr. Runyon moved that the hearing be continued until the 25th of September in order to give the applicant time to submit a revised Special Use Permit application.

Mr. Baker seconded the motion and the motion passed unanimously.

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DEFERRED CASES:

THE NATIONAL BANK OF FAIRFAX, appl. under Section 30-6.6 of Ordinance to appeal from decision of Zoning Administrator to refuse to issue a sign permit under Section 30-16.2.3.2, 2928 Chain Bridge Road, Oakton, 47-2((1))99 and 101, (1.3603 acres), Centreville District, (COL), V-34-74, (Deferred from 5-22-74).

In application # V-34-74, application by NATIONAL BANK OF FAIRFAX, 2928 Chain Bridge Road, 47-2((1))99 and 101, an appeal from the decision of the Zoning Administrator pursuant to Section 30-6.5 of the Zoning Ordinance refusing to issue a sign as applied for under Section 30-16.2.3.2, Mr. Baker moved that the Board of Zoning Appeals uphold the Zoning Administrator's decision not to allow a free standing sign at 2928 Chain Bridge Road.

Mr. Kelley seconded the motion and the motion passed 4 to 1. Mr. Runyon voted No.
Mr. Tom Lawson was present representing the applicant.
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ACCOTINK ACADEMY, appl. under Section 30-7.2.6.1.3.2 of Ord. to permit classrooms for learning disability children in existing church, 8200 Keene Mill Road, 79-4((6))2A, (4.926 acres), Springfield District, (RPC), S-73-74, (Deferred from 7-10-74 and 7-17-74 for proper lease).

The proper lease had been obtained and was in the file.

In application No. S-73-74, application by Warren & Elaine McConnell T/A Accotink Academy, under Section 30-7.2.6.1.3.2 of the Zoning Ordinance, to permit classrooms for learning disability children in existing church, on property located at 8200 KeeneMill Road, also knownas tax map 79-4((6))2A, County of Fairfax, Mr. Runyon 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 10th day of July, 1974 and deferred to July 24, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Trs. of Westwood Baptist Church.
2. That the present zoning is RPC.
3. That the area of the lot is 4.926 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 for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The number of children shall be 24, ages 6 to 12 years.
7. The Hours of operation shall be 8 A.M. to 4 P.M.
8. All buses and/or other vehicles used for transporting children shall comply with County and State standards in color and light requirements.
9. This permit shall run for 1 year with the Zoning Administrator being empowered to extend the permit upon presentation of a proper lease 30 days prior to expiration date.

Mr. Baker seconded the motion. The motion passed unanimously.

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FOX HUNT SWIM CLUB, S-110-72

A letter had been received from Mr. Gregory N. Harney, attorney for the applicant, The Executive Building, Springfield, Virginia. The letter requested that the geographical restriction presently on the Fox Hunt Swim Club be removed.

The Board took this item up at an earlier hearing and requested that Mr. Harney be present today to explain his position.

Mr. Harney, 6944 Spaniel Road, spoke before the Board. The stated that they may have a total of 350 members. Associate members were taken by the club to support their membership and give financial assistance until they could get permanent members. With the associate members, they have found that there is no overcrowding or parking problems. They would like for these 90 associate members to become permanent members. Since this pool was granted the Special Use Permit another pool facility has opened with their authorized geographical boundary. There are three pools in the authorized geographical boundary. There are three pools in the immediate vacinity which provides for a total membership of 1100 and there are not that many people around there. They are surrounded on three sides by pools which severely limits the assessibility of members.

Mr. Smith stated that the Board has amended the Resolution on two separate occasions to give them additional geographical areas.

Mr. Runyon suggested that they just delete the condition that restricts the geographical area, and he so moved that the Condition No. 6 should read: "The maximum number of memberships shall be 350, which shall be residents within a 2 mile radius of the pool itself."

Mr. Baker seconded the motion. The motion passed unanimously.

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Mr. Baker moved that the minutes for June 5, 1974 be approved as corrected.

Mr. Runyon seconded the motion. The motion passed unanimously.

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The hearing adjourned at 3:10 P. M.

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By Jane C. Kelsey, Clerk

APPROVED: Daniel Smith
DANIEL SMITH, CHAIRMAN

September 11, 1974
DATE

The Regular Meeting of the Board of Zoning Appeals was Held on Wednesday, August 1, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Charles Runyon; Joseph Baker; and George Barnes. Mr. Harvey Mitchell was present from the Staff.

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

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10:00 - RONALD M. & JANET S. HALYSHYN, appl. under Section 30-6.6 of Ord. to permit enclosing of existing carport to garage closer to side lot line than allowed by Ordinance, 3315 Nevins Street, 61-2((7)) 20, Aura Heights, (15,534 sq. ft.), Mason District, (R-12.5), V-88-74.

Mr. Halyshyn represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Donald Thompson, CMR Box 6608, APO New York, 09012, and Anthony White, 6610 Aura Court, Falls Church, Virginia.

Mr. Halyshyn stated that the carport has existing columns and a roof. The only things that have to be added are the walls and a door. In answer to Mr. Smith's question, he has lived in this house for one year and plans to continue to live there. The improvements are not for resale purposes.

In answer to Mr. Runyon's question, he stated that the materials to be used in this enclosure will be brick and siding to match the existing house.

The enclosed garage would be 10.1 feet from the side property line at the nearest point. The minimum required is 12 feet, therefore, the applicants need a 1.9 foot variance. Mr. Halyshyn cited the odd angle location of the house on the lot as the condition justifying the variance.

Mr. Smith read a letter from Donald Thompson requesting that if the variance is granted that several stipulations be included in the granting. One condition was that this work be done by a professional person. Mr. Smith stated that the work must be done in conformance with the Fairfax County Building Code and that the materials used should be similar to the existing structure, which the applicant stated would be the case.

In application No. V-88-74, application by Ronald M. & Janet S. Halyshyn, under Section 30-6.6 of the Zoning Ordinance, to permit enclosing existing carport to garage closer to side lot than allowed by Ord., on property located at 3315 Nevins Street, Mason District, also known as tax map 61-2((7))20, Aura Heights, 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 August, 1974, 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 15,534 sq. ft.
4. That the request is for a minimum variance of 1.9 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) unusual 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 to be used in proposed structure 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, residential use permit and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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10:10 - DONALD H. SPARKMAN, JR., application under Section 30-6.6 of Ord. to permit construction of pool closer to front lot line than allowed by Ordinance, 4442 Flintstone Road, 92-1((10))5026, Vantage Subdivision, (16,667 sq. ft.), Lee District, (R-12.5), V-89-74.

Mr. Sparkman represented himself before the Board.

Notices to the property owners were in order. The contiguous owners were Lawrence Clark, 4444 Flintstone Road and John L. Kennedy, 4440 Flintstone Road.

Mr. Sparkman stated that they have an odd shaped lot with no back yard. Out of 16,600 square feet of property, the house occupys 2,256 square feet, which leaves them an entire yard of 14,000 square feet and the usable space within that yard to build on is approximately 7 percent. They have nothing but small triangles on each side of the house.

Mr. Runyon inquired if the pool could be shifted to the other property line on Jackson Street. Jackson is apparently just an old right of way and it might someday be deleted.

Mr. Sparkman stated that the engineer had indicated to them that in order to stay away from 2 variances, he moved it toward South Kings Highway. They would then only need a 1' variance. They are bordered by trees all around the house, and to move it toward Jackson Street would put the pool in the shade all day.

Mr. Kelley stated that it is possible that South Kings Highway will be widened and that this pool would be in the way.

Mr. Runyon stated that this is a recent subdivision and he felt that the highway has all the land it needs already. South Kings Highway is planned to be a 60' road. There is 30' behind the fence to the road now.

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DONALD H. SPARKMAN, JR. (continued)

Mr. Smith inquired as to how the 6' fence could be allowed along a front property line as this is not in accordance with the Ordinance.

Mrs. Sparkman stated that they got the permission from the Architectural Control Committee in their development.

Mr. Smith stated that it is not permitted in this area as it is a front yard and that they were mislead by the Architectural Control Committee. He suggested that they inform that Committee to get some guidance from the Zoning Administrator.

Mr. Runyon stated that as far as the variance for the pool, he did not see a problem with granting it if the applicant would agree that if there is additional widening, the applicant would not use this for compensation for the removal of the fence.

The applicant indicated agreement.

In application No. V-89-74, application by Donald H. Sparkman, Jr., under Section 30-6.6 of the Zoning Ordinance, to permit construction of pool closer to front line than allowed by Ord., on property located at 4442 Flintstone Road, also known as tax map 92-1((10))5026, County of Fairfax, Virginia, Mr. Runyon 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 August, 1974, and

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

1. That the owner of the subject property is Donald H. & Catherine W. Sparkman.
2. That the present zoning is R-12.5.
3. That the area of the lot is 16,667 sq. ft.

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.

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 applicant will not use this pool for damage cost consideration if additional right of way is required for Kings Highway.

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, residential use permits and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed 4 to 1. Mr. Kelley voting No.

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10:20 - ORLO C. PACIULLI, TRUSTEE, application under Section 30-6.6 of Ordinance to permit a street to be constructed closer to house than the setback required for the house by Ordinance, (37.3 ft. to the front property line, 7.7 ft. variance), 4123 Hunt Road, 58-4((1))27A, proposed Huntsville Subdivision, (15,077 sq. ft.), Annandale District, (R-17), V-90-74.

Mr. Paciulli represented himself before the Board. He gave his address as 7708 Brooke Road, McLean.

Notices to property owners were in order. The contiguous owners were Richard L. Mudd, 4009 Hunt Road, Fairfax, and Mr. Mitchell, 4040 Popular Street, Fairfax,

Mr. Paciulli stated that this property is located at the present terminus of Hunt Road approximately 2100 feet south of its junction with Little River Turnpike in Annandale. He plans to construct an extension of Hunt Road onto his property in such a manner that the right-of-way line would be 37.3 feet from an existing house, which he owns. Since the minimum required front setback is 45 feet, he needs a 7.7 foot variance. Due to the shape and configuration of these lots, the only way to move the road is straight ahead as shown on the plats in the file. It would not be practical to move the house. This land was recently rezoned by the Board of Supervisors (C-332) in June of 1973. There would be no adverse impact on the public or the future lot owners.

In answer to Mr. Kelley's question, Mr. Paciulli stated that he did not plan to live in the house, that it is rented now and at the time the subdivision is created, it will be sold. He stated that he does own Lot 5. All the lots will have frontage as required by the Fairfax County Zoning Ordinance. He stated that a preliminary subdivision plat has been approved by Preliminary Engineering subject to the setback variance being granted. The Staff Report confirmed this.

In answer to Mr. Runyon's question, Mr. Paciulli stated that if this subdivision had been cluster, the setback would have been 30'. The number of lots would have been the same.

Mr. Runyon stated that an 8' variance is all that is needed. The overall impact would be very minimum.

Mr. Paciulli stated that he would need no other zoning variance for this subdivision.

There was no one present to speak in favor or in opposition to the application.

In application No. V-90-74, application by Orlo C. Paciulli, Trustee, under Section 30-6.6 of the Zoning Ordinance, to permit a street to be constructed closer to house than allowed by setback Ordinance, on property located at 4123 Hunt Road, Huntsville Subd., also knownas tax map 58-4((1))27A, Annandale 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 1st day of August, 1974, 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 proposed lot is 15,077 sq. ft.
4. That the request is for a variance of 7.7 feet to the requirement of the Ord.

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 practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
   (a) To allow alignment of Hunt Road to conform with development plans and plat.

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 permit shall expire unless renewed by action of this Board upon whichever of the following events shall occur last:
   (a) Twelve months from this date.
   (b) Three months after Fairfax County permits connection with the existing sewerage facilities thereon.
   (c) Six months after Fairfax County permits a final plat to be filed thereon.

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, residential use permits and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed unanimously with all members present.

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10:30 - J. MICHAEL P. WOOD, PRES. D. M. W. ASSOCIATION, INC. T/A POP SHOPPE, INC. & MARGARET E.STOPHLET, property owner, application under Section 30-2.2.2 Col. 2, SUP uses in CG zone, to permit retail sale of soft drinks which are washed, filled, capped and packed on site, 7226 Richmond Highway, 92-4((1))79, (49,415 sq. ft.), Lee District, (CG), S-92-74.

J. MICHAEL P. WOOD, PRES. D. M. W. ASSOCIATION, INC. T/A POP SHOPPE, INC. & MARGARET E. STOPHLET, property owner, application under Section 30-6.6 of Ordinance to permit building closer to Fordson Road than allowed by Ord., 26 ft. from front property line, 7226 Richmond Highway, 92-4((1))79, (49,415 sq. ft.), Lee District, (CG), V-93-74.

John Berberick, engineer with Holland Engineering in Alexandria, represented the applicant before the Board. He stated that both Mr. Wood and Mrs. Stophlet were present should the Board have questions of them.

Notices to property owners were in order. The contiguous owners were Third C & W Property, 215 West Church Street, King of Prussia, Pennsylvania and Sebarco Corporation, Philadelphia, Pennsylvania.

Mr. Berberick showed a transparency of the boundary of the site plan that illustrates the building on the property. The dark lines represented the highway dedication that has already been dedicated. They proposed to construct a masonry and glass building on the site that is 101' x 101.33'. The building will be devoted to retail sales, 1/4 to the processing of the bottles, 1/2 to the manufacturing of the drinks. They will employ 8 people. They will operate Monday through Friday from 10:00 A.M. to 9:00 P.M. and on Saturday and Sunday from 9:00 A.M. to 10:00 P.M. Pop Shoppes is a national franchise. It is not well established on the east coast, but has offices throughout the west and Canada. The nearest Pop Shoppe is Richmond, Virginia. He then showed some slides of the Richmond store. It will be similar to a bakery. The operation is made public to the retail buyer. They will sell only soft drinks, and related items such as ice, potato ships and snacks, but 99 percent of their retail sales will be soft drinks. There is no wholesale distribution of the soft drinks. The bottles will be returnable.

Mr. Smith inquired of Mr. Mitchell why they need a Special Use Permit.

Mr. Mitchell stated that the reason this case is before this Board is this type use is not permitted by right in a CG zone, but is under the Special Use Permit section that states that any other use involving the sale of goods similar to one of the uses by right must have a Special Use Permit. This is similar to one of the uses by right, a bakery.

Mr. Smith stated that he believed that there is justification for allowing it by right, but he agreed that the ordinance does not spell it out.

Mr. Berberick stated that it is just that technicality that brings them before this Board today.

The Board then discussed the variance part of the case.

Mr. Berberick stated that the problem with the property is first of all, there is no back or front yard. They have Fordson Road on one side and Richmond Highway on the other. Mrs. Stophlet has already dedicated part of this land for highway purposes. That leaves the triangle. Because this is a franchise operation, the dimensions of the building are 101' x 101.33' which causes a small part of the triangle to project into the setback requirement. Sixty-three percent of the lot area is setback area, leaving a very limited usable wedge. The little triangle that projects into the setback area is about 7% of the building area.

The suggestions from Preliminary Engineering have been or will be satisfied.

The Board discussed the parking area.

Mr. Steve Reynolds from Preliminary Engineering appeared before the Board. He stated that the parking requirement is up to the Board to establish. That is the reason he suggested the tabulation.

Mr. Berberick stated that in computing the amount of parking they will need, they have attempted to interpret the ordinance as it applies to this sized building for a commercial retail outlet.

Mr. Reynolds stated that they have to count the gross square footage of the building and only take out that area that would be required for the walls, bathrooms, etc. or that area that could not possibly be converted to retail use.

Mr. Runyon stated that they have 9,000 sq. ft. after they take out the wall area. Actually, they only need 47 spaces. He stated that he felt the parking is adequate.

Mr. Berberick stated that this building would have a mansard roof and the walls will be masonry. It is described as stucco over block.

Mr. Smith suggested they carry the architectural front to both roads.

Mr. Berberick stated that site plan control would require an architectural facade on Richmond Highway and screening along Fordson Road.

He stated that the existing buildings on the site would be removed.

There was no one else to speak in favor of the application.

Mrs. Helda Russell, 1205 Cedardale Lane, Mt. Vernon, stated that she was present to speak neither for or against, but to ask the Board to bear in mind the concern they have about the development along Route 1. She stated that she is concerned about the landscaping as it is not spelled out. The people in that area would like to see the area improved but not at the expense of the people who live adjacent to these sites.

Mr. McCarthy stated that they are concerned about the general character of the area. He suggested that the screening for this site be comparable to the Red Lobster Inn that is one of the few attractive enterprises along Route 1.

Mr. Jim Accron, 7114 Fairchester Drive from the South Manor Apartments stated that their apartments face on Fordson Road and they will be facing the back of this proposed building. They recommend that the architectural design be such that their residents are not facing into a concrete block wall and also that they have adequate screening. They have five buildings that face this piece of property.

Mr. Smith stated that he agreed that this should be done.

Mr. Accron inquired if there would be sales for consumption on the premises.

Mr. Berberick answered that there would not.

Mr. Accron also requested that there be no entrances and exits off Fordson Road.

Mr. Runyon stated that there is one shown on the plats.

Mr. Berberick stated that it should not be and he would stipulate that there will not be an entrance to Fordson Road.

Mr. Smith stated that that change would have to be made on the plats.

Mr. Berberick stated that Mr. Wood is conscious of the aesthetics of his development. They do not want to impact negatively on the neighborhood. They are aware of the existing growth along Fordson Road. There are some trees on some of the rest of the lot. All those trees that are on the Fordson Road area that can be saved will be.

Mr. Berberick came forward and marked the plats to remove the entrance on Fordson Road. Mr. Smith than initialed the plats.

Mr. Runyon stated that quite a few variances have been granted in the upgrading of Route 1 over the past few years. Sometimes the buildings are set within 25' of Route 1 and this is going back in the other direction. Many of the buildings that are on the lot now are in the setback area. This would be an improvement and it is less than some of the other variances granted along Route 1.

In application no. S-92-74, application by J. Michael P. Wood, Pres. D. M. W. Assoc., Inc. T/A Pop Shoppe, Inc. & Margaret E. Stophlet, Property Owner, under Section 30-2.2.2 Col. 2, SUP uses in CG zone, of the Zoning Ordinance, to permit retail sale of soft drinks which are washed, filled, capped & packed on property located at 7226 Richmond Highway, also known as tax map 92-4((1))79, County of Fairfax, Mr. Runyon 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 August, 1974.

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

1. That the owner of the subject property is Margaret E. Stophlet.
2. That the present zoning is CG.
3. That the area of the lot is 49,415 sq. ft.
4. That compliance with 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

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 unless renewed by action of this Board upon whichever of the following events shall occur last:
   (a) Twelve months from this date.
   (b) Three months after Fairfax County permits connection with the existing sewerage facilities thereon.
   (c) Six months after Fairfax County permits a final plat to be filed thereon.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. The permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Architectural fronts shall be provided on the east, north and west sides of the building.
7. The landscaping along Fordson Road shall contain 10' - 12' evergreen trees to screen the operational nature of the use. Further, landscaping on the Route 1 side shall contain trees of the 10' - 12' height that will not interfere with the sight distance.
8. No entrance along Fordson Road will be used.

Mr. Baker seconded the motion.

The motion passed unanimously.

In application No. V-93-74, application by J. Michael P. Wood, Pres. D. M. W. Assoc., Inc. T/A under Section 30-6.6 of the Zoning Ordinance, to permit building closer to Fordson Road (26 feet from property line), on property located at 7226 Richmond Highway, also known as tax map 92-4((1))79, County of Fairfax, Virginia, Mr. Runyon 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 August, 1974, and

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

1. That the owner of the subject property is Margaret E. Stophlet.
2. That the present zoning is CG.
3. That the area of the lot is 49,415 sq. ft.
4. That compliance with 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 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 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 unless renewed by action of this Board upon whichever of the following events shall occur last:
   (a) Twelve months from this date.
   (b) Three months after Fairfax County permits connection with the existing sewerage facilities thereon.
   (c) Six months after Fairfax County permits a final plat to be filed thereon.

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, non-residential use permits and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed unanimously.

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11:00 - ROSS A. HILL, application under Section 30-6.6 of Ordinance to permit construction of attached garage closer to side lot line than allowed by Ord., (5.36 ft. from side lot line), 8427 Sulky Court, 102-3((10))(8)33, (10,890 sq. ft.), Riverside Gardens Subdivision, Mt. Vernon District, (R-12.5), V-94-74.

Mr. Hill represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Col. C. M. Pack, 8429 Sulky Court and Col. W. Lee, 8425 Sulky Court.

Mr. Ross stated that to build this garage elsewhere on the lot would require the complete removal of all the trees in the back of the property. He stated that he has owned the property for 7 years and plans to continue to live there.

Mr. Kelley stated that in his written justification he states that this hardship is that his lot is exceptionally narrow and therefore will not permit construction of a normal size double garage.

Mr. Smith stated that this does not seem to be an exceptionally narrow lot for R-12.5 zoning. He asked the frontage of the lots on either side.

Mr. Hill did not know. He stated that most of the lots are approximately the same size as his. Mr. Hill stated that there are no basements in these houses and the storage area is extremely limited. He stated that there have been variances granted at 8514 Buckboard, 1802 Hackamore Lane, 8416 Masters Court, and at 1908 Bridle Lane, where garages were constructed less than 12' from the side.

Mr. Kelley asked is these were corner lots.

Mr. Hill stated that they were all inside lots.

Mr. Kelley stated that he felt the people next door have to be taken into consideration. He stated that he would support a one car garage, but not a double car garage.

Mr. Hill stated that one of the reasons he needs this size addition is because he has an 18' wing on the other end and he would like this one to match. This addition is 2' wider than the other wing. He stated that he has a 17' boat that sits on a trailer and his intention was to sit the trailer inside the garage so it would be less unsightly.

Mr. Runyon stated that it is also difficult for him to see that this is an exceptionally narrow lot for R-12.5. He asked who lives on lot 34.

Mr. Hill stated that it is Col. Pack.

Mr. Runyon stated that it would be difficult to have a 2 car garage even with 20', as he has a chimney sticking out 2'.

Mr. Runyon stated that the minimum requirement for frontage is 80' in R-12.5 and he has 89'. He asked what makes this house or lot different from 9 or 10 other houses down the street. There are two long cul-de-sacs going into this section and they are all the same width. The Board has to have a justification under the hardship section of the ordinance. If this were cluster zoning, he could go down to 8' on the narrowest side as long as the total for both sides equals 24' and he could not even meet that requirement.

Col. Pack, 8429 Sulky Court, Alexandria, spoke in opposition to the requested variance. He stated that the side lot line where the variance is requested is between his property and Mr. Hill's. The only homes in Riverside Gardens with attached 2 car garages are those on corner lots. Further, the entrance to these garages is from a street other than the one on which the homes face. Mr. Hill's lot is not a corner lot. He stated that he considers that the fire hazard to his home would be increased if this were granted and he feels that the ordinance exists for the protection of the majority of the homeowners not just a few. He stated that he had no objection to a one car garage as long as the structure does not go nearer than twelve feet to the side lot line.

There was no one else to speak either for or against the application.

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ROSS A. HILL (continued)

In application No. V-94-74, application by Ross A. Hill, under Section 30-6.6 of the Zoning Ordinance, to permit construction of attached garage closer to side lot line than allowed by Ord., on property located at 8427 Sulky Court, Riverside Gardens Subdivision, also known as tax map 102-3 ((10))(8)33, Mt. Vernon 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 1st day of August, 1974, and

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

1. That the owner of the subject property is Ross A. & Rose E. Hill.
2. That the present zoning is R-12.5.
3. That the area of the lot is 10,890 sq. ft.
4. That the request is for a variance of 6.64 feet to the requirement.

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

1. That the applicant has not satisfied the Board that any 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 denied.

Mr. Barnes seconded the motion.

The motion to deny passed unanimously.

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11:20 - HOMATERIA, INC. & RED LOBSTER INNS OF AMERICA, INC. application under Section 30-6.6 of Ordinance to permit 15 ft. variance from 25 ft. setback requirement from zoning boundary, south side of US #1, 750 ft. east of its intersection with Frye Road, 101-3((1))29, (2.12855 acres), Mt. Vernon District, (CG & R-17), V-99-74.

Mr. William Hansbarger, attorney in Fairfax, reppesented the applicants before the Board.

Notices to property owners were in order. The contiguous owners were Emanuel Vasilas, 1801 Collingwood Road, Alexandria, and House and Home Real Estate Corp., 6231 Leesburg Pike, Falls Church.

Mr. Hansbarger stated that this parcel is zoned partially CG and the other part R-17. The Board of Supervisors on June 3, 1974, granted an application for a Special Use Permit for parking in a residential area. The Board imposed as a condition in granting that this permit would not be valid until the applicant obtains from the Board of Zoning Appeals a variance to the building setback requirement.

Not too long ago, the Zoning Ordinance was amended so that a building in a commercial zone has to set back from the zoning boundary line instead of the property line. Homateria owns all the land and proposed to sell it to Red Lobster Inn.

Mr. Hansbarger submitted photographs of how the building would look and stated that the material used would be brick and wood siding.

Mr. Ed McCaffy, 4309 Agnew Avenue, spoke before the Board. He stated that he wanted to speak about the 25' buffer zone question. He stated that he has a copy of the latest site plan and has talked with the County Arborist and there is going to be some input from his office as to the type trees that will be planted. They are not particularly happy with the trees which are to be planted in the buffer zone there. They are deciduous trees, such as dogwood and maple and will not sufficiently buffer the commercial operation. The arborist advises the there are better suited plantings for this type of buffering. This is one point that has not yet been worked out.

Mr. Smith stated that that condition was made a part of the Special Use Permit granted by the Board of Supervisors and will have to be worked out.

In answer to Mr. Runyon's question, Mr. McCaffy stated that he did not have an objection to the variance as long as the buffering problem is worked out satisfactorily.

Mrs. Halda Russell, Planning and Zoning Chairman of the Mt. Vernon Counsel of Citizens Associations, supported Mr. McCaffy's position.

In application No. V-99-74, application by Homateria, Inc. & Red Lobster Inns of America, Inc., under Section 30-6.6 of the Zoning Ordinance, to permit variance from 25 foot setback from zoning boundary, on property located at south side of Richmond Hwy., 750 ft. east of Frye Road, also known as tax map 101-3((1))29, County of Fairfax, Virginia, Mr. Runyon, 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 August, 1974, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Homateria, Inc.
2. That the present zoning is CG.
3. That the area of the lot is 2.12855 acres.
4. That the site was granted a SP-114 by the Board of Supervisors.

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, zoning line.

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 unless renewed by action of this Board upon whichever of the following events shall occur last:
(a) Twelve months from this date.
(b) Three months after Fairfax County permits connection with the existing sewerage facilities thereon.
(c) Six months after Fairfax County permits a final plat to be filed thereon.
3. This variance is subject to the conditions and restrictions of the Special Permit and parking permit granted prior to this hearing.

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, non-residential use permits and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed unanimously with all members present.

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11:45 - PARKMONT JUNIOR HIGH SCHOOL, application under Section 30-7.2.6.1.3.2 of Ordinance to permit private, non-profit school, 80 children, 10-15 years of age, 6624 Columbia Pike, 60-4((10))C, Mason District, (RE-0.5), S-97-74, Hearing date: 8-1-74, OTH.

The applicant wrote a letter to the Board requesting that this case be withdrawn as they were just a lessee of the property and the building burned down.

Mr. Barnes moved that the request be granted.

Mr. Baker seconded the motion.

The motion passed unanimously.

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12:15 - LAKEVALE ESTATES COMMUNITY ASSOCIATION, application under Section 30-7.2.6.1.1 of Ordinance to permit construction of two tennis courts and repaving of parking lot, additions to existing facilities, 2556 Oak Valley Drive, 37-4((5))A, Lakevale Estates Subdivision, (11.276 acres), Centreville District, (RE-0.5), S-74-74, (Deferred from July 10, 1974).

Mrs. Clemente, 2511 Lakevale Drive, spoke on behalf of the applicant. She stated that their purpose in coming before the Board is to request an amendment to their existing Special Use Permit granted April 12, 1966, to permit them to put in tennis courts. In 1972, they engaged an architect who prepared a master plan which has been approved by their community. On May 1, 1973, the community voted to put in the tennis courts. The funds for the construction have been collected and set aside subject only to their amending the Special Use Permit. They have 283 families in their community with 750 children. They selected this particular site because they felt it would cause minimal impact and would make a better facility. They will provide 63 off-street parking spaces with 35 parking spaces on the lower level for a total of 98 spaces. The letter to the Board from Mrs. Donahue was unfortunately in error in the number of spaces she stated that they would provide.

They have just this summer hired a security service to patrol the community facility as well as the community streets. The proposed tennis courts will control misuse of the property in as much as the fence across the parking lot will be kept locked at night. In conjunction with the master plan, the property will be landscaped to insure screening from the contiguous property owner's view. This landscaping will be in accordance with the Director of County Development.

Mr. Smith checked the notices from the original hearing. The notices were in order. The contiguous property owners were Mrs. Robert Batchelder, 2558 Oak Valley Drive and Mr. Guglielmo, 2552 Oak Valley Drive,

Mr. Kelley stated that the parking area indicated that it is 200' x 150' however, they do not indicate how many parking spaces there can be in that configuration.

Mr. Smith read a letter from Mr. Robert Yost, 2520 E. Meredity Drive and a letter from Lewis Zamero of Lake Valley Drive endorsing the application.

Leslie Thomas, 2909 Newton Street in Lake Valley Subdivision, spoke in support of the tennis courts and stated that they have no other place to play tennis.

Peggy Oshley, Meredith Street, spoke in support of the application. Lou Krise, past president of the Lake Vale Citizens Association, spoke in support of the application.

He asked the people to stand that were in support. About 50 people stood.

Mr. Richard Haskin, 2515 Babcock Road, Lake Vale, father of 7 children, spoke in support of the application.

Barbara Swaggerty stated that they let the children from Lake Vale Court use their basketball courts unless it gets overcrowded.

Mr. Robert Swartzel stated for the record that they are not opposed to tennis.

Mr. Guglielmo, 2552 Oak Valley Drive, spoke to several problems they were having with this Association's lack of concern for their neighbors in that they have not kept the trash cleaned up, cut their weeds, nor patrolled their parking lot prior to this summer. He presented a huge bag of trash that he stated that he had picked up just this morning from the parking lot of the Association.

He stated that there have been people in that parking lot at all times of the night. He suggested a 10' to 12' cyclone fence with gates that would be locked at 10:00 P.M. He stated that he had notified the Zoning Office of these problems previously in January, 1973 and talked with Zoning Inspector, Lenn Koneczny.

Carol Lady, 2426 Rocky Branch Road, stated that there are only 47 parking spaces and with a membership of 285, her concern is that the parking will pour onto the street and increase the traffic hazard.

Mr, Robert Swartzel, spoke regarding the weeds that the Association does not keep cut, the erosion and drainage problem that they create when they drain the pool once a year. He stated that even though it is only once a year, it does damage that remains all year long. He stated that they also have an abandoned stable with 7 stalls on the property that is left open for vandalism. These have not been occupied for a year.

Donald Gavin, Vice President of the Association, spoke in rebuttal to the opposition. He stated that the last horse they had in that stable was within the last year. They have attempted to lock the stables, but the locks keep getting broken. The patrol checks the stables a couple of times a day. The community plans to either upgrade the stables or remove them. He stated that he did not believe the stables to be connected with this request for tennis courts in any way.

Mr. Smith informed him that the stables certainly are connected with the request for the tennis courts. The stables are on the property of the Special Use Permit and they are requesting an expansion to the Special Use Permit.

Mr. Kelley stated that on July 23, 1974, he and Mr. Koneczny, Zoning Inspector, visited the subject property. The seven stables may have been used, but he did not know what they would call recently. He stated that Mr. Swartzel's statement was the understatement of the year. The doors were down, the [redacted]were 6 to 8 feet high. He stated that it is inconceivable to him that the neighbors have not complained about this earlier from a pollution standpoint. He stated that this was unbelievable.

Andrea House, 2609 Rocky Branch Road, submitted a statement from her and her husband and also a petition from Lakevale Court that the permit be denied.

Mr. Wilson, 2515 Rocky Branch Road stated that on July 10, the Association left with the Board the feelings of the Board of Directors which do not oppose tennis, but oppose the way the Association is taking care of the use it has of the property.

Mr. Donald Gavin spoke in rebuttal to the opposition. He stated that they would provide a privacy fence above the tennis courts. They also would be sure the contractor would not dump the water onto the ground causing erosion this year at the end of the season. They would take prompt action on the stables.

Mr. Smith told him that they do not have a Special Use Permit for the basketball courts and they will have to be taken down or moved to another location. The basketball courts are too close to the property line. The Board will need new plats. The parking is not delineated at all on these plats. He asked if any members had been parking on Oak Valley Drive.

Mr. Gavin stated that only on four occasions in the calendar year had there been parking on the street.

Mr. Smith stated that that is not permitted.

Mr. Gavin stated that they have improved the quality of the gravel road to comply with the county's requirements. It was always a gravel road. Mr. Barnes stated that he noticed that one of the contiguous property owners spoke of the flooding from the parking lot. He asked what they plan to do about that.

Mr. Gavin stated that there is no massive flooding. They do plan to alleviate this by constructing the drainage of the altered facility to run down the street and not to the neighbor's land. This will be accomplished by the improvements now before the Board.

Mr. Barnes asked if when someone buys a house in that development, if they automatically become a member of the Association.

Mr. Gavin stated that they automatically become a member. There is no initiation fee but there is an annual assessment fee that is established by an annual meeting of the community. That is the only charge. That charge is currently $115.00 per year. In answer to Mr. Barnes question, he stated that the matter of whether or not everyone has to pay the $115.00 whether or not they wish to be a member of the facility is complicated. If a majority of the 283 family members approve a combined budget that budget can be made to be manditory to everyone in the community.

Mr. Kelley stated that he has looked at the photographs they have submitted to the Board and there is only one picture that shows a slightly adverse condition and as many bad views as there is on the property, they have not shown but one of them. He stated that before they go and amend the plats, the location of the tennis courts should be worked out. There is plenty of land back to the rear of the property for the tennis courts.

Mr. Gavin stated that they have spent thousands of dollars in deciding where the best place for the tennis court would be. They felt the courts would be much easier to secure at this location and the grade of the area in the rear of the property is so severe as to make it impractical to place them back there. He asked the Board to allow them to go forward as soon as possible.

Mr. Kelley stated that for all the deficiencies on the property, he would like to say that they do have the cleanest pool of any one that he has seen.

In answer to Mr. Barnes' question as to who is responsible for the stables, Mr. Gavin stated that his understanding is that the people who own the horses are responsible for the stables.

Mr. Barnes stated that that was what he was afraid of, because then no one is responsible.

Mr. Gavin stated that those stables were erected when the the Association was in the hands of Mr. Broyhill in conjunction with individual property owners.

Mr. Smith asked if he was aware that the Association is responsible for the stables. Mr. Smith stated that the basketball courts should be properly placed away from these property owners as they are in violation to the setback requirements and the Use Permit. The new plats should show what you have and what is proposed. He advised them to go back and come up with something that will allow this additional use.

Mr. Barnes so moved that this be done.

Mr. Smith advised them to get the plats to the Staff before September 11th and move the courts in a desirable location.

Mr. Gavin inquired if there was any way they could get the permit today and make it effective when they bring in the new plats.

Mr. Smith answered, "No", the Board needs the certified plats before they could make a final decision. He stated that if the Board took action today, it would not be favorable and it may not be at the time it is made.

Mr. Barnes stated that he felt that the tennis courts should be somewhere else. He stated that he is concerned about them being so close to the neighbors if there is any other suitable place where they could be placed. He stated that there is plenty of room on the property and he asked why they could not be moved more to the center of the property. He suggested that the basketball courts be at least 100' from any of the neighbors.

Mr. Runyon stated that there is not any other place that they can put the courts. They have a storm easement and a lake.

Mr. Kelley stated that they could get a bulldozer.

Mr. Runyon stated that he did not hear anyone object to the proposed placement of the tennis courts. He inquired of Mr. Covington the proper setback for the fence around the tennis courts.

Mr. Covington stated that this is cluster zoning and the fence must be 30' from the property line.

Mr. Smith stated that there should be no activity on the premises after 9:30 P.M. The Board deferred the case until September 11, 1974, for proper plats.

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12:00 - INTERNATIONAL TOWN & COUNTRY CLUB, INC., application under Section 30-7.2.6.1.1 of Ordinance to permit addition of 4 tennis courts to existing club, 13200 Lee Jackson Highway, 45-1 & 35((1))106 & 11, (240.87 acres), Centreville District, (RE-1), S-100-74, OTH.

Mr. William Batrus, 6394 Lake View Drive, Falls Church, Virginia, represented the applicant before the Board. He stated that Robert Kohlhaas was unable to be present on behalf of the Country Club and it was his understanding that notice was given and the application was filed. He stated that he could not, however, supply the Board with proof of notification.

Mr. Smith stated that if he wished to check with Mr. Kohlhaas' office, the Board would recess the hearing until later in the day.

Mr. Batrus stated that he would like to check with Mr. Kohlhaas' office and would pick up the notices and bring them back to the Board.

Mr. Kelley moved that the hearing be recessed until later in the day.

Mr. Runyon seconded the motion and the motion passed unanimously.

This case was called later in the day, but Mr. Batrus was unable to come up with the notices. He requested that the case be deferred.

Mr. Barnes so moved.

Mr. Runyon stated that the Board could hear the case tomorrow, August 2, 1974, if he did find the notices.

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The motion was seconded by Mr. Runyon and passed unanimously.

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12:10 - THE MONTESSORI SCHOOL OF MT. VERNON, INC. T/A THE AQUINAS SCHOOL, (Mr. & Mrs. Alvin F. Futrell, operators), application under Section 30-7.2.6.1.3.2 of Ordinance to permit private Montessori School in St. James Episcopal Church, 110-1((1))4B, (5.1170 acres), Lee District, (RE-0.5), S-110-74, OTH.

Mr. Smith announced that the applicant had discovered that he left the notices at home and had gone to get them. He stated that the case would be deferred until later in the day.

A gentleman in the audience stated that he was present to speak in opposition.

Mr. Smith asked him if he would return around 3:00 or 3:15 P.M.

Mr. Kelley so moved that the case be recessed until later in the day.

Mr. Baker seconded the motion and the motion passed unanimously.

The case was recalled later in the day. Mr. Futrell stated that he still had not found the notices.

Mr. Smith stated that if he could find the notices by tomorrow, the Board was having a special meeting and would perhaps be able to take up this case also.

A gentleman from the St. James Church appeared on behalf of the applicant.

Mr. Davis, the gentleman who earlier had indicated he was present to speak in opposition, stated that another deferral would be inconvenient to him.

Mr. Smith stated that he could submit his objection in writing if he desired.

Mr. Davis submitted his statement of objection to the Board.

Mr. Baker moved that the case be deferred until tomorrow or September 18th, whichever time Mr. Futrell comes in with the proper notices.

Mr. Barnes seconded the motion. The motion passed unanimously.

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12:20 - ROGER A. YOUNG, contract purchaser, & ALAN SHEPHARD, owner, application under Section 30-6.6 of Ordinance to permit front set back variance of 20 ft. from front property line, 10535 Sunlit Road, Oakton, 37-3((5))5, Centreville District, (RE-1), (7.57 acres), V-114-74, OTH.

Mrs. Carol Young represented she and her husband before the Board.

Notices to property owners were in order. The contiguous owners were Charles W. Wright, 2903 Maple Lane, Vienna and Mr. Padget, 3009 Cyrandall Valley Road. She stated that there is a letter in the file from Mr. and Mrs. Sheppard, owners of the property, joining in the application.

The applicant wishes to construct a house and attached garage on this property located on the northeast side of Sunlit Road approximately 700 feet northwest of its junction with Charlton Street in such a way that the garage would be 55 feet from the centerline of the Sunlit Road easement. The minimum required setback from such centerline is 75 feet, the applicant needs a variance of 20 feet to the requirement.

Mrs. Young stated that this is an extremely difficult site to build on due to the topography and perk holes. The engineer has told them that this location is the best suited for this piece of property. The back of the property is in flood plain and drops off.

Mr. Smith questioned the proposed barn's setback and Mr. Covington stated that the Ordinance was amended to allow a barn within 20' of the rear property line and 40' to the side property line on any two acre tract.

Mr. Kelley asked if this is a general problem with all the lots in that area.

Mrs. Young stated that where they want to put this house and the way this house sits is peculiar to this lot. They have an extreme problem because of the extreme grade of the property and Rocky Branch runs through the property so they do have flood plain in the back.

Mrs. Young stated that the road at the front of the property is a private gravel ingress and egress easement for the lots in their subdivision, maintained solely by the property owners, with no taking for the easement from the property on the oppostie side of the street. It provides access only to the property abutting it, and in this subdivision.

Therewas no one present in favor or in opposition to this application.

In application No. V-114-74, application by Roger A. Young, contract purchaser & Alan Shepard, owner, under Section 30-6.6 of the Zoning Ordinance, to permit 20 ft front setback variance from front property line, on property located at 10535 Sunlit Road, also known as tax map 37-3 ((5))5, County of Fairfax, Virginia, Mr. Runyon 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 1rst day of August, 1974, and

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

1. That the owner of the subject property is Alan J. & Martha J. Sheppard.
2. That the present zoning is RE-1.
3. That the area of the lot is 7.5767 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:
   (d) 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, residential use permits and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed unanimously with all the members present.

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AFTER AGENDA ITEMS:
MOHAMED KHALID RADWAN, S-235-73
Mr. Rodway represented himself before the Board.

He requested that he be allowed to have an antique show inside the building on the billiard tables during the day when there is no billiard business.

Mr. Smith stated that this could be done by right and he felt it would be alright.

Mr. Kelley suggested that the Board allow him to do this for 90 days.

It was the Board's decision to allow Mr. Radway to have an antique show during the day for 90 days to see how it was going to work out.

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PARKMONT JUNIOR HIGH SCHOOL, S-125-74, 1341 Springhill Road, Request for an Out-of-Turn Hearing.

Mr. Smith read a letter from Ann W. Lewin, Treasurer of the school, stating that they had been scheduled for a hearing on August 1, 1974. However, the facility on which they were to be heard was burned and damages were so great that the Fire Marshall recommended demolition of the structure. They wish to open school in the Fall with a minimum of delay. They have now found this building and have obtained a two year lease on it and would appreciate being heard at the earliest possible date.

Mr. Barnes moved that the request be granted to have the hearing on September 11, 1974.

Mr. Kelley seconded the motion. The motion passed unanimously.

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NATIONAL BANK OF FAIRFAX, V-129-74, 2928 Chain Bridge Road, Fairfax, Virginia.

Mr. Smith read a request from Mr. Tom Lawson, attorney for the applicant, requesting an out-of-turn hearing on the above-captioned case. There was an application before the Board previously on an appeal from the decision of the Zoning Administrator which was denied by the Board. They would now like to have the Board hear this on the basis of Section 30-6.6 of the Ordinance which is the hardship section, as the bank is suffering irreparable economic loss.

Mr. Barnes stated that coming from either direction, one cannot see the bank from the road.

Mr. Smith stated that he felt they are entitled to a sign on the building.

Mr. Covington stated that they do not want the sign on the building. They say nobody can see it.

Mr. Smith stated that they could see it on the main part of the building. Economic hardship is not a reason.

Mr. Barnes moved that they be granted an out-of-turn hearing for September 18, 1974.

Mr. Baker seconded the motion and the motion passed unanimously.

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DEFERRED CASE: WALDEN GLEN SWIM CLUB, INC., S-85-74

The Chairman stated that the plats were in and in order for the Walden Glen Swim Club. He asked if the Board was ready to make a decision.

In application No. S-85-74, application by Walden Glen Swim Club under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit construction of open shelter and extension of fence in rear of the pool for recreational facility, 6125 Harmon Place, 79-4((9))90 & 91 and part of parcel 14, Section 7, Walden Glen -- Cardinal Forest Subdivision, Springfield Dist., (RPC) zoning, 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 August, 1974, for decision. Public hearing July 24, 1974. Deferred for corrected plats on July 24, 1974.
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. The present zoning is RPC.
3. The area of the lot is 1.80950 acres.
4. That compliance with site plan ordinance is required.
5. That compliance with all County and State Codes is required.
6. That the applicant has been operating a swim club on said property pursuant to approval of a development plan for the Cardinal Forest RPC.

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 Section30-7.1.1 of the Zoning Ordinance, and

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 the date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The Resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of this County of Fairfax during the hours of operation of the permitted use.
6. The maximum number of family memberships shall be 300.
7. The hours of operation shall be from 11:00 A.M. until 9:00 P.M.
8. Any after hours parties shall require written permission from the Zoning Administrator prior to the date of the function. The said parties shall be limited to six (6) per year.

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WALDEN GLEN SWIM CLUB (continued)

9. The landscaping and screening shall be to the satisfaction of the Director of County Development.
10. The minimum number of parking spaces shall be 103 and racks to accommodate 40 bicycles.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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The meeting adjourned at 4:22 P.M.

Jane C. Kelsey
By Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED September 18, 1974
(DATE)

The Special Meeting of the Board of Zoning Appeals was Held on Friday, August 2, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Charles Runyon; Joseph Baker; and George Barnes. Mr. Harvey Mitchell, Associate Planner, and Wallace S. Covington, Assistant Zoning Administrator, were present form the Staff.

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

10:00 - LAKE BARCROFT RECREATION CENTER, INC., application under Section 30-7.2.6.1.1 of Ordinance to permit proposed changes in existing SUP including change in road status, fence, path, and land area. Whispering Lane approximately 150 ft. south of intersection with Jay Miller Road, Lake Barcroft Subdivision, Section 3, 61-3((14))A1-A & A1-B, total land area 13,73934 acres, road dedication 1.21441 acres, Mason District, (R-17), S-112-74, OTH, Special meeting.

Mr. Richard Hobson, attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Rufus Brown, 6506 Oakwood Drive, and Mr. & Mrs. Francis A. O'Malley, 6419 Lakeview Drive, Falls Church.

Mr. Smith discussed with Mr. Hobson the length of time he would need for his presentation.

Mr. Hobson stated that it would take about one and one-fourths hours.

Mr. Smith asked him if he would agree to keep it to one hour. He stated that the variance would be heard concurrently with the Special Use Permit.

Mr. Hobson stated that the second item is a request of the Staff. They will not need the variance until this Board grants the Permit. The need for the fence came about because this Board specified that it be 6' in height. Should this Board approve the public road, then the 6' fence would be in a front setback.

Mr. Hobson presented some photographs to the Board of the site as it now exists. He then went through the proposed amendments that he was requesting the Board make. He stated that he is asking for the amendment to include the substitution of new plats and in particular the relocation of a path from the main parking lot to the pool complex, amendment of the area under Special Use Permit to add an area to the north towards but not extending to Lakeview Drive, the deletion of the proposed public road, three additional tennis courts as a temporary use to be built in place of the proposed indoor swimming pool building which is not to be constructed at this time, but is approved in the original plan approved by the Board, a change in the fence height around the courts from 12' to 10' and an amendment of the hours to allow them to use the tennis courts from 6:00 A.M. to 9:00 P.M.

The most important amendment is the request for the acknowledgement of the lease modification to show the proposed dedication of Recreation Lane as a public rather than a private road. If for any reason the Board does not see fit to grant it as a public road, the Board could acknowledge a change in the hours so they can utilize it as a private road to serve the 14 lots in the subdivision next door. There is shown on the plan a change in the perimeter fence.

Mr. Smith stated that he wanted to have a clear understanding of the substitution of the plat and clear up the question of whether the plat was approved by the Court. He stated that he did not think it was approved by the Court. He referred to page 5 of the transcript. He stated that the Court only reinstated the Special Use Permit and found that the substituted plat had been approved, showing the road, but that the road was still a private road, not a public road, and that the Board had not allowed the deletion of the land area

Mr. Hobson and Mr. Smith continued to discuss these points, but agreed on the above points. Mr. Hobson came forward and checked the plat that was submitted with his letter dated July 24. He stated that it is the proper plat to be before the Board today.

Mr. Hobson stated that there is a proposed lease modification. He submitted a copy of a lease modification at the time they submitted the application. Now there is a lease modification that would acknowledge the approval given this plat. He submitted both leases to the Board for the Record. The lease that was dated September 7, 1970 had been executed. The lease modification dated October 30, 1973, has been executed, but the lease modification undated for the month of August was not executed.

Mr. Hobson stated that the reason for the request for the public road instead of a private road is so that the landowner can develop the 14 lots and have ingress and egress from them. The landowner can then sell the lots and the proceeds from the sale of those lots will go to reduce the loan for the financing of improvements of Lake Barcroft Recreation Center. The construction of the houses in the subdivision called the Cloisters is now underway. The subdivision has been reduced in density from 22 houses to 14 houses. With this reduction, there is no longer any need to reduce the land area in Lake Barcroft Recreation Center. The subdivision will be developed under R-17 conventional zoning. The recreation center is now open and operational. The subdivision work is going forward. Mr. Yaremchuk, Director of County Development, revoked the subdivision permits. On behalf of the corporation, he appealed to the Board of Supervisors and was granted a 60 day stay in that action, which had severe financial consequencies, in order for them to come back to this Board. He stated that he appreciated the Board scheduling this special hearing and enabling them to come back within that 60 day period.

He stated that he wanted to submit the plat that is in front of the Board to be part of the record.

Mr. Smith stated that it is part of the record. This is the plat that the application is based on. He stated that he noticed that it was just submitted 6 days ago as a resubstitution.

Mr. Hobson called his first witness, Mrs. Fran Barnett.

Mrs. Fran Barnett stated that she is a member of the Recreation Center, a member of the Board of Directors for that Center and lives in the Belvedere Subdivision. Her property is 3856 Pinewood Terrace and abuts the proposed Cloister development. She spoke to the need for the recreation area and how the Cloister development would improve the neighborhood. In answer to Mr. Smith's question, she stated that she did not live in the area in 1969 when the application first came before this Board and that she was not aware of the proceedings of the meeting that took place during the original application. In answer to Mr. Smith's question, she stated that she not only had considered the impact of the Cloister development on her family but also on other contiguous property owners. She stated that she had discussed this with some of her neighbors and they are in agreement with her, that this will have a positive impact on their property values. She stated that she was aware of the fact that the original permit had a time limitation of 9:00 a.m. to 9:00 p.m. and that she did not think this amended request would have any additional impact that would be undesirable.

Mr. Hobson called Mrs. Alice McClellan, 3715 Whispering Lane, corner of Whispering Lane and Jay Miller Drive, to speak. She stated that they have not noticed any increase in traffic or noise since the Recreation Center was built. She stated that they are within one-half block of that entrance. They consider the Recreation Center an asset to the community as they have four children who enjoy it in the summer and they have no objection to the road serving 14 houses.

Mr. Hobson called Mr. Shield McCandlish, attorney with the law firm of Booth, Prichard and Dudley and on the Board of Directors of Lake Barcroft Recreation Association, to speak. His address is 3806 Lakeview Terrace, Falls Church, Virginia, in the Lake Barcroft Subdivision. He brought the Board up-to-date on the financial problems they are having with the Recreation Center and the Cloister development.

In answer to Mr. Hobson's question, Mr. McCandlish stated that none of the grantors or stockholders were going to make any profit from this community project. He stated that all the money that comes from the sale of the Cloisters has to be applied directly to the indebtedness. The Recreation Center would be able to carry the indebtedness if they could get it down to $50,000, but they cannot when it is over $700,000.

In answer to Mr. Smith's question of whether or not in 1969 when the Special Use Permit was first processed, this Cloister development was planned, Mr. McCandlish stated that it was not planned immediately, but it was shortly thereafter. At the time the Permit was granted, this Cloister development was not a part of the development of the Recreation Center.

Mr. Lecos, 6324 Beachway Drive, Falls Church, member of the Recreation Corporation and member of the Board of Directors, spoke to the Board about the requested change in the location of the perimeter fence. They are currently required by the BZA to fence the entire perimeter of the land area that is in the site plan dated July 3, 1974 and is presently before the Board. He stated that he believed the original purpose of the fence was to provide security and safety for everyone connected with the Center. He stated that he believed this could be accomplished by the revised fencing as shown on the plan before the Board. If the Board will approve this relocation, it will save the Recreation Corporation $5,000 or more which is critical to them as testified to by Mr. McCandlish. He came forward and referred to the photographs that were in front of the Board and showed the Board where on the site plan the fence was to be relocated. He discussed in detail where the location changes were to be made and why.

Mr. Smith stated that the requirement of that perimeter fence came about after many deliberations and because of the opposition that was generated in the area by the application for the Recreation Center. It came about also after considerable discussions with the contiguous property owners both in Lake Barcroft and Belvedere Subdivisions to prevent trespassers going through individual properties to get to the Recreation Center, for example.

Mr. Lecos stated that there is no reason for people to trespass through there as a lot of the land area is actually nonaccessible for walking. There is a deep ravine through part of the property. About 5 or 6 of the property owners already have a fence.

Mr. Runyon stated that it might be better to move the chain link fence back about 5' or so from Recreation Lane because site distance might be impaired.

Mr. Hobson stated that these are the kind of problems they can work out with the Staff.

Mr. Lecos then went into the financial problems that the Recreation Center is having.

In answer to Mr. Hobson's question, Mr. Lecos stated that none of the proceeds from the sale of the 14 houses will be a profit to anyone, as the net proceeds go entirely to reduce the trusts secured by the Recreation Center.

Mr. Lecos stated that they also now propose to put in three outdoor tennis courts in lieu of the proposed indoor pool building, so they would have the option in the future when they were financially able to construct that building of doing so.

Mr. Smith stated that the approval of the outdoor tennis courts would delete the proposed building.

Mr. Lecos stated that the way the application reads, it says either/or. They have a permit for the building at that location and they are now asking for a temporary use that would allow them three tennis courts on the site until they get the money to build the building.

Mr. Smith stated that there could be some question on that. The plans now show tennis courts. These would afford some more impact than the indoor pool would.

Mr. Lecos stated that there is an indoor pool now on Columbia Pike and they would need to take a hard look at their plans before building another indoor pool.

Mr. Hobson stated that they do not plan to build the indoor building at the present time and asked that the Board approve the tennis courts as a temporary use now.

Mr. Smith reminded them that for any change, it would be necessary to come back to this Board.

Mr. Hobson stated that he realized that.

Mrs. Halk, 6218 Beachway Drive, Falls Church, spoke on behalf of the applicant. She is the Director of ACCA. She stated that Lake Barcroft has permitted the children from their school to use the swimming facilities at no cost. Otherwise, these underpriviledged children would not be able to swim at all.

William Millan, 6767 Dockster Terrace, Falls Church, President of the Lake Barcroft Swim Club, spoke of how much the Recreation Center means to the Swim Club.

Mr. Roger Shans, 3601 Whispering Lane, read a letter to the Board composed by a few of the members of the Swim Team and signed by all the members, concerning the merits of the Recreation Center.

There were about 30 members of the Swim Team present.

Mr. Hugh W. McGee, from the firm of Alan M. Voorhees & Associates spoke to the Board and gave the Board an up-to-date traffic analysis of the Lake Barcroft Recreation Center and the Cloister Development. A copy of his statement is in the file.

Mr. Hobson then presented Petitions to the Board signed by people in the community, both Lake Barcroft and Belvedere Subdivisions, in support of this application.

Mr. James Derrock, engineer with the firm of Patton, Harris, and Rust, 802 Highland Drive, Vienna, Virginia, spoke to the Board with regard to the feasibility studies on the cost estimate to bring an alternate road down from Lakeview Drive to the Cloister Development. He stated that the existing condition of Lakeview Drive is an unimproved gravel road which is used for Beach 2 parking. It is small and there is an emergency turn-around at the foot of the swimming pool. He explained the type of road that would be needed and the slope problems that exist at that location. He stated that his cost estimate does not include any cost that would be required by the Highway Department.

Mr. Smith asked him if he was involved with the original entrance on Whispering Lane to Recreation Lane.

Mr. Derrock stated that he was not. He came on the scene about the time the connection was granted to Whispering Lane.

Mr. Smith asked how long it took to get approval from the Highway Department of that entrance.

Mr. Derrock stated that it took a little over a year.

Mr. Smith asked if there was any grade, cut or fill in connection with that entrance.

Mr. Derrock stated that there was, but it was waived. The Highway Department was to do the work and the Recreation Corporation would pay a share of the cost. They had an agreement with the Highway Department and that department has not seen fit to go ahead with the change in the grade in there. They came across opposition to the cut-backs of people's yards which always occurs when you change an existing road. The entrance was

widened as required and that has been completed, approved and accepted by the State Highway Department. He stated that the total cost would be approximately $200,000.

Mr. Runyon asked Mr. Derrock if this figure is the cost for a public road or private road.

Mr. Derrock stated that it is for a 50' right-of-way to meet public road requirements, with no sidewalk.

Mr. Runyon asked if he had looked into the cost if this was built as a private road and Mr. Derrock stated that he had not.

Mr. Smith stated that if they built a private road, it would be considerably less.

Mr. Derrock stated that it should be less because they could cut down the width and save all the way. They would still have a design and structural problem.

Mr. Hobson asked Mr. Derrock if it would be possible in Fairfax County to use a private road for access to lots with R-17 zoning.

Mr. Derrock stated that it would not be possible.

Mr. Jim Granam, President of the Lake Barcroft Recreation Center, stated that he had testified at the revocation hearing, but had not been present at the original hearing in 1969. He spoke to the membership of the Club and the fact that they are soliciting membership from Belvedere Subdivision as well as Lake Barcroft Subdivision. He also stated that the Petition they had submitted in support of the application contained signatures from residents of the Belvedere Subdivision. There were a total of 100 signatures on the Petition, he stated.

The Board took a 5 minute recess before going into the opposition.

Mr. Hobson asked the people who were present in support of the amendment to stand. All the people on one side of the Board room stood and about 20 people from the other side. The Board room was completely full.

OPPOSITION (Record 10)

Mr. Rufus Brown, 6506 Oakwood Drive, represented Belvedere Citizens Association. He stated that at a meeting last week, the Association elected him as spokesman for the community to oppose this application. He stated that they have been before this Board seven times in the last thirteen months and everytime, it seems to be necessary to state that they are not against the Recreation Center, the swim club, or any activity that it sponsors. They only request that the terms in the original Special Use Permit be adhered to. He offered for the record a plan that was revised July 16, 1970 and stated that it is his belief, although Mr. Hobson disputes it, that this was the plan that was approved by the Board in September of 1970. This is the plan that has an iron gate on the front of Whispering Lane. There is no resemblance of this plan to the plan that is before the Board today.

Mr. Hobson stated for the record that he objected to this submisssion as it is not the plan that was approved originally. The plan that is before the Board today is the plan on which the recent Court decision was based.

Mr. Smith stated that the Board recognizes this, that the plan before the Board is the one the Court decision was based on.
Mr. Brown then submitted 232 signatures on a Petition, 36 of which were from the Lake Barcroft community.

Mr. Brown stated that the pictures Mr. Hobson presented to the Board showing screening in the area hardly represents how it looks when you look at the site itself. He suggested that the Board go see for itself how the site looks.

He submitted to the Board a photograph showing the area where the alternate road is suggested. The first photo showed a view coming down from Lakeview Drive into the area of the Recreation Center. Photo 2 showed the alternate access which their community has always suggested. He called the Board's attention to the actual tracks in the mud made by the bulldozers who use this road now.

He then submitted a map of the area where he had colored in orange for the area of the Recreation Center and the yellow spotted areas were the location of the residencies of the 22 grantors that Mr. Hobson had mentioned earlier. He asked the Board to notice that none of the grantors live near the Recreation Center and are not affected by its activity.

Mr. Brown stated that his citizen's association met and by resolution asked him to state several grounds of opposition to this application. A copy of his eight page statement is in the file. In his summary of the reasons for objection he stated "...The reasons for our opposition are basically the same as those communicated in our six prior appearances before the Board over thirteen months. Essentially, our objections are to any additional traffic, noise, safety hazards, or inconvenience arising out of the activities of the Recreation Center or the proposed housing development of Lake Barcroft Recreation Corporation. The original Special Use Permit was strongly opposed by us because we felt that we were being forced to accept an inequitable share of its burdens. We have lived with that. But we cannot accept any amendment which exacerbates this burden, especially when the need for the amendments is expressly occasioned by the poor financial condition of the Permittee resulting from the lack of support for the Recreation Center itself."

Mr. Brown also stated in his statement that the Permittee has not fulfilled either the terms or intent of the Board's last mandate. He quoted a portion of the Resolution of the Board as follows:

> "If the applicant does present a new application considerable forethought discussion and negotiations [should] be given to the location of the entrance and exit to the site, the impact of the traffic on the surrounding neighborhood and the separation of the two traffic loads from the Cloisters and the Recreation Center as much as possible."

The third item in his statement concerned the ruling of the Fairfax Circuit Court preserving the Board's authority to restrict the use of Recreation Lane. He stated that the Board should be aware of the fact that right now -- in the absence of a single home in the proposed Cloisters -- and in violation of the hour limitations of the present Special Use Permit there is constant use of Recreation Lane throughout the evening. After the swimming facilities are closed in the evening, the road is frequently used as a "drag strip" by local teenagers. He states that they are told by the Permittee that such activities occur on every public road in all communities and it is for this reason they ask the Board not to permit the additional burden to be saddled on their community.

Mrs. Joyce Goodell, 3817 Larchwood Road, Falls Church, in the Belvedere Subdivision, spoke in opposition to this application and stated that she felt this road would create a greater traffic hazard.

Mr. Bernard Sheps, 2838 Pinewood Terrace, spoke in opposition and stated that at the last hearing, he submitted a letter signed by at least four of his neighbors. He stated that he wanted to balance the testimony of Mrs. Barnett who spoke in favor and stated that she could not hear the noise from the Recreation Center. She lives on Lot 101 which is almost out of the area of impact, he stated. His lot 92 and his testimony is that he can hear the noise and is affected adversely. The trees that was spoken about as being almost unpenetratable, are not. He can both hear and see the pool from his house. Because of the erosion caused by the activity there, some of the trees from the Center have fallen on his property and ruined some of his trees. The Center is constructed like an amphitheatre which focuses the noise onto his property and it sounds as though it is in his living room, he stated. One can hear the noise of the tennis balls at 6:00 a.m. in the morning or at 9:00 at night. He can even hear the crunching of the bikes on the gravel in the parking lot. He stated that his property backs up to the tennis courts and he and his neighbors are very affected, adversely so.

Mr. Bruce Chasin, 6436 Maplewood Drive, Belvedere Subdivision, Lot 142, spoke in opposition. He spoke to the legal dispute that exists concerning his lot and the way the storm drainage easement affects the Cloister subdivision.

A copy of his statement is in the file. He suggested that this Board not approve a plan for a public road before his case is resolved by the Court.

The Board recessed for lunch at 1:15 P.M. and returned at 2:15 p.m.

The Chairman called the case and asked Mr. Brown to continue with his presentation in opposition.

Mr. Brown asked that Marilyn Manda, 6517 Jay Miller Drive, speak to the Board and that he reserve the balance of his time for rebuttal after Mr. Hobson speaks.

Mr. Hobson objected as he stated they had the burden of proof to put on.

Mr. Smith stated that in all fairness, he would give Mr. Hobson five more minutes after Mr. Brown makes his presentation. He stated that he would have to grant the time factor to the opposition since that was agreed to prior to the beginning of the hearing.

Mrs. Marilyn Manda spoke in opposition to the amendment to the application.

Mr. Wade Cochran, 6520 Oakwood Drive, Belvedere Subdivision, spoke before the Board in support of the application. He stated that he felt this Recreation Center was as much Belevedere citizens as it is Lake Barcroft citizens. He stated that he felt Belvedere citizens are placing themselves in a God-like position by saying what is right and what is wrong. In answer to Mr. Smith's question, he stated that he was not present at the 1969 hearing nor had he participated in any other hearing.

Mr. Hobson asked that Mr. McGee with the firm of Alan M. Voorhees and Associates speak during his rebuttal time. He asked Mr. McGee if he had read the standards set forth in Section 30-7.1.1 of the Fairfax County Zoning Ordinance for Special Use Permit uses in residential zones. Mr. McGee stated that he had read them and is in agreement that this application as amended to allow traffic for the fourteen houses would meet the standards set forth in that section.

Mr. Hobson stated that it is brought out on Page 2 of Mr. McGee's report that the maximum vehicle trips per day in 1970 at the original hearing was 535. Now, the number of trips per day has been reworked and is only 376 trips per day including these 14 lots.

Mr. Brown stated that the gentleman who spoke earlier in support of the application right before Mr. Hobson spoke, Mr. Cochran, is in favor of his friends in Lake Barcroft. Over the last year this man has never been excluded from any of the meetings of the Belvedere Citizens Association contrary to his statement, nor has he been denied the right to speak.

Mr. Brown stated that Mr. Hobson is speaking for the record with his conclusions of the statutory standards here, but the citizens have spoken truthfully and knowledgeably about the traffic in this neighborhood. If the Board feels another traffic study is needed to show that the citizens of Belvedere are right, they will be happy to have another one made.

Mr. Runyon asked Mr. Brown if he owned Parcel A and B as it sits today, what use he would make of it.

Mr. Brown stated that he would make one simple suggestion for the solution to the problem, split the burden and let the Lake Barcroft people take some of it. Lake Barcroft Recreation Association has done everything within its power, such as putting a tennis court in the way where that alternate road could go with a height elevation with land fill to block possible access through that property, because they don't want to put it there. They would request that Lake Barcroft Recreation Association provide private or public access down to the Cloisters through Lakeview Drive.

Mr. Runyon asked if this access should be for both parcels.

Mr. Brown stated that it should be for the Cloisters. Recreation Lane access should remain as it is now with the limitation of the hours from 9:00 a.m. to 9:00 p.m. as it is under the Special Use Permit and any access to the Cloisters could not, of course, be limited from 9:00 a.m. to 9:00 p.m. Mr. Brown stated that he had no right to object to a man using his own property and they are not contesting Lake Barcroft's right to use their property.

Mr. Runyon asked if Mr. Brown would put in words, simply, what would be acceptable to his group.

Mr. Brown stated that private or public alternative access down from Lakeview Drive.

Mr. Brown stated that originally his group didn't want the Recreation Center because of the traffic burden, but all they are saying now is let Lake Barcroft share in some of the burden of the Lake Barcroft Recreation Association activity. A public road open on a 24 hour basis is a nuisance and his group does not want to be subjected to it.

Mr. Hobson stated that he felt it important to point out that this is not a hearing to rehash old differences and old questions as to who may have said what to whom and what the problems were at the original granting. Those questions were before this Board in 1973 and in two Court hearings brought by the Belvedere Citizens Association before the Court. Those have been settled by the Court and the Court reversed the revocation action. Lake Barcroft Recreation Association is requesting an amendment to show Recreation Lane, as it now exists, as a public road for those 14 lots. He stated that there have been some misstatements here and he wished to correct some things in the record as put on in the opposition's case. He noted for the record that the plat in the original granting was not the one put forth by Mr. Brown to put in the record. Mr. Brown also made the point that the 9 to 9 hours are being violated. They have not been. If there have been violations they have not been brought to the attention of his client. The question of joint traffic studies never did come up. Belvedere never did agree to pay one dime. He asked them to and Mr. Brown said they wouldn't pay a cent. Lake Barcroft Recreation Association paid for that study. In short, it is going to cost $200,000 to put in that alternate road and they would have to make extensive changes on Lakeview Drive. Lake Barcroft Recreation Association does not have that money and they cannot do it. There are also some legal problems involving quit-claim title on that land on Lakeview Drive. Mr. Brown's statement that Lake Barcroft Recreation Association failed to get Lake Barcroft community approval is not creditable considering all the time and assets so many people have gone to to provide that facility.

THE FOLLOWING IS
VERBATIM

MR. HOBSON: We have asked for these amendments with respect to an adjacent parcel of land for those 14 lots. Nobody from our association is going to gain any private benefits therefrom. The proceeds are all going to go to discharging the debt on the Recreation Center. The Recreation Center was purchased and developed by private contributions, by individuals in the community, none of which stand to gain any financial benefit from the operation of the center, or the sale of the lots. The sale of the lots was and is a necessary financing to acquire, improve, and construct the center. Some 22 families have personally endorsed notes totaling $710,000 to make all this possible. This is now in jeopardy if the lots cannot be sold. The only qualified traffic expert was Dr. McGee when he testified that the 14 residential lots serving Recreation Lane average a total of 10 trips, one trip up and one trip back, per day, a total of 140 trips that you will get from the 14 lots on an average day and you get 376 total trips and that is approximately 75 percent of the estimated average daily volumn which this Board of Zoning Appeals was told would be the maximum impact at the time of the original grant. When I came before you in October, I told you that I thought that was high, that I thought a lot of people would walk. That was just a supposition. It now turns out that a lot of people do ride bikes and do walk and the traffic that we are putting forth -- if you add the 14 lots -- my testimony here to you today is that the maximum impact at full development with all memberships in, when and if it comes in, is only 75 percent of the traffic impact that was put forward to you as the impact on the community at the time of the original grant. Now, I don't want to and I just think we are talking about relatively little and Mr. Brown says he does not object to the Recreation Center and he does not object to the Cloisters being developed. It's just that he wants those 14 lots to come out on another road that would, in fact, make it impossible for us to do so because it costs $200,000.

I will sum up. We ask that you be reasonable or practical. This land was, and is, bound to develop. We cannot pay for a second road. It is not reasonable or practical in our judgement to require a second road when we have one public road built to State Highway standards perfectly adequate to handle the traffic there already. But, this Recreation Center is, has been, and will continue to be, if you let it do so, a service to this community, not only to people in Lake Barcroft and not only, not shutting out people in Belvedere, as we have had testimony that people in Belvedere who are now members and on the Board of Directors of the Recreation Center. This isn't one community against another. Perhaps, it is one group in one community

against another group in the other community. This center is community financed, community lead, community operated and I think performing an important community service to Fairfax County and it should be left to continue and we would hope you can settle this matter here today, so we can settle it in this form.

MR. KELLEY: Mr. Hobson. I was not on the Board the 23rd day of September, 1969 and I have heard testimony from both sides and it seems to me, the way I have evaluated the testimony up until this time is that no one is against the Recreation Center. Some possibly would rather it wouldn't be there, but they also realize that a community of this size needs a recreation area; however, I fail to see any mention of the Cloister development on the 23rd day of September, 1969, and it puzzles me as to how the Cloisters, the land that you now have the Cloisters Subdivision on, as to how it got into the Recreation area. And, you have mentioned the financial responsibility and I can't understand how three quarters of a million dollars got into the Cloisters, how it got into this. I have listened to this testimony since last October and I have yet to find out how this got into this. I think we have -- I don't think anybody can state anything here today that wouldn't be repetitious. What we have heard here today, we have heard for 13 months.

MR. HOBSON: It came out clear in the Court testimony. Maybe it hasn't here in front of you Mr. Kelley, but Parcel A of Belvedere was purchased by Lake Barcroft Recreation Corporation originally to be an addition of open space for recreational use in the community. They did not intend to use it for lots when they initially purchased it. When they got the Special Use Permit and got into trying to finance the improvements on the Recreation Center, they realized that the way costs had gone up, construction costs have skyrocketed, that the only way they could finance the improvements on the Recreation Center was to apply the other land, the excess land, the sale of that land and apply the proceeds on the loan.

MR. KELLEY: Thirteen acres is what I am talking about.

MR. HOBSON: The thirteen acres does not include Parcel A of Belvedere.

MR. KELLEY: I believe the Special Use Permit says, 13 plus acres. That's my point and I think there has been and I certainly wouldn't have gone into a piece of land that someone else had almost given away to finance a project of one-half million dollars or so. This leaves me --

MR. HOBSON: (interposing) They couldn't have done it if 22 people hadn't endorsed those notes.

MR. KELLEY: I think this is beside the point of the BZA. I hate to see anyone lose money. I don't want to see them lose money, but that is out of our jurisdiction as to what those 22 people did as private homeowners and I can't see that this enters into our picture here. I think if the applicant in this application had abided by the conditions set forth in that application, we wouldn't be here and wouldn't have been here for the past thirteen months.

APPLAUSE FROM THE AUDIENCE

CHAIRMAN: Please, please, no outbursts. The applause is not necessary.

MR. HOBSON: I can't argue with that except those issues as opposed to whether or not we lived up to the standards is all settled. That is not before you today as to whether or not we lived up.

MR. KELLEY: I have the Judge's Order here. I can see what he says -- Judge Plummer. I can read it.

MR. HOBSON: What we are asking today is, that land known as Parcel A, Belvedere, is there. They don't oppose it being developed. They agree that it has to be used for something. We just have to get a road out.

MR. KELLEY: Didn't you people take any of this into consideration, that you had to get access through Special Use Permit property, a piece of ground that was under a Special Use Permit.

MR. HOBSON: Yes, sir, and any way you go out, you have to go out through Special Use Permit property. If it goes out the way Mr. Brown wants it to go out you still have to go through Special Use Permit ground. It is a landlocked piece. So that is not a choice. You can take it out Mr. Brown's way for $200,000 or let it use the road that is sitting there right now that is already built..

MR. KELLEY: Don't you think, Mr. Hobson, that before obligating all these people and going in there, don't you think this should have been cleared up prior to all this, before any of these obligations and all these financing responsibilities and this sort of thing? I do.

MR. HOBSON: I am sure of that Mr. Kelley, but they thought it had been. They thought it had been when the stamp of the BZA was put on it.

MR. KELLEY: That is all I have to say.

MR. SMITH: When did Lake Barcroft buy the parcel A piece of property?

MR. HOBSON: Mr. McCandlish spoke to that in response to your question. The land was purchased at approximately -- I will base it on his answer to you -- maybe he can answer more exactly, but acquisition of the property -- they took title at approximately the same time.

MR. SMITH: When did you take title to Parcel A?

MR. HOBSON: The contract was at different times as to the actual title transfer, it took place at about the same time. But, the contract had different times. The Recreation Center Parcel was contracted to be purchased earlier.

MR. SMITH: But, at the time of the public hearing and the subsequent public hearings, the Board of Zoning Appeals was never informed of this enlargement of this Recreational landholdings.

MR. HOBSON: That is correct, Mr. Smith. As I said, they did not plan to sell it.

MR. SMITH: Well, even if they planned to use it for recreational uses, it should have been incorporated in the Use Permit. They would have not been able to use it without it.

MR. HOBSON: Not open space though.

MR. SMITH: If it was to be used for recreational purposes in connection with this use, this Special Use Permit, we should have known about it. As a matter of fact, it would seem to me that prior to the purchase of it, or taking title to it, at least, the group should have come to this Board for approval.

MR. HOBSON: It was not to be a part of the Recreation Center.

MR. SMITH: I gather from your testimony earlier that it was to be a part of the Recreation Center.

MR. HOBSON: No. It was for an unnamed and undetermined recreational use, open space, but no use determined. But, when costs rose, they found they had to.

MR. RUNYON: Mr. Hobson, what is the hang up with the different plats. We, of course, have on file the original plat that was filed. Now, he has given us this plat and there are certain differences, but you seem to be very adamant in saying that that plat is not the plat -- it is not exactly, but it is close. Apparently, there are some differences that bother you.

MR. HOBSON: I just do not want the Board to think that that is what you approved in 1969.

MR. RUNYON: We had it in the file. All we have to do is look at it. You seemed to make a big point.

MR. HOBSON: For one thing, that shows gates at Whispering Lane and the other does not.

MR. RUNYON: There were a couple of differences, but except for the iron gate --

MR. HOBSON: Right, but at the Court hearing that was a rather important point. The Court was trying to determine whether or not the BZA had put a condition on the use that the gates be there and that was clearly not a condition and the Court found it was not.

MR. RUNYON: We have a copy marked here, approved by the County that this is the approved plat. It is somewhat different and I thought maybe there was something bigger.

MR. HOBSON: No, and I really do not think that that is relevant, but the issue is not what is the change that we are asking for, but how much is it a change from what was then because the approved plat is now Petitioner's Exhibit 5., 441-C, which is the one that is stamped by Mr. Smith and that, for better or worse, that plan has been approved as a plan, and it did not approve future public road status, but that is the site plan, if you will, which was approved. So, what changes are we making to that plan by our application for amendment and we are making the change to specifically designate Recreation Lane as a public road.

MR. RUNYON: That is pretty relevant then. This plat is not the plat that you are arguing.

MR. HOBSON; No, it is not the plat that we are arguing against. We are now asking that you approve that road as a public road and not make us build another road coming out here, which we cannot, to serve those 14 lots. He is not asking us to build another road to serve Recreation Center but to serve the 14 lots.

MR. SMITH: If I gathered from the testimony of the opposition, what they were asking for is an equal distribution of the traffic. Now, whether it is one to serve the Cloister Development or the Recreational area --

MR. HOBSON: (Interposing). I would say that that is a more reasonable position, but that is not what he said. He said he does not oppose the Recreation Center, he does not oppose the development of the 14 lots in the Cloisters -- and he does not oppose the Recreation Center traffic coming down Recreation Lane, but he wants the 14 lots' traffic to go out the other way. Now, I submit to you on the evidence, that that is not a reasonable position.

MR. SMITH: I gathered from the testimony and maybe I am wrong that what he, actually he did not want to see any change from the original Use Permit on the public access road -- in other,words, public access to a future development. The original permit was conditioned on that remaining a private road, but he had no objection to an even distribution of the traffic if you would come up with a plan that would serve the one area as opposed to the other. In other words, I think we had earlier discussed with both you and Mr. Brown the possibility of bringing in a road possibly for the Recreational Center to serve the Recreational Center at another entrance providing direct access to the Recreational Center and using this road for the Cloisters which you are trying to develop.

MR. HOBSON: That may be your position, but you heard Mr. Brown's and that is not his.

MR. SMITH: Maybe I misunderstood. In other words, I gathered from his testimony that they object to any change in the status of this road at the present time if it is going to serve additional uses and I can see that.

MR. HOBSON: But he does not object to the Special Use Permit being amended to bring a road through the Special Use Permit area to serve the Cloisters' 14 lots and come out through Lakeview Drive.

MR. SMITH: Because it gives a more even distribution of the traffic and it was not originally intended that there be any additional traffic on this road other than the access to the Recreational Area and had this proposal been presented to the Board in 1969 as the Recreation proposal was presented it would have given us different light. It would be something that we should have acted on at that time.

MR. HOBSON: That is not where we are today. That was where we were last October.

MR. SMITH: Well, we have to revert back to that occasionally in order to keep the record clear.

MR. HOBSON: It is confusing, but the matter now stands that we are asking you to amend the Special Use Permit to approve public status of Recreation Lane to serve the 14 lots, Recreation Lane as it now sits and the opposition says they do not object to the Recreation Center, nor recreation traffic using Recreation Lane, nor to the Cloisters and the 14 lots and its entry onto a public or private road out to Lakeview Drive. That would require an amendment to the Special Use Permit, at least, that is the assumption. But, they do object to the public road being the Recreation Lane for the same 14 lots.

MR. SMITH: I can only allow you a question, if you have a question, Mr. Brown.

MR. BROWN: I really want to state for the record one sentence -- that Mr. Smith's characterization of our community's position is absolutely correct and we adopt it.

MR. SMITH: All right. This completes the public hearing. What is the pleasure of the Board in relation to the request? We have received considerable testimony and several documents and we need some time, I think, to assemble a decision in the matter. Mr. Hobson, the next regular meeting of the Board would be September 11th, as you can see from the testimony that we received here today, we need some time to go over it.

MR. HOBSON: The only problem I have is the Board of Supervisors' stay expires the end of this month --

The Board continued to discuss the deferral date.

The decision was to defer to September 11, 1974 or, if necessary, the Chairman is to call a Special Meeting with 3 days notice to both sides. The hearing will be for decision only.

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DEFERRED CASES:

THE MONTESSORI SCHOOL OF MT. VERNON, INC. T/A, The Aquinas School, (Mr. & Mrs. Alvin F. Futrell, Operators), application under Section 30-7.2.6.1.3.2 of Ordinance to permit private Montessori School in St. James Episcopal Church, 110-1((1))4B, (5.1170 acres), Lee District, (RE-0.5), S-110-74, OTH. (Deferred from August 1, 1974 for proper notices).

Notices to property owners were in order. The contiguous owners were Henry Henson, 9125 Patton Blvd. and Mr. Flatterty, 5605 Old Mill Road.

Mr. Futrell represented the applicant before the Board. He stated that they have a lease with the church for 20 years. They plan to have a 5 day per week operation during the normal school year. There will be no summer activities. The children will be from 2 1/2 to 12 years of age. Their hours of operation are from 9:00 to 3:00. Mt. Otten is present to speak on behalf of the church. They have been operating nine years at a different location, but they do not wish to expand their operation at the other location because of the Montessori philosophy that the children should have freedom. That is the reason they want to locate in this church facility. He stated that his wife runs this school.

Mr. Henry Otten, 3204 Norwick Street, stated that he is Warden at the St. James Church, is responsible for the real and personal property of the church and is a member of the Finance Committee. The use of the church by this school has the approval of the church.

There was no one to speak in favor or in opposition to the application.

Mr. Smith stated that Mr. Davis who lives directly in back of this location was present yesterday and could not come back today. He left a letter for the Board to enter into the record. This letter was in objection to this application. There were questions of the posting and whether or not this was a commercial profit venture.

Mr. Runyon questioned the applicant on the point of the church being in a commercial business.

Mr. Otten stated that all the activities that go on in the church are only charged a minimum fee for the purpose of maintenance, cleaning, etc.

Mr. Futrell stated that they are charged $112.50 per month which includes everything.

Mr. Smith stated that that would be a basic cost charge then. The church certainly would not make any money at that rate.

Mr. Futrell stated that this is a profit making venture.

In application no. S-110-74, OTH, application by The Montessori School of Mt. Vernon, Inc. T/A The Aquinas School, under Section 30-7.2.6.1.3.2, of the Zoning Ordinance, to permit private Montessori School in St. James Episcopal Church, on property located at Old Mill Road & Mt. Vernon Memorial Highway, also known as tax map 110-1((1))4B, County of Fairfax, Mr. Runyon 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 2nd day of August 1974.

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

1. That the owner of the subject property is Trs. of St. James Episcopal Church.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 5.1170 acres.
4. That compliance with the Site Plan Ordinance is required.
5. That compliance with all applicable county and state codes is required.

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

. 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

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and 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 the plans submitted with this application. Any additional structures of any kind, changes is use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.

4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. The maximum number of children shall be 75, ages 2 1/2 to 12 years.

7. The hours of operation shall be 9:00 A.M. to 3:00 P.M., five days per week, Monday through Friday, during normal school year.

8. The operation shall be subject to compliance with the inspection report, the requirements of the Fairfax County Health Department, the State Department of Welfare and Institutions and obtaining a Non-Residential Use Permit.

9. Landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

10. Applicant to obtain a report from the Department of Public Works regarding any possible increase in sewage flow that may be created by this additional use.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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AFTER AGENDA ITEMS:

FAIRFAX COUNTY PARK AUTHORITY - Request for out of turn hearing.

Mr. Smith read a letter requesting an out of turn hearing for September 11, 1974, as they were requested to complete this project in cooperation with the Fairfax County Department of Public Works, by the Board of Supervisors.

Mr. Barnes moved that the request be granted.

Mr. Runyon seconded the motion.

The motion passed unanimously.

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FRIED MOTEL, S-79-72, Granted June, 1972.

The Board discussed this case. This applicant was granted one extension. Prior to the time that extension expired, the applicant requested another extension as they were still unable to get a sewer hookup. The Board denied that request in October, 1973 as the Board stated it was against their by-laws to extend beyond the 180 day period. However, the Board in the early part of 1974 been granting extensions beyond the 180 day period when the applicant was unable to get sewer hookups. The applicant feels that

they should also have been granted a longer extension and the Staff requested that the Board reconsider this.

Mr. Smith asked if the extension had expired at the time they were requesting the further extension.

Mr. Mitchell stated that the applicants were in the sewer moritorium.

Mr. Smith stated that the Board has no authority to go back and pick it up.

Mr. Runyon stated that he would like to refer this case back to the County Attorney to see if the Board could supply the applicant some relief.

Mr. Smith stated that the Board could grant them an out of turn hearing, but the Board could not grant an extension to a Permit that had already expired.

Mr. Mitchell stated that he was in the process of addressing a memo to the County Attorney as to what has transpired and he would like to add to that a statement from the Board asking if there is anything they could do to assist the applicant.

Mr. Runyon stated that he would like to have the benefit of that memo. This was deferred until a later date, to be discussed with the County Attorney before a final decision was made.

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FITZGERALD KNIGHTS OF COLUMBUS, HOME ASSOCIATION, INC., V-84-74.

Deferred from July 24, 1974 for inspection report.

Mrs. Kelsey told the Board that the applicant did not yet have all the inspections reports and had requested that this be deferred until September.

Mr. Runyon moved that the Board defer it until September 18, 1974.

Mr. Barnes seconded the motion.

The motion passed unanimously.

// Mr. Baker moved that the minutes be approved for June 12, 1974. Mr. Kelley seconded the motion and the motion passed unanimously.

The hearing adjourned at 4:00 P.M.

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By Jane C. Kelsey, Clerk

APPROVED: Daniel Smith
BY Daniel Smith, Chairman

September 25 1974
Date

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The Regular Meeting of the Board of Zoning Appeals was Held on Wednesday, September 11, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Joseph Baker; George Barnes; and Charles Runyon. Mr. Wallace S. Covington, Assistant Zoning Administrator, and Harvey Mitchell, Planner, were present from the Staff.

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

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10:00 - SPRINGFIELD SWIM AND RACQUET CLUB, INC., application under Section 30-7.2.6.1.1 of Ordinance to permit addition of 2 tennis courts to existing facility, 7401 Highland Avenue, 80-1((5))(52)1, (3.7492 acres), Springfield District, (R-12.5), S-95-74.

Mr. Schultz, 6418 Floyd Avenue, Springfield, President of the Club, represented the applicant before the Board.

Notices to property owners were ruled in order by the Chairman. He stated that the notices were not good. It is just a list of names with a typewritten note at the bottom saying that the application had been explained to them. There are two contiguous property owners, Cardini Gillian, 5806 Amelius Street, Lot 2 and Virginia Barbour, 5808 Amelia Street.

Mr. Schultz stated that they now have 525 family members and 80 parking spaces. The parking lot has never been overcrowded in the 12 years he has been a member of this Club. During swim metes, the lot is approximately two-thirds full.

The Chairman went through the old files and determined that they had been in in 1967 to get a refreshment stand. He stated that the minutes of that meeting refer to the 1964 application and says that that application set forth the parking. Unfortunately, the 1964 file could not be located.

The Board determined that the parking is too close to the property line to meet today's Code, however, if this recreation facility was constructed prior to 1959, the parking would be nonconforming as to that setback.

Mr. Smith inquired how close the courts were to the nearest residence.

Mr. Schultz stated that there is a street in front of these courts and on the other side of the street, there is an industrial park. On the other side running along the length, there are approximately three or four houses. There is never any use of the street for parking. In answer to Mr. Barnes' question, Mr. Schultz stated that they do have bicycle racks. He stated that both of the people who live on both sides are members of this Club and they are not disturbed now by the existing courts and the ones they propose to build are farther away from the residences than the existing courts. There is a barrier of trees that they will not disturb which screen the site.

The Board discussed the hours of operation with the applicant.

Mr. Kelley stated that the Board has allowed some of the courts to begin operation at 7:30 in the morning when the courts are situated away from residences. He also reminded the applicants that any after-hours parties would have to be approved by the Zoning Administrator.

Mr. Schultz stated that there would be no parties connected with the tennis courts.

Mr. Kelley stated that it is all under the same Special Use Permt. There was no one to speak in favor or in opposition to the application.

In application No. S-95-74, application by Springfield Swim & Racquet Club, Inc. under Section 30-7.2.6.1.1, of the Zoning Ordinance, to permit addition of two tennis courts to existing facility, on property located at 7401 Highland Ave., Springfield District, also known as tax map 80-1((5))(52)1, 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 6th day of September, 1974.

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

1. That the owner of the subject property is Springfield Swimming Club.
2. That the present zoning is R-12.5.
3. That the area of the lot is 3.7492 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable county and state codes is required.
6. That the applicant has been operating a community swim and recreation facility at this location pursuant to S.U.P. #5450 granted October 19, 1954, and amended by S-738-67.

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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The maximum number of family memberships shall be 525.
7. The hours of operation shall be 7:30 A.M. to 9:00 P.M. Any after hours party will require written permission from the Zoning Administrator and will be limited to six (6) per year.

8. There shall be a minimum of 80 parking spaces and a rack for 30 bicycles.
9. All noise from loudspeakers, lights, etc. shall be confined to said site.
10. All landscaping, screening and/or fencing shall be to the satisfaction of the Director of Environmental Management.

Mr. Barnes seconded the motion.

The motion passed unanimously with all members present.

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10:20 - IVAN L. REDDINGTON, application under Section 30-6.6 of Ordinance to permit two car garage and equipment storage area closer to side lot line than allowed by Ordinance, 6407 Charnwood Street, 79-4((2))590, (14,719 sq. ft.), Springfield District, (R-12.5), V-96-74.

Mr. Reddington represented himself before the Board.

Notices to property owners were in order. There was only one contiguous property, Lawrence Gambino, 6405 Chainwood Street. The next nearest property owners would be across the street, one of whom was Butera, 6410 Chainwood Street.

Mr. Reddington stated that this is the only location on the lot where he could put a garage because of the general shape of the property and the fact that the lot falls off steeply from the house toward the rear. Most of the other houses in the area have carports, but they are on the southerly side of the house and do not get the weather as his does.

He stated that he plans to use the same type material as is on the existing house, brick and frame.

He stated that Mr. Gambino has expressed no adverse comments to him. The other neighbors are interested in his application as they would like to have garages rather than carports.

Mr. Kelley stated that that was his point in asking if any of the other neighbors have similar circumstances.

Mr. Smith inquired what other lots in this subdivision are similarly situated as this one is.

Mr. Reddington stated that none are.

Mr. Smith stated that the statement he just made previously certainly does not enhance his application because the Board has to consider a variance based on this particular lot only and if it is a general condition through the subdivision, then the Board cannot grant it.

Mr. Reddington stated that it is not a general condition through the subdivision. His house seems to be the only one that has a location like this, on a peninsula.

Mr. Smith stated that this is not a general condition.

There was no one to speak in favor or in opposition.

In application No. V-96-74, application by Ivan L. Reddington, under Section 30-6.6 of the Zoning Ordinance, to permit side yard variance of 4.5 feet for two car garage and storage area, on property located at 6407 Charnwood Street, also known as tax map 79-4((2))590, County of Fairfax, Virginia Mr. Runyon 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 11 day of September, 1974, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Ivan L. & Doris M. Reddington.
2. That the present zoning is R-12.5.
3. That the area of the lot is 14,719 sq. ft.

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.

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. Architectural detail shall conform to that of the existing structure.

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, residential use permits and the like through the established procedures.

Mr. Baker seconded the motion.

Mr. Kelley abstained, because he felt the other neighbors were awaiting the outcome of this variance, this variance might lead to several in that subdivision.

Mr. Runyon stated that each application would have to be considered on its own merits. Each would have to show a hardship under the Ordinance. This lot has a street on three sides.

Mr. Smith stated that based on the case before the Board, he would vote for the application.

The motion passed 4 to 0.

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10:40 - B. P. OIL, INC. application under Section 30-6.6 of Ordinance to permit pump island canopy closer to front property line than allowed by Ordinance* (9.5' from property line), 1958 Chain Bridge Road, 29-4((1))16, (23,978 sq. ft.), Dranesville District, (CG), V-102-74.

*and to permit variances to front setback requirements for pump island and building.

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B. P. OIL, INC. (continued)

Mr. Timothy McPherson, 10560 Main Street, attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Cities Service Oil Company, P. O. Box 7656, Philadelphia, Pa., and Tyson Triangle, Ltd., Executive Office, Silver Spring, Maryland.

Mr. McPherson stated that the applicant wants to remove an existing three-bay service station and replace it with a self-service gasoline station on property located between Chain Bridge Road and Old Route 123 at the northwesterly entrance to Tysons Corner Regional Shopping Center in Dranesville District.

In his justification, he stated that the way the property is shaped makes it difficult to locate this facility on the lot without a variance. This small island property is set in the middle of the Tyson's Corner commercial complex and contains only two parcels, both of which are utilized as service stations. The property is very narrow and not large enough to facilitate other commercial purposes. The other major physical feature is the steep grade of the lot. The photographs which were submitted with the file indicate the unusual grade of the property and how it slopes severely eastward in the direction of both Old Route 123 and Chain Bridge Road.

He stated that the proposed kiosk, islands and canopy are a single unit and that the individual variance requests are governed by that fact. As a consequence, the canopy variance is based on the need to provide coverage for the customer while obtaining gas. Because of the shallowness of the property, the pump island cannot be moved any further to the rear of the lot. There is also an embankment at the rear of the lot due to its steep grade which restricts the placement of the pump islands. The proposed rear pump island provides for minimal turn around space, approximately 14'6" between the island and the embankment and existing wall. The entire building itself is only 8' x 20' and is really an elaborate island with two small restrooms, storage room and sales area. The building is centrally located in the three pump-island, pre-engineered canopy. The size of the lot along with its peculiar shape does not allow for sufficient depth to place the building in this configuration without a variance request.

He stated that instead of locating the facility in a north-south direction, it would seem possible that a shift of 90 degrees would obviate the necessity for some of these variance requests. However, as the photographs indicate, the grade of the property prohibits any construction on an east-west axis. The property is further hindered by the fact that it is surrounded by roads. Even though this is a very important advantage to the property, it does create serious access problems to the property if it were on an east-west axis.

He stated that the Gas & Go station will be in harmony with the adjacent service station and with the other buildings in this commercial area.

In answer to Mr. Smith's question, he stated that the existing service station was constructed in 1971 and that they do have a variance existing on the building.

Mr. Smith stated that now they plan to enlarge the station from a 2 pump island station to 10 pumps. He stated that they are tripling the capacity.

Mr. Paul W. Rain, who is with B. P. Oil, 1 Rawling Place, Wilmington, Delaware, spoke before the Board. He stated that the reason for the additional pumps is because the Federal Government requested a non-leaded gasoline be dispensed. They now have three types of gasoline instead of 2. The number of pumps is based on the faster service. The idea of this is that this is a more economical operation and is dependent on the additional sales. With additional pumps, they can service the customer faster rather than have a line-up.

Mr. Smith stated that the non-leaded gasoline only requires one dispensing unit on each pump. This is a brand new, beautiful service station and they would be tripling the number of pumps which is an expansion of an existing facility that was built just three years ago. The Board has never granted a canopy variance of this magnitude.

Mr. Rain stated that he feels they are reducing the use as they no longer will have repairs and other things that they are doing now.

Mr. Smith inquired if they were renting trucks or trailers there now.

Mr. Rain stated that they were not.

Mr. Smith stated that he hoped not, as they were not allowed to under the Ordinance. He stated that there are a lot of people who would say they were deleting a service to the community by the Gas and Go with no repair service.

Mr. Rain stated that there is still service at the William Penn location which is within a mile or so. He stated that the only possible alternative is to rebuild the wall in the back. They will have to reconstruct the angle section of the wall which would move the canopy 7 feet.

Mr. Smith stated that he did not feel that the land area would lend itself to this development for this standard pre-engineered building without this considerable variance which he did not feel the Board has the authority to grant.

Mr. Kelley inquired if the photograph sketch they had submitted was exactly what they were going to build.

Mr. Rain stated that it is exactly like that except instead of 2 columns there will be a single column.

Mr. Smith stated that they are also putting three pumps on each island rather than the two that are on the photo. Mr. Smith asked if the Highway is going to widen this road.

Mr. Rain stated that he had seen a number of preliminary engineering plans on the Tysons Corner area, but as of this date, they have no status as far as a requirement under site plan.

Mr. Kelley stated that they would increase three times the use they now have and this application is asking for three variances instead of one.

Mr. Smith stated that canopies and pump islands are given an advantage over the normal business operation by the Ordinance and they are requesting variances beyond that which was granted by the Ordinance. Certainly, this Board has to take this into consideration.

Mr. Barnes said he was wondering if the applicant would feel they could take this plan back and arrange something where the varaiances would not be so great. He stated that he felt that this gas-and-go service is the upcoming thing and something that will have to happen from now on.

Mr. Smith stated that to consider granting these variances where the applicant already has the reasonable use of the land is something this Board does not have the power to do.

Mr. Runyon stated that the question is how many of the sites are you going to find with roads on both sides like this.

Mr. Smith stated that that was why the original variance was granted.

Mr. Runyon stated that the justification would be the fact that it is an unusual site.

Mr. Smith told him to go back to the State and County Codes. They do have a reasonable use of the property.

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B. P. OIL, INC.

Mr. Kelley stated that he could not support this variance request.

Mr. McPherson stated that he could not say that they will be able to come up with a plan to eliminate any of the variances, but that they could work on trying to get something more acceptable.

There was no one to speak in favor or in opposition to the application.

Mr. Barnes moved that this case be deferred to give the applicant a chance to revise the plats and see if they could not cut down the need for the variances and come up with something the Board could consider.

Mr. Runyon seconded the motion.

Mr. Smith stated that felt they should have come in with a minimum request in the first place.

The motion passed 4 to 1 with Mr. Smith voting No. The deferral date was set for October 16, 1974.

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11:00 - JOHN H. WOOD, application under Section 30-6.6 of Ordinance to permit construction of screened porch claser to front property line than allowed by Ordinance, (3.8' variance, 31.2' from front property line), 13701 Lynncroft Dr., 44-2((3))608, Brookfield Subdivision, (10,088 sq. ft.), Centreville District, (RT-10), V-101-74.

Mr. Wood represented himself before the Board.

Notices to property owners were in order. The contiguous property owners were John E. Ridgely, 13703 Lynncroft Drive, Chantilly, Virginia and Francis Wilson, 4112 Galesbury Lane.

Mr. Wood stated that his house is on a corner lot. The topography of the land and the orientation of the present structure are such that it would be architecturally unsound and aesthetically undesirable to build the porch in any other location because, on a corner lot, the proposed site is a "front" for zoning purposes. Architecturally, it is the side of the house. On the north side of the house the land slopes upward away from the house. Apart from the problems this grade would present in terms of excavation and drainage, his house on this side is only 37 feet from his neighbor's house. Thus an 8 foot porch would be less than 30 feet from his neighbor's living room. On the west side of the house, the width of the porch would be limited by the steep bank which made the split-level a split-level. Grading of the neighboring property results in flooding of this area during heavy rains. Although building the porch on this south side requires this variance of approximately 3 feet, there is an additional 15 foot strip of land which is visually an integral part of his lawn. This 15 foot strip of land lies between the property line in question and the sidewalk of Galesbury Lane. It resulted from building Galesbury Lane 30 feet narrower than was originally planned, and has been dedicated along with Galesbury Lane to the State of Virginia. He stated that the Virginia Department of Highways has told him that they have no plans for this strip of land and he is petitioning for it to be vacated. However, after months of discussions, they have told him that it will not be done. In the meantime, the proposed porch would be well in excess of of 35 feet from Galesbury Lane and visually would be set back farther than are the other houses on the street.

In answer to Mr. Smith's question, he stated that he keeps that part of the lawn mowed just as if he owned the property because it looks like part of his lawn.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application No. V-101-74, application by John H. Woods, under Section 30-6.6 of the Zoning Ordinance, to permit front yard variance of 3.8 feet, on property located at 13701 Lynncroft Drive, also known as tax map 44-2 ((3))608, County of Fairfax, Virginia, Mr. Runyon 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 September, 1974, and

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

1. That the owner of the subject property is John H. & Ann G. Wood.
2. That the present zoning is RT-10.
3. That the area of the lot is 10,088 sq. ft.

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.

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. Architectural detail shall conform to that of existing structure.

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, residential use permits and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed unanimously.

Mr. Wood questioned the limitation that stated that construction must begin within one year. He stated that since he filed for the variance, he found that he would be leaving the area for one year and requested that the variance be extended for a longer period.

Mr. Smith advised him to wait until about a month before the expiration date, and write the Board and request an extension based on that hardship, and the Board would consider it at that time.

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11:20 - PLEASANT VALLEY MEMORIAL PARK, INC., application under Section 30-7.2.3.1.1 of Ordinance to permit addition to existing mausoleum, 8420 Little River Turnpike, 59-3((1))17, (10.64 acres), Providence District, (RE-1), S-103-74.

Mr. William Hansbarger, Attorney in Fairfax, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Fairfax County Christian Church, P. O. Box 208, Annandale, Virginia and VEPCO, 907 West Glebe Road, Alexandria, Virginia.

Mr. Hansbarger stated that a Special Use Permit was granted in 1963 for a cemetery on this property. This was an application by J. D. Williams and John Ours and covered 57.5 acres of land. It was amended on March 23, 1971, upon application of Pleasant Valley Memorial Park, Inc. to cover 11.6571 acres of land, to permit erection of a mausoleum. The mausoleum that was built in 1964 under site plan approval was not subject to a Use Permit requirement. He stated that trying to reconstruct the history, in 1964, it was ruled that it was an accessory use to a cemetery and no use permit was required. They are now trying to complete the structure that was begun and to set the record straight because he is aware that the Board now rules that a mausoleum is not an accessory use to a cemetary. The total number of crypts in this addition will be 372, making a total of 552. The height of the proposed addition will be 4 tiers but will not exceed 15'. The construction will be stone and mortar as is the existing structure.

Mr. Kelley asked if they eventually plan to close the gates at night.

Mr. Hansbarger stated that they do. The property is fenced.

Mr. Smith stated that the plats should be revised to show the fence.

Mr. Kelley moved that the case be deferred until September 18, 1974 for new plats showing the fencing.

Mr. Runyon seconded the motion and the motion passed unanimously.

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11:40 - PARKMONT JUNIOR HIGH SCHOOL, application under Section 30-7.2.6.1.3.2 of Ordinance to permit school of general education for 65 students in existing building, 1341 Springhill Rd., 29-1((1))55, (4.7980 acres), Dranesville District, (RE-1), S-125-74, OTH.

Mrs. Lewin, treasurer of the Parkmont Junior High School, appeared before the Board to state that they would like to request a deferral on this hearing until the 25th of September. The reason is because they are also scheduled to be heard for another location on September 18, 1974.

Mr. Smith checked the notices which were in order. The contiguous property owners were Shiloh Baptist Church, 8520 Lewinsville Road, (lot 56) and Jeffrey Easterson, 7815 Leesburg Pike.

Mr. Baker moved that the request be granted and that the case be deferred until September 18, 1974.

Mr. Runyon seconded the motion. The motion passed unanimously.

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12:00 - SIDEBURN CIVIC ASSOCIATION & FAIRFAX COUNTY PARK AUTHORITY, application under Section 30-7.2.6.1.1 of Ordinance to permit recreational facility (multi-use courts) for community use, 10229 Zion Drive, 68-4((1))47, (3.008 acres), Springfield District, (RE-1), S-130-74, OTH.

Mr. Smith inquired as to why the Fairfax County Park Authority filed as applicant.

A gentleman from the Park Authority stated that they were asked to do this job for the civic association.

Mr. Smith stated that they could have done that without having to be part of the application. He noted the application form which read "Name of Applicant, 'Fairfax County Park Authority'".

Mr. Smith stated that if this was owned and controlled by the Park Authority, the Park Authority would not need a Use Permit. He stated that he thought the Park Authority should have to get Use Permits but they have not in the last few years. Mr. Smith stated that Sideburn Civic Association should be the applicant if they own and operate the facility.

Mr. Runyon so moved. Mr. Baker seconded the motion. The motion passed unanimously.

Mr. Rosenberger, attorney for Richmarr Construction Company spoke in favor of the application. In answer to Mr. Smith's question, Mr. Rosenberger stated that Richmarr has not made any recreational land available to the people in Sideburn Civic Association because the facility that has been developed in Kings Park West is difficult to get to and there is no direct tie in between Zion Drive and Kings Park West. The approach has been to try and improve the facility which is immediately available to those people. The Richmarr Construction has donated $40,000 which is to be utilized to purchase the additional 2 acres which is being added to the community center and the remaining amount is to upgrade the community center building itself.

Mr. Francis Honesty, resident of the Zion Drive Community, spoke in favor of the application.

In answer to Mr. Kelley's question, Mr. Goins stated that they plan to put lights up on these courts sometime in the future. It will begin as a daylight until dark operation. They actually work in cooperation with the Recreation Department of the County.

There was no one to speak in opposition to the application.

RESOLUTION

In application No. S-130-74, OTH, application by Sideburn Civic Association, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit recreational facility (multi-use courts), for community use, on property located at 10229 Zion Drive, Springfield District, also known as tax map 68-4((1))47, 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 11th day of September 1974.

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

1. That the owner of the subject property is Sideburn Civic Association Inc.
2. That the present zoning is RE-1.
3. That the area of the lot is 3.008 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable 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 R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require approval of the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. In the event lights are installed, the applicant must submit plats showing their location.
7. The hours of operation shall be 7:30 A.M. to 10 P.M.

Mr. Barnes seconded the motion. The motion passed unanimously.

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12:20 - FAIRFAX BAPTIST TEMPLE, application under Section 30-7.2.6.1.11 of Ordinance to permit Sunday School and church services in mobile classrooms, 9524 Braddock Road, 69-1 & 69-3((1))21, (5 acres), Annandale District, (RE-1), (Deferred from 7-24-74 for proper notices). FULL HEARING. (S-83-74)

Notices to property owners were in order. The contiguous owners were William Butler, 4721 Pickett Street and Robert J. Bennett, 9506 NanMill Lane.

Mr. Smith stated that a Notice of Violation was in the file and a letter from the Zoning Administrator in connection with the existing facilities which indicates that it is being used in violation of the Code and that the Church has been notified of that. There is some question whether the Board has authority to hear the application until the problems are corrected. Mr. Smith read the letter from the Zoning Inspector.

Rev. Calvert, Pastor of the Church, and representing the Church before the Board stated that he had talked with Inspector Walker just today. Inspector Walker said it was possible for them to be able to borrow on their bond to finish up the sidewalk that is necessary to be finished.

Mr. Smith stated that absent the Non-Residential Use Permit and in the face of this Violation Notice, he did not feel the Board has the authority to grant this additional use of the property.

Mr. Covington, Assistant Zoning Administrator, agreed with him.

Rev. Calvert stated that they would be happy to wait.

Mr. Baker moved that this case be deferred to October 16, 1974, for a full hearing to give the applicant time to correct the deficiencies.

Rev. Calvert stated in answer to Mr. Smith's question that the distance of sidewalk they must construct is 270'.

Mr. Mitchell, Associate Planner, stated that he had also talked with Mr. Walker of Public Utilities and he told him that it wasn't just the sidewalk that was holding up the Non-Rup, but the drainage problem. They are in violation to the Erosion and Siltation Ordinance.

Mr. Barnes seconded Mr. Baker's earlier motion.

The motion passed unanimously to defer until October 16, 1974.

Mr. Smith stated that since the Notices were in order, it would not be necessary to send new notices.

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DEFERRED DECISIONS:

LAKEVALE ESTATES COMMUNITY ASSOCIATION, application under Section 30-7.2.6.1.1 of Ordinance to permit construction of two tennis courts and repaving of parking lot, additions to existing facilities, 2556 Oak Valley Dr., 37-4((5)) A, Lakevale Estates Subdivision, (11.276 acres), Centreville District, (RE-0.5), (Deferred from 7-10-74 at request of applicant for full Board; deferred from 8-1-74 for new plats and decision only). (S-74-74)

The Board was in receipt of a letter from James D. Pammel, 2517 Rocky Branch Road, Vienna, Virginia, of the Lakevale Court Civic Association.

"On September 8th, representatives of the Lakevale Court Community met with Mrs. Catherine Clemente, President of the Lakevale Community Association, to discuss the points that our assocation raised in our letter of August 19, to you with respect to their application to the Board of Zoning Appeals to expand their community facilities; e.g., tennis courts.

This is to inform you that as a result of this discussion with Mrs. Clemente, our association is satisfied that every good effort will be made by the Lakevale Community Association to resolve the problems that we have identified; and therefore, we accordingly, now support their application as presently before you together with the amended development plan for their recreational facilities as revised August 14, 1974 with one modification concerning the development plan. Our association has requested and Mrs. Clemente has agreed that proposed Playfield #2 will be deleted and the area in which the playfield is located will be designated as "paddock area or open space." We would further request that the Board approve the Lakevale application without further delay so that the grading and grass seeding can commence within the next several weeks.

I would like to take this opportunity to express the appreciation of our group to the Board of Zoning Appeals for their time and effort in assisting our community in resolving the issues raised in this application and we would also like to express our appreciation to Mrs. Clemente and the Lakevale Community association for their cooperative attitude in resolving these issues."

Mr. Kelley inquired if they were cleaning up their property now.

The Zoning Administrator indicated that work is now being done in the clean-up process.

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LAKEVALE ESTATES COMMUNITY ASSOCIATION (continued)

Mr. Kelley stated that he certainly hoped so, that that was the biggest mess he had ever seen, with the exception of the pool which was one of the cleanest he had ever seen.

Mrs. Clemente was present to represent the applicant.

She came forward and deleted the proposed Playfield #2 and the area where it was to be located was indicated to be "paddock area or open space." She signed the change representing Lakevale Estates.

RESOLUTION

In application No. S-74-74, application by Lakevale Estates Community Association under Section 30-7.2.6.1.1, of the Zoning Ordinance, to permit construction of 2 tennis courts and repaving of parking lot, additions to existing facility on property located at 2556 Oak Valley Drive, also known as tax map 37-4((5))A, County of Fairfax, Mr. Runyon 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 10th day of July, 1974.

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

1. That the owner of the subject property is Lakevale Estates Community Association.
2. That the present zoning is RE-0.5 Cluster.
3. That the area of the lot is 11.276 acres.
4. That the site is operating under Special Use Permit S-299-66 & S-580-67.

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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. The hours of operation for the tennis courts will be 7:30 A.M. to 9 P.M.
7. All other requirements of the existing Special Use Permit shall remain in effect.
8. The notated plat shall be that approved.

Mr. Baker seconded the motion.

The motion passed unanimously.

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LAKE BARCROFT RECREATION CENTER, INC., S-112-74.

LAKE BARCROFT RECREATION CENTER, INC., V-113-74.

These two cases were deferred on August 2, 1974, until September 11, 1974, or earlier, should the Chairman call an earlier meeting, for decision only.

(SEE VERBATIM TRANSCRIPT).

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JACK MAIZE REPORTED ON VULCAN QUARRIES -- He stated that he had one question for the Board to answer relating to this quarry operation in Occoquan. Does the Board wish to have a very formal dust study report in the month of October or in April of next year.

He stated that the reason for this question is that the Board has an annual review and in that review the Board expressed the desire that the dust study be continued and that the Health Department report back to this Board in the month of October. The equipment to run tests for the study did not arrive until recently, therefore, the data will not be complete at this time. The Health Department is of the opinion that the Board wants to hear this in October as originally stated.

Mr. Smith stated that he would like to have a report based on the information that is available on this in October. He stated that he would like to have Mr. Maize's evaluation as to whether the conditions are improving.

Mr. Covington stated that the staff has not had enough time to complete the study that the Board had requested since the equipment did not arrive and the Board would get a much more equitable report if the staff had a full year to do the study.

Mr. Smith stated that he just wanted to know if the conditions were improving or deteriorating and if they are improving, what the improvement is over this period of time.

It was the Board's decision to ask for a report in October.

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AFTER AGENDA ITEMS:

1. EVANS FARM INN - Letter from Bayard D. Evans requesting that the Board remove the restriction "no further expansion of the restaurant facilities will be permitted."

The Board read Mr. Evans' letter, which is in the file, and Mr. Baker moved that the restriction remain as granted. In other words, that the request be denied.

Mr. Kelley seconded the motion.

Mr. Runyon asked if what the Board was saying is that Mr. Evans cannot do anything else on the property.

Mr. Smith stated that he has several commercial uses there in that residential area. It is not a popular thing to do, but tell him that he must look for other avenues of development, other zoning categories, rather than coming back again to this Board.

Mr. Runyon stated that he felt the Use Permit way is a good way to keep a handle on this operation.

Mr. Smith stated that the Board does not have the authority to grant restaurant uses in residential areas any more. At the time this was granted the Board did have that authority. This is a non-conforming use.

Mr. Runyon stated that if the Board does not have the authority, then the Board did not have to put that restriction on.

Mr. Smith stated that if it was not on there, he could go back and file again.

Mr. Barnes stated that the reason is the fact that the neighborhood does not want a rezoning.

The motion passed unanimously to deny Mr. Evans' request.

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2. MILDRED W. FRAZER, appl. under Section 30-7.2.6.1.3 of Ord. to permit additional 125 students for private school, 4955 Sunset La., 71-4((1))12 & 23, Annandale District, (RE-0.5), S-192-74.

The Board took no action and stated that they would need additional information. They asked the Clerk to bring this back at a later date, when she had received the additional information.

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3. RIVERSIDE GARDENS RECREATION ASSOCIATION -- The Board read letters from Mr. Arthur W. Strickland, contiguous landowners of the applicant; Richard Hobson, attorney for the applicant; and Mr. Wallace S. Covington, Assistant Zoning Administrator, regarding violations of the Use Permit.

The Board asked that there be a current inspection to see if all the items in violation were corrected and have a report on September 25, 1974, if possible.

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4. MRS. ELEANOR ROACH, Ox Road property under Special Use Permit for Summer Camp.

The Board read the letters from Mr. and Mrs. Ronald Copeland, contiguous property owners of the applicant, and from several other neighbors in the nearby area. Mrs. Copeland alleged that there had been several violations and the other neighbors stated that there had been none. There was also a copy of a letter from the Zoning Administration to Mrs. Copeland regarding the alleged violations.

The Board's decision was that there would be no action at this time as the summer program was over.

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5. FORESIGHT INSTITUTE -- proposed school under Special Use Permit. The Board read a letter from Dr. Salih stating that they would have to cancel their Special Use Permit as they had lost the contract on the land. They are now looking for another location.

Mr. Runyon moved that the Board accept the request without prejudice.

Mr. Barres seconded the motion and the motion passed unanimously.

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6. LUCK QUARRIES & AMERICAN ASPHALT PAVING, INC. -- The Board read the letters and statement for inspection services. (INFORMATION ONLY; NO ACTION NECESSARY).

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7. PLUS TASK FORCE MEMBER (Mr. Smith) Notification of two meetings in September -- 7:30 P.M., September 18, 1974 and 9:00 A.M., September 28, 1974. (INFORMATION ONLY; NO ACTION NECESSARY).

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8. U-HAUL TRAILER COMPANY -- The Board read a letter from Alton Littleton, President, U-Haul Company of Northern Virginia, regarding his appearance on July 31, 1974 before the Board of Supervisors at which Mr. Smith was present and made a presentation.

Mr. Littleton asked for consideration to be able to operate from service stations located in the CG zoning classification. He stated that there were two questions of concern brought to his attention, taxes and accidents. He then proceeded to clarify U-HAULS' position on both those concerns.

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9. FAIRFAX BAPTIST CHURCH, Variance granted to allow air-conditioning units to remain closer to property line than is allowed by the Ordinance.

Mr. Runyon moved that this item be included with the hearing to be held October 16.

Mr. Baker seconded the motion.

The motion passed unanimously.

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10. COLLEGE TOWN ASSOCIATES, S-14-74; Granted May 14, 1973 for gas station at the intersection of Braddock and Ox Roads, February 27, 1974 extended 6 months until September 14, 1974. Requesting another extension due to unavailability of sewer.

Mr. Smith read the letter of request to the Board.

Mr. Runyon moved to amend the Resolution granting the Special Use Permit to change Limitation No. 2 to read:

"2. This permit shall expire unless renewed by action of this Board upon whichever of the following events shall last occur:
(a) Twelve months from this date.
(b) Three months after Fairfax County permits connection with the existing sewerage facilities thereon.
(c) Six months after Fairfax County permits a Site Plan to be filed thereon.

Mr. Baker seconded the motion. The motion passed unanimously.

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11. CAPITOL CARS & CAMPERS & ROBERT AND NANCY PEVER, Trading as RECREATION CITY, S-259-73; Granted May 15, 1974 to permit new franchise dealer for recreational vehicles and boat sales at 8142 Richmond Highway.

Request to be allowed to drop the name Capitol Cars & Campers, Inc. so that the permit will read Robert and Nancy Pever, Trading as Recreation City.

Mr. Barnes so moved that the request be granted.

Mr. Runyon seconded the motion.

The motion passed unanimously.

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12. B. MARK FRIED, Special Use Permit granted June 28, 1972, S-79-72, proposed motel now known as Springfield Garden Motel.

The Board considered the request that had been made to the County Attorney's office that the BZA reconsider their action of October 24, 1973 denying the further extension of the Special Use Permit, considering the fact that they have since that time granted other extensions over and above the 6 month period to other applicants with sewer hookup problems. However, the Board did not start following this procedure until March of 1974. At that point, the Special Use Permit had expired.

The Board discussed this problem and it was their opinion, concurred in by the County Attorney, that once a Special Use Permit expires, it is dead and there is nothing that can be done except file a new application. The Board stated that they wish to expedite this to alleviate any hardship that this may have caused the applicant and they would be willing to grant an out of turn hearing in order that this case may be reheard at the earliest possible time.

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13. LEROY AND HARRIETT ARMSTRONG, V-148-74, appl. to permit construction of room addition closer to rear property line than allowed by Ordinance (8.8' variance -- within 16.2' from rear property line), (R-10).

Mr. Smith read a letter from the construction company requesting an out-of-turn hearing for the Armstrong's as they stated that the Armstrongs have been the victim of a lot of different information over the past few months from the zoning office. They contacted the zoning office in June to construct an addition and were told that they did not need a variance. Now they are told that they do need a variance and they could not be heard until November. They need a hearing sooner than November.

It was the Board's decision that they be granted an out-of-turn hearing for October 9.

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14. CHURCH OF THE NATIVITY, S-156-74 -- Mr. Smith read a letter from Frederick Taylor, attorney for the applicant, stating that they need an out-of-turn hearing for this application as they are having problems meeting the contract commitment. At the same time, he stated that he wished to point out that they would have applied earlier, but they entered into lengthy, serious and hopefully fruitful discussions with the Department of County Development to take into consideration the reservation of certain ground for the proposed realigned Keene Mill Road. As a result, considerable time passed before they were able to reduce the general scheme of the realigned Keene Mill Road to an exact location running through their property.

It was the Board's decision that this case be scheduled for an out-of-turn hearing for October 9, 1974.

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14a. AMOCO OIL COMPANY, S-157-74. Request for out-of-turn hearing. B. P. Oil Corp. is in the process of building a new station at the intersection of Lee Chapel Road and Old Keene Mill Road under Special Use Permit No. S-69-74 B. P. does not want to go ahead with this station and AMOCO would like to take it over. It will be leased and operated by their dealer who is presently located at Wisconsin Avenue and Military Road in Washington D. C., which location will be vacated in the near future. AMOCO would like to relocate this dealer to this location. Therefore, they request this out of turn hearing so that their dealer may be accommodated without a loss of income.

It was the Board's decision to schedule this case for October 23, if there is room on the Agenda that date, or October 16, whichever has the lesser number of cases.

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15. THE TIMBERS, S-158-73, granted September 12, 1973 -- Request for extension. A new application has been filed which includes a swimming pool and changes in the design and configuration of the pool. However, this new application cannot be scheduled until November, therefore, they need an extension to continue this Special Use Permit until the amended one can be heard.

It was the Board's decision to extend this Permit for 6 months from September 12, 1974.

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16. CROWN CENTRAL PETROLEUM CORP., S-31-73, granted April 18, 1973.

This Special Use Permit was extended 6 months from April 18, 1974. It will expire October 18, 1974. Site Plan has been approved and it is now in bonding.

Mr. Kelley moved that the Board change Limitation No. 2 of the Resolution granting the Special Use Permit to read:

" 2. This permit shall expire unless renewed by action of this Board upon whichever of the following events shall last occur:
(a) Twelve months from this date.
(b) Three months after Fairfax County permits connection with the existing sewerage facilities thereon.
(c) Six months after Fairfax County permits a Site Plan to be filed thereon."

Mr. Baker seconded the motion. The motion passed 4 to 0 with Mr. Runyon abstaining.

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17. BURKE STATION SQUARE SWIMMING POOL ASSOCIATION, S-38-74, granted May 15, 1974,

Mr. Smith read a letter and the Board reviewed the plans for a change in the landscaping plan.

It was the Board's decision to accept the alternate landscape plan with the stipulation that it is approved if the County Staff feels it is adequate

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18. It was the Board's decision to change its meeting dates for the month of November to November 6, 13 and 20.

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19. POTOMAC STAKE VIENNA WARD (CHURCH OF THE LATTER DAY SAINTS), S-146-73, granted September 5, 1973.

The Board read a letter from Victor H. Ghent, engineer for the project, stating the progress that had been made toward beginning construction and the problems that they had faced since September 5, 1973 and requested an extension to the Special Use Permit.

POTOMAC STAKE VIENNA WARD -- CHURCH OF THE LATTER DAY SAINTS (continued)

Mr. Barnes moved that their request be granted.

Mr. Baker seconded the motion.

The motion passed unanimously.

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20. CEDAR KNOLL INN - RAJ J. MALLICK & THEODORA MALLICK

The Board was in receipt of an Opinion from Judge Lewis Morris on this case against the Board of Zoning Appeals.

The Board discussed this case. Mr. Baker moved that the Board request the County Attorney to proceed with the appeal in this case.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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Mr. Baker moved that the Minutes of June 19 and 25; July 10, 17 and 24 be approved as corrected.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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The meeting adjourned at 5:27 P.M.

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By Jane C. Kelsey, Clerk

APPROVED BY Daniel Smith
DANIEL SMITH, CHAIRMAN

October 16, 1974
(DATE)

The Regular Meeting of the Board of Zoning Appeals was Held Wednesday, September 18, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Joseph Baker, George Barnes; and Charles Runyon. Mr. Loy Kelley was absent. Mr. Harvey Mitchell was present from the Staff.

400

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

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10:00 - ROBERT M. & REBECCA SKALL, application under Section 30-6.6 of Ordinance to permit enclosed carport closer to side line than allowed by Ordinance, 6333 Silas Burke Street, 78-4((4))13, (22,000 square feet), Springfield District (RE-1), V-105-74

Mr. Robert Skall represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Larry and T. J. Dell, 6337 Silas Burke Street and NorMac Inc., 8120 Richmond Highway.

Mr. Skall stated that they wish to extend the roof of their house to cover an adjoining section of driveway in order to provide a carport. Since an existing brick retaining wall exceeding 18 inches in height would form a side enclosure for the carport, this would constitute an enclosed structure 8.1 feet from the side lot line, and since by virtue of the fact that this is a substandard lot, the minimum required side yard setback is 15 feet, they need a variance of 6.9 feet to the requirement of the Ordinance. He stated that he has owned the property for about a year. The previous owner put in the concrete slab and the retaining wall because there is a steep slope to the rear of the house which is very dangerous.

In answer to Mr. Barnes question, he stated that they plan to use the same material as is in the existing house.

There was no one to speak in favor or in opposition to this application.

In application No. V-105-74, application by Robert M. and Rebecca Skall under Section 30-6.6 of the Zoning Ordinance, to permit extension of roof to provide a carport with side variance of 6.9', on property located at 6333 Silas Burke Street, also known as tax map 78-4((4))13, County of Fairfax, Mr. Runyon 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 September, 1974, and

WHEREAS, the Board of Zoning Appeals had made the following findings of fact:
1. That the owner of the subject property is Robert M. and Rebecca Skall.
2. That the present zoning is RE-1.
3. That the area of the lot is 22,000 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) 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. Architectural detail shall conform to that of the existing structure.

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, non-residential use permit and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Kelley was absent.

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10:10 - JOSEPH N. COFFEE, JR., application under Section 30-6.6 of Ordinance to permit enclosure of carport closer to side and front lot line than allowed by Ordinance, 3316 Holly Court, 59-2((8))(4)49, (10,000 square feet) Providence District (R-12.5), Holmes Run Acres Section 3, V-106-74

Notices to property owners were in order. The contiguous owners were Allen M. Clark, 7813 Holmes Run and Floyd E. Westbrook, 3318 Holly Court.

Mr. Coffee represented himself before the Board. He stated that he needs this variance because there is no place else to build on the lot that would not also need a variance. This is a corner lot and the lot has an irregular shape. Most of the other houses have enclosed their carports also. In answer to Mr. Smith's question, he stated that he did not know whether or not they needed variances to do this. He stated that he had owned the property for three years and plans to continue to live there and this enclosure is for the use of his family and is not for resale purposes. He plans to use the same material for this enclosure as is in the existing house.

Mr. Mitchell from the Staff stated in answer to Mr. Smith's question that the reason the carport was allowed in the front setback is because the existing structure was built prior to the adoption of the present Zoning Ordinance when an open carport was allowed to extend into the required front as well as side yard.

Mr. Coffee confirmed that the house is about 20 years old.

This enclosure will be 8.6 feet from the side lot line and 30.15 feet from the front lot line and since the minimum required side and front setbacks are 12 feet and 40 feet, respectively, the applicant needs variances of 3.4 feet to the side and 9.85 feet to the front yard requirements.

Mr. Smith inquired if he would have someplace to park his car when he encloses his carport and Mr. Coffee answered that he would have 40' of driveway.

Mr. Smith stated that about any way he would build on the lot would require some type of variance.

There was no one to speak in favor or in opposition to the application.

In application No. V-106-74, application by Joseph N. Coffee, Jr., under Section 30-6.6 of the Zoning Ordinance, to permit enclosure of carport (variance of front yard 9.85' and side 3.4', on property located at 3316 Holly Court, also known as tax map 59-2((8))(4), 49, County of Fairfax, Virginia, Mr. Runyon 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 September, 1974, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Joseph N. and Lauren K. Coffee, Jr.
2. That the present zoning is R-12.5.
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 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 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. Architectural detail shall conform to that of the existing structure.

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, non-residential use permit and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed unanimously with four members present. Mr. Kelley was absent.

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10:30 - WOODLAWN COUNTRY CLUB, INC., application under Section 30-7.2.6.1.1 of the Ordinance to permit recreational and equipment storage buildings (2 buildings) to be constructed, 4813 Old Mill Road, Mt. Vernon District (RE-0.5) S-107-74

Mr. Hal Beachum, Vice President of the Club, represented the Club before the Board.

Notices to property owners were in order. The contiguous owners were Robert L. Travers, 9044 Patton Blvd., Alexandria and Stan G. Watts, 9100 Patton Blvd., Alexandria.

Mr. Beachum stated that they would like to add two buildings to their Club. The existing building has been in existence for 10 to 12 years and there have been no improvements. One of these buildings will be used exclusively for a Pro Shop which will be operated by the Golf Professional at the Club. The exterior of this building will be of a stained plywood (texture 1-11) The roof will be flat with a frame mansard, or facade and screening to enclose the mechanical equipment from street-level vision. The front and rear entrances will be of aluminum frame with bronze glass. The facade screening will be covered with composition shingles. The size of the building will be 45' x 54'. This will be a slab on grade building.

The other building will be used for storage and will have a gable roof with composition roofing and the stained, textured 1-11 plywood siding as indicated for the Pro Shop building. This building will be 61' x 28'.

They will not be deleting any of the parking spaces he stated. This will actually improve the parking area. There will be no increase in membership.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application No. S-107-74, application by Woodlawn Country Club, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit Pro Shop building and equipment storage building on property located at 4813 Old Mill Road, also known as tax map 110-1((1))13 A and 4, County of Fairfax, Mr. Runyon 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 September, 1974.

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 RE0.5.
3. That the area of the lot is 128.8291 acres.
4. That the site is presently operating under SUP No. S-617-67.

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.

NOW, THEREFORE, BE IT RESOLVED, tha 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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes, (other than minor engineering details) with Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. All other requirements of the existing Special Use Permit shall remain in effect.

Mr. Baker seconded the motion.

In answer to Mr. Smith's question, Mr. Beachum again stated that there would be no increase in membership. They have between 450 and 500 patrons and/or members. This is an eighteen hole golf course with four tennis courts, an olympic size swimming pool, driving range and a clubhouse for social activities and dining facilities. They employ approximately 15 to 20 people which does not include the golf course maintenance crews.

The motion passed 4 to 0. Mr. Kelley was absent.
SUP originally granted to Rapid, Inc. 1-26-60 #5799 and amended 6-13-67,S-617-67.

10-50 - ALDERSGATE WESLEYAN CHURCH, application under Section 30-7.2.6.1.3 of Ord. to permit nursery school for maximum of 100 children, ages 2 to 6 with no more than 60 to reamin longer than 4 hours daily, 7223 Roosevelt Avenue, 50-3((1))9, Tyler Park Subdivision, (50,515 square feet) Providence District, (R-10), S-108-74

Katherine Sickles, 3917 Lincolnshire Street, Annandale, Virginia, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Harold Hogan, Sr., 7214 Rice Street, Falls Church, Virginia and Mr. and Mrs. Eddie Harlow, 7217 Roosevelt Avenue, Falls Church, Virginia.

Mrs. Sickles stated that they plan to care for a total of 100 children with no more than 60 to remain longer than 4 hours daily. These children will be cared for by half-day or all day, or only certain scheduled days. The children will be organized in age groups - Nursery, Jr. Kindergarten, Kindergarten etc. and a planned teaching program will be utilized. The number of employees will be on the ratio of 1 to 10. One of these employees will be the director. The qualifications for employees will be: the director shall be a college graduate and the teachers will be college graduates or have some college training. Other attendants or aides will be high school graduates at least.

She stated that the maximum trip generation will be whatever is necessary to receive the children and have them picked up. They will not be providing bus service. The area to be served will be the Tyler Park Area and will be other areas of Fairfax County as well.

Mrs. Sickles stated that she has never operated a school herself but she has taught for about 15 years. This is under the sponsorship of the church. They have a Board of Directors who will answer directly to the church Board.

There was no one to speak in favor of the application.

Mr. Lee Stokely, 7244 Roosevelt Avenue, spoke in opposition to the application. He stated that he also had a letter of opposition from the Tyler Park Citizens Association. He stated that he objected to this commercial operation in this residential neighborhood. He asked that the Board deny this application or delay the decision until more of the nearby residents can be made aware of the application. He stated that traffic in this area is a bad problem as the streets are very narrow and cars must park on the street.

Mr. Smith stated that there could be no parking on the street for this use. The children would have to be dropped off on the church property.

Mr. Stokely stated that he lives directly across from the church. Mrs. Sickles lives in Annandale and would not be subjected to all this traffic in front of her house.

Mr. Smith and Mr. Barnes stated that they felt this is a good use of a church building during the week when it otherwise would not be used.

Mr. Mitchell stated that there is a provision where a church may have a church school without getting a Special Use Permit from this Board. It can be allowed by the Zoning Administrator as long as the school has no more than 60 children and meets certain other criteria.

Mr. Wayne Winefield, 2944 Irvington Road, Falls Church, Pastor of the Church, stated in answer to one of Mr. Stokely's questions that he knows of no plan that the church has to try to purchase the park land contiguous to the church property.

Mr. Leone, 2945 Irvington Road, spoke in opposition to the application. He stated that the traffic is the main objection that he has. There are three entrances coming into the Tyler Park community and all traffic must go by this church.

Mrs. Leone also spoke in opposition because of the traffic hazard that would affect the safety of their two children. She stated that the citizens association really didn't have time to get a Petition together against this application to show the Board just how many of the people in the community are against it.

Mrs. Sickles stated in rebuttal that they would encourage carpools which would help the traffic problem. Most parents in this area work so they would be going out in the morning taking their children somewhere anyway. They hope to provide a needed service to the community. They could design more parking if they need it.

In answer to Mr. Runyon's question, Mrs. Sickles stated that they do not know how many of the children would come from this neighborhood. They have had several calls from parents in the neighborhood inquiring if they do have a Kindergarten. The former Pastor's wife cared for a number of children in her home, therefore, the church felt there was a need. They do have a few members from this neighborhood.

In answer to Mr. Smith's question, she stated they could operate with a total of 60 children for the first year or so.

Mr. Smith stated that he felt they could do this by right without a Special Use Permit.

Mrs. Sickles stated that they have conferred with Mrs. Bateman from the Health Department many times and Mrs. Bateman feels that they should have a Special Use Permit and that they could not get a Health Department Permit until the Special Use Permit was obtained.

The Staff Report stated that a number of parking spaces in the existing parking lot are non-conforming as to the specific requirement for setback of parking spaces for all Group VI uses. The general requirement as to access for the use proposed, subject to modification by the BZA, indicates as a guideline that for 100 children access should be via a Collector street, and although the street classifications are not clearly defined in the Comprehensive Plan for Jefferson Planning District, Roosevelt Avenue and Irvington Road would be presumed to be in the lower classification of Local Thoroughfare. Otherwise, this application meets the specific and general requirements of the Ordinance for the use proposed.

Mr. Barnes stated that he felt this should be deferred until the Board could take a look at this property. He stated that this location is a problem since they do not have sidewalks, have narrow streets and the houses do not have driveways. He made this his motion.

Mr. Runyon stated that he has looked at this property and the streets are very locally oriented. He stated that by looking at this area, you can see that it is really going to be difficult for people to easily get to and from this property. There is a Graham Road Methodist Church which would be ideal for this type school or child care center. He stated that he felt the Board should take a look at this location and drive around the block a couple of times to understand the problem.

Mr. Smith stated that some of the people who live in this community have been there a long time, but the church does have the right for some use of the building.

Mr. Baker seconded Mr. Barnes' motion.

The motion passed unanimously. This is for decision only.
Mr. Smith noted that there is a letter from Mrs. Helen Smith in opposition in the file. She is Chairman of the Tyler Park Citizens Association.

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11:10 - GLENN E. & ROSE K. EICKENHORST, application under Section 30-6.6 of Ordinance to permit addition to garage closer to side lot line than allowed by Ordinance, 7924 Frye Road, 101-1((5))(19)16, Mt. Vernon Valley Subdivision, (11,335 square feet), Lee District (R-12.5), V-109-74

Mrs.Eickenhorst presented the case to the Board.

Notices to property owners were in order. The contiguous owners were Carlos Shaner, 7926 Frye Road and Mr. and Mrs. K. Guard,7925 Fitzroy Street.

Mrs. Eickenhorst stated that they decided to enlarge their driveway with the intention of adding a garage to their existing house and when they called the County to see how close they could come, they were told that they had to have 12 feet on one side and 8 feet on the other. After they dug all the footers, she recalled the County and was told that it had to

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be 12 feet on each side. There is a new housing development directly in the back of their house and the new houses have different zoning restrictions. One of the new houses in the rear of their house and whose property line joins theirs, has the maximum distance of 8 feet.

Mr. Mitchell explained that the zoning is different in that section. It is Cluster zoning.

Mrs. Eickenhorst stated that they have owned the property for two years and plan to continue to live there.

Mr. Smith asked if they could not build a garage and meet the side line restriction of 12 feet.

She stated that they were given the wrong information by the County and they feel that a small garage would not do that much good. The footings have been dug. She did not have the names of the people in the County who gave her the misinformation.

Mrs. Loder, 7922 Frye Road, next door to the subject property, spoke in opposition to this application. A letter was in the file from her husband which she read.

There was no one to speak in favor of the application.

Mr. Barnes stated that he would say move the footings and comply with the 12 feet. He stated that the Board of Zoning Appeals could not do anything about the misinformation. The Board has an Ordinance to live by also and she has not presented a good case for a variance under the hardship section of the Ordinance.

Mr. Smith stated that if they had requested a building permit, they would have found out that the setback was 12 feet.

Mr. Runyon stated that he did not feel the neighbor's complaint about the drainage or the ventilation speaks to the Ordinance either, but the Board's problem as Mr. Barnes stated is having to justify the hardship and in this case, the Board can't justify it and neither has the applicant.

In application No. V-109-74, application by Glenn E. and Rose K. Eickenhorst under Section 30-6.6 of the Zoning Ordinance, to permit addition to garage with side yard variance of 3.7 feet, on property located at 7924 Frye Road, also known as tax map 101-1((5))(19)16, County of Fairfax, Virginia, Mr. Runyon 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 September 18, 1974, 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 11,335 square feet.

AND, WHEREAS, The Board has reached the following conclusions of law:
1. That the applicant has not satisfied the Board that the 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 denied.

Mr. Barnes seconded the motion and the motion passed 4 to 0. Mr. Kelley was absent.

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11:20 - OAKTON LIMITED PARTNERSHIP, LANDOWNER, AND THE NATIONAL BANK OF FAIRFAX, Lessee, application for variance of hardship under Section 30-6.6 and 30-16.8.3 to permit sign at 2928 Chain Bridge Road, for The National Bank of Fairfax, 47-2((1))99 (1.3603 acres) Centreville District (C-OL), V-129-74

Mr. Tom Lawson, attorney for the applicant, represented the applicant before the Board.

Mr. Lawson stated that Mr. Kelley is not present today and he would ask in view of that that this meeting be postponed until the next meeting of the Board and the reason is, Mr. Kelley had evidenced some concern and interest in this particular case and he stated that he felt this is a serious and important case to his client and in view of that, he felt the case should be heard by the entire Board.

Mr. Smith stated that it would probably be the first of October before the Board could reschedule it.

Notices to property owners were in order. The contiguous owners were Appalachian Outfitters, Inc., 2938 Chain Bridge Road, Oakton and Paul J. and Helen R. Lettieri, 9504 Wallingford Drive, Burke, Virginia.

Mr. Smith inquired if there was anyone else in the room interested in this case. There was no one.

Mr. Baker moved that the request for deferral be granted.

Mr. Barnes seconded the motion.

The motion passed unanimously with the members present. The date for deferral was set for October 9, 1974. Mr. Smith stated that no new notification would be required.

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11:40 - INTERNATIONAL TOWN AND COUNTRY CLUB, INC., application under Section 30-7.2.6.1.1 of the Ordinance to permit addition of 4 tennis courts and 2 storage buildings to existing club facility, 13200 Lee Jackson Highway, 45-1((1))106, (240.87 acres), Centreville District (RE-1) S-100-74.

The portion of the case involving the tennis courts had been deferred from July for proper notices. In the meantime, the applicants filed a new application requesting the storage buildings. These two requests were then readvertised and scheduled together.

Mr. Robert Kohlhaas, attorney for the applicant, with offices on East Broad Street in Falls Church, represented the applicant before the Board.

Notices to property owners were in order. The contiguous property owners were Chantilly Farms Limited Partnership, 10604 Warwick Avenue, Fairfax, and Rollin Morris, P. O. Box 4, Chantilly, Virginia.

Mr. Kohlhaas stated that neither the tennis courts nor the storage buildings would change the membership or the need for additional parking spaces. The total membership is 530 golf members and a total overall membership of 875.

Mr. Barnes stated that he had been by this facility a number of times and had seen the tennis courts.

Mr. Smith stated that then he assumed that the tennis courts are now there.

Mr. Kohlhaas stated that they are there.

Mr. Smith inquired if the buildings were also there.

Mr. Kohlhaas stated that they were not.

In answer to Mr. Smith's question, Mr. Kohlhaas stated that one of the buildings will be metal and the other one will be cinderblock to match the golf cart equipment shed that is now there. The equipment shed is already on the premises over near a house that is a historical site and that is one of the reasons they want to move it, to get it away from the historical site. The old house is now being used by the greens keeper so he can be on the site to keep an eye on the property.

Mr. Smith stated that the applicant has not complied with the original permit as to the spaces for parking.

Mr. Kohlhaas stated that there are actually 200 parking spaces. There was an error in the plans, but new plans have been substituted which show the additional nine parking spaces. They are around the drive in front of the building.

Mr. Lenn Koneczny stated that there are no parking spaces in the front of the building to his knowledge. There are a couple of parking slots that say "reserved parking".

Mr. Kohlhaas stated that these are reserved for members of the Board where they don't want general parking. They also have some general parking spaces near the tennis courts.

Mr. Barnes stated that there is certainly plenty of room to add more spaces if need be.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application No. S-100-74, application by International Town and Country Club under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit addition of four tennis courts and 2 storage buildings, on property located at 13200 Lee Jackson Highway, also known as tax map 45-1((1))106, County of Fairfax, Mr. Runyon 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 September, 1974.

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 RE0.1.
3. That the area of the lot is 240.87 acres.
4. That the site is presently operating under SUP # S-675-67.

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

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 on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. All other provisions of the existing Special Use Permit shall remain in effect.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Kelley was absent.

Mr. Kohlhaas thanked the Board for its kind indulgence in the problems that occurred prior to this hearing.

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12:00 - PARKMONT JUNIOR HIGH SCHOOL, application under Section 30-7.2.6.1.3.2 of the Ordinance to permit school of general education for 60 students, 1670 Chain Bridge Road, 30-3((1))54 and 55, Dranesville District (4.00018 acres), (R-12.5), S-135-74

Mr. Steven S. Boynkin, member of the Board of Directors, represented the applicant before the Board.

Notices to property owners were in order. The contiguous property owners were Henry T. Magarity, 1676 Chain Bridge Road and Alex Dean, 1457 Wasp Lane, and Mr. Morsavi, 1678 Chain Bridge Road.

Mr. Boynkin stated that for the past two years they have been renting Marymount College in Arlington. They no longer can use this facility and had found what they felt would be a suitable location and had scheduled a hearing before this Board; however, that facility in Annandale burned due to arson and the school had to be demolished. This location is in McLean.

Their school has no night ime activities. The transportation is by carpools, by public transportation, or by their parents dropping them off. The school will provide no bus service at this time. The school hours are from 9:00 a.m. to 3:00 p.m. They have no plans for expansion of the facility since this old house will serve their needs.

Mr. Boynkin stated that a meeting was held at the Lewinsville School to answer any questions the neighbors might have about their school and explain the purpose of the school. He read a letter written by the President of the Lewinsville Citizens Association addressed to the Board in support of this application.

Beverly White, 7380 Eldorado,spoke in support of the application.

Mr. Spurgeon one of the contiguous property owners spoke in opposition to the application.

Mrs. Dorry, 1502 Wasp Lane, spoke in opposition to the application.

Mr. Boynkin then spoke in rebuttal to the opposition. He stated that there should be no noise from this school. The playing fields are far removed from the adjacent houses. Mr. Morsavi was present earlier and authorized him to say for him that he was in favor of this application. As to the statement of Mr. Spurgeon that this school would expand like Evans Farm Inn has, they have stated earlier that they have no plans for expansion. This school works because it is small. They are not interested in a growth pattern. They have 60 students now and plan to stay at 60. This is a non-profit school.

In answer to Mr. Smith's question, Mr. Boynkin stated that they are aware of the inspection report and the work that needs to be done and they will start this afternoon if this Special Use Permit is granted. They are now in operation but have a mobil classroom program where the teacher takes the children to various government activities throughout the Metropolitan area. They have one of the classes present in the Board Room today.

There was no one else to speak either in favor or in opposition to this application.

In application No. S-135-74, application by Parkmont Junior High School under Section 30-7.2.6.1.3.2 of the Zoning Ordinance, to permit school of general education for 60 students, on property located at 1670 Chain Bridge Road, also known as tax map 30-3((1))54 & 55, County of Fairfax, Mr. Runyon 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 September, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Warren R. Birge, Jr., W. C. Thomas and P. Ray McInnis.
2. That the present zoning is R-12.5
3. That the area of the lot is 4.00018 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 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 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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Hours of operation are from 9:00 a.m. to 3:00 p.m., Monday through Friday during the school months.
7. The number of students shall not exceed 55 with ages from 11 to 15.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Kelley was absent.

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DEFERRED CASES:

SHOW-CAUSE HEARING, SHELL OIL COMPANY, 6136 Franconia Road -- inadvertently put in the printed Agenda. Should be in the Agenda for September 25, 1974.

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HELEN R. CARLSON, application under Section 30-7.2.6.1.8 of the Ordinance to permit nursing facility in existing single family dwelling, 7804 Lee Avenue, 102-2((17))106, Wellington Section 2 (42,797 square feet) Mt. Vernon District (RE-0.5) S-87-74 (Deferred from 7-24-74 for further study)

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Mr. Smith read a letter from the attorney representing the applicant requesting that this case be withdrawn.

Mr. Barnes moved that the case be withdrawn.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Kelley absent.

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FITZGERALD KNIGHTS OF COLUMBUS HOME ASSOCIATION, INC. OF ALEXANDRIA, V-84-74 to permit waiver of paved parking lot requirement.

This case had been deferred from 7-24-74 and again 8-2-74 to allow applicants to get their inspections finalized prior to getting a Non-Residential Use Permit.

Now, the County Arborist has made suggestions as to how they can put in the parking lot to save as many trees as possible. They have to revise their plats to show this change in conformity with the County Arborist's suggestions.

The Board deferred this case until October 30, 1974 for final decision and reports.

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PLEASANT VALLEY MEMORIAL PARK, INC., application No. S-103-74 to permit addition to existing mausoleum. Case heard September 11, 1974 and deferred for new plats showing the fencing around the property.

The new plats had been received and were in order.

In application No. S-103-74, application by Pleasant Valley Memorial Park, Inc., under Section 30-7.2.3.1.1 of the Zoning Ordinance, to permit addition to existing mausoleum on property located at 8420 Little River Turnpike, also known as tax map 59-3((1))17, County of Fairfax, Mr. Runyon 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 September, 1974 and deferred until September 18, 1974 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 the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 10.64 acres.
4. That compliance with the site plan ordinance is required.
5. That the applicant is presently operating under SUP # S-33-71.

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

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

PLEASANT VALLEY MEMORIAL PARK, INC. (continued)

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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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes other than minor engineering details without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Kelley absent.

AFTER AGENDA ITEMS

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BERNARD C. COX, S-182-73, SUP for riding stables and boarding horses.

Mr. Smith read a report from the Zoning Inspector regarding this location.

The Board deferred this case until September 25, 1974 for the Zoning Inspector, Mr. Atlee, to be present.

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THOMAS J. PETTIN, V-160-73, variance to permit swimming pool closer to rear property line than allowed; Granted September 26, 1973.

Mr. Smith read a letter from Mr. Pettin who said that he was supposed to have been transferred and therefore did not begin building the pool. However, he was not transferred and wished to have a 6 month extension.

Mr. Barnes moved that the request be granted. Mr. Baker seconded the motion and the motion passed 4 to 0. Mr. Kelley was absent.

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Mr. Baker moved that the minutes of August 1, 1974 be approved as corrected.

Mr. Runyon seconded the motion. The motion passed 4 to 0. Mr. Kelley was absent.

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The meeting adjourned at 1:30 P.M. without breaking for lunch.

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By Jane C. Kelsey, Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED October 30, 1974
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, September 25, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Joseph Baker, George Barnes and Charles Runyon. Mr. Harvey Mitchell was present from the Staff.

Mr. Barnes opened the meeting with a prayer.

10:00 - CURTIS M. WINAR, application under Section 30-6.6 of the Zoning Ordinance to permit erection of room addition closer to side property line than allowed by the Ordinance, (11.5 feet from side line; 8.5 feet variance), 7933 Bolling Drive, Tauxemont Subd., 102-2((10)) 44, (20,036 square feet), Mt. Vernon District (RE-0.5), V-111-74

Mr. Winar represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Robert C. Watson, 7937 Bolling Drive, Alexandria and Walter Wallace, 7931 Bolling Drive, Alexandria.

All of the notices contained a statement from the property owners nearby that they had no objection to this variance being granted.

The Staff Report indicated that the existing house is non-conforming as to the side yard requirement and the Staff could find no building permit for its original construction, which appears to have taken place in 1949 when the side yard setback requirement was still 20 feet.

Mr. Wallace Winar stated that the reason he needs this variance is because the lot is very narrow and the location of the house on that lot is irregular to the shape of the lot. This proposed addition is right off the kitchen area and they are proposing to use this addition for a family room and laundry. He purchased the house in 1972. He stated that they do plan to continue to live here and this is for the use of his own family and not for resale purposes.

Mr. Runyon inquired if any of the other houses adjoining this house has an addition.

Mr. Winar stated that several of the houses have added additions added on as most of these houses are small with 1100 square feet or less of floor space. Most of the houses had septic fields but now they are on County sewer.

There was no one to speak in favor or in opposition.

RESOLUTION

In application No. V-111-74, application by Curtis M. Winar, under Section 30-6.6 of the Zoning Ordinance, to permit erection of room addition closer to side property line than allowed by the Ordinance on property located at 7933 Bolling Drive, Tauxemont Subdivision, also known as tax map 102-2((10)) 44, Mt. Vernon District, 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 25th day of September, 1974, and

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

1. That the owner of the subject property is Curtis M. and Barbara J. Winar.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 20,036 square feet.
4. That the request is for a variance of 8.5 feet to the requirement of the Zoning Ordinance.

5. That the existing house is non-conforming as to the side yard requirement.

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,
   (b) unusual location of existing building on 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.
3. Architecture and materials to be used in proposed addition 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 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 4 to 0. Mr. Runyon had not yet arrived at the meeting.

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10:20 - BONNIE M. GRAFFEO, S-115-74 -- This case was recessed until the last case in the day as there was no one present to present the case.

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10:40 - GRACE LUTHERAN CHURCH, application under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of a three classroom addition, 3233 Annandale Road, 50-2((6))8, Hickory Hall Estates, (5 acres), Mason District (RE-0.5), S-116-74

Rev. Beckmann, 7401 Masonville Drive, Annandale, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Joseph Jeffrey, 3218 Beech Tree Lane and Gerald Gray, 3305 Rose Lane, Falls Church.

The Staff Report stated that approval of this application would bring the entire church property under Special use permit as a church,and it is noted that 17 parking spaces in the existing parking lot are non-conforming as to the specific requirement for all Group VI Uses as to setback of parking spaces. The addition proposed is intended for use by the school of general education, which is operated at this location under pecial se ermit (S-102-73) granted June 27, 1973, as well as for use by the church and Sunday School. Approval of this application would therefore have the effect of amending the existing special use permit for the school and there will be two separate permits on the same property.

Rev. Beckmann stated that the Sunday School classes, church meetings and social gatherings and the day school are now held in the church basement which is inadequate in size.

Mr. Douglas Leigh, Zoning Inspector, stated that the school has not received its Non-Residential Use Permit as yet.

The Board asked Mr. Jenkinson, Chairman of the Building Committee, home address - 9803 Havelin Court, Fairfax, why they they have not received their Non-Residential Use Permit.

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GRACE LUTHERAN CHURCH (continued)

Mr. Jenkinson stated that they had the inspection by the Plumbing Department which was the only inspection lacking, but the Plumbing Inspector failed to initial the papers, therefore, the Zoning Office had no record of it and could not issue the Non-Residential Use Permit. He stated that he talked with that Office and the Plumbing Office and thought they had everything straightened out.

Mr. Smith asked Mr. Jenkinson and Mr. Leigh to go check to see if they could straighten things out, as this is a technical violation even though all the inspections have been signed off on.

In answer to Mr. Smith's question, Rev. Beckman stated that this addition will be 87'x54' and a lot of that is covered walkway. The inside space is 30'x87'. This will be a one story building of brick construction to match as closely as possible to the existing building. They do not plan to increase the membership of the church or the number of students in the day care program.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application No. S-116-74, application by the Grace Evangelical Lutheran Church under Section 30-7.2.6.1.11 of the Zoning Ordinance, to permit construction of a three classroom addition on property located at 3233 Annandale Road, Hickory Hall Estates, also known as tax map 60-2((6))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 25th day of September, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Evangelical Lutheran Church.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 5.0 acres.
4. That compliance with Site Plan Ordinance is required.
5. That the proposed addition is intended for use by the school of general education, which is operated at this location under SUP #S-102-73, granted June 27, 1973, as well as for use by the church and Sunday School.
6. There will be no increase in membership or number of children in the school.
7. 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 R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.

4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of opration of the permitted use.
6. All landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of students shall be 60, ages 4 to 10 years.
8. The hours of operation shall be 9:00 a.m. to 3:00 p.m., five days per week, Monday through Friday.
9. The operation shall be subject to compliance with the inspection report, the requirements of the Fairfax County Health Department, the State Department of Welfare and Institutions, and obtaining a Non-Residential Use Permit.
10. The on-site dispersion of children shall be necessary.

Mr. Barnes seconded the motion.

The motion passed unanimously with all members present.

// Mr. Smith stated that he wanted to be sure that the question on the existing Non-Residential Use Permit is cleared up prior to the applicant receiving this Special Use Permit. He asked that the applicant let the Board know later in the day the results of the check that the Zoning Inspector and Mr. Jenkinson are doing.

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11:00 - BOB K. PETERSON, appl. under Section 30-6.6 of Ordinance to permit construction of cover over existing patio slab closer to rear lot line than allowed by Ordinance, (16.7' from rear lot line; 8.3' variance), 8433 Pulley Court, 70-1((22))20A, Wakefield Chapel Woods Section II, (15,099 sq. ft.), Annandale District, (R-17), V-117-74

Mr. Peterson represented himself before the Board.

Notices to property owners were in order. The contiguous owners were David Pinney, 8460 Tollhouse Road and Michael Callaghan, 8441 Pulley Court.

Mr. Peterson gave the reason for needing the variance as his lot is the only lot that does not get shade over his patio. In answer to Mr. Kelley's question, he stated that it was that way when he purchased the property. He stated that none of the neighbors objected to his plans and he had discussed it with them. This cover will be aluminum. It is not enclosed and is attached to the back of the house. He stated that his lot was subdivided in 1973 which cut off a little bit of the size of the lot. That is why the lot is called 20A now.

Mr. Mitchell stated that the Staff had discussed whether this roof constitutes a canopy which would be allowed to extend into the rear lot, but a roof over it makes it a porch and therefore cannot extend into the required setback.

Mr. Smith stated that the fact that this is a new subdivision gives him some concern. He stated that he felt the Board of Supervisors should begin to think about allowing extensions such as this into the rear yard. as they do in side yards. The irregular shape of the lot is a hardship, but just to shade yourself is not. The placement of the house on the lot is also considered a hardship under the Ordinance.

Mr. Kelley stated that he felt if the Board grants this variance, there will be a lot more requests for this same type thing in this area.

Mr. Peterson stated that the neighbor has sufficient land to cover his patio without needing a variance.

There was no one to speak in favor or in opposition to this application.

BOB K. PETERSEN (continued)

In application No. V-117-74, application by Bob K. Peterson, under Section 30-6.6 of the Zoning Ordinance, to permit construction of cover over existing patio slab on property located at 8433 Pulley Court, also known as tax map 70-1((22))20A, County of Fairfax, Virginia, Mr. Runyon 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 25th day of September, 1974; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Bob K. and Marilyn M. Peterson.
2. That the present zoning is R-17.
3. That the area of the lot is 15,099 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,

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. Architectural detail shall conform to that of the existing structure.

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, residential use permits and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed unanimously with all members present.

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11:10 - JAMES M. ROLLINS, application under Section 30-6.6 of Ord. to permit construction of family room addition closer to rear lot line than allowed by Ordinance (15.7' from rear lot line) and to permit construction of garage closer to side property line than allowed by Ordinance (2.2' from side property line), 13602 Bentree Court, tax map 44-2((3))82, Brookfield Section 1, (10,700 square feet), Centreville District (R-12Cluster), V-118-74

Mr. James Rollins represented himself before the Board.

Notices to property owners were in order. The contiguous property owners were Mr. Willis, 13600 Bentree Court and Jack McCue, 13604 Bentree Court, Chantilly, Virginia.

Mr. Rollins gave as his justification for this variance the unusual shape of the lot. The lot is pie shaped. He stated that he had owned the property for five years and plans to continue to live there.

Mr. Barnes stated that it seems like an awful lot of building on such a small lot.

Mr. Kelley stated that if the neighbor wished to build onto his house there would not be much room between the two houses.

Mr. Smith inquired if he could cut the addition down to 16'. He then would only have to have a 2' variance on the front and none on the rear. He stated that back in the other corner there was plenty of room.

Mr. Kelley stated that he certainly could not support the application as it is now.

Mr. Smith stated that it looked like the lot coverage is greater than is allowed under the Ordinance.

Mrs. John McCue, 13604 Bentree Court, spoke in favor of the application. She stated that they hope to build a garage on the opposite side of their house, but they will not need a variance.

There was no one else to speak in favor and no one to speak in opposition.

Mr. Kelley moved that the case be deferred to allow the applicant to bring in new plats showing 4' off the proposed family room and 4' off the side of the garage.

Mr. Barnes seconded the motion.

The motion passed unanimously with all members present.

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11:20 - CAROL AND DAVE COMPTON, application under Section 30-7.2.8.1.1 of the Zoning Ordinance to permit kennel, 8830 Lake Hill Drive, 106-1 ((3))12, Lake Hills Subd., (3.0428 acres), Springfield District, (RE-1), S-119-74

Mr. Compton testified before the Board.

Notices to property owners were in order. The contiguous owners were Mr. Wood, 8826 Lakehill Drive, Manning Roundtree, 8814 Ox Road, Lorton.

Mr. Compton stated that this will not be a boarding kennel as no dogs will be left there overnight. The main thing they will do is breeding. There will be no signs or commercial advertising on the property. The dogs are not noisy. Their customers have been customers since 1968. They expect to have from 5 to 10 customers per day. The dogs will be carried into the house or will be on a leash. When they do exercise the dogs, it will be done individually, therefore, there will only be one dog outside at any one time. The runs they will have for their own dogs and will be constructed so as not to detract from the beauty of the property. At such time as the house is sold, they are aware that the Special Use Permit does not run with the land, therefore, they will take the runs out. They have a list of people who have recommended that this application be granted. These are their customers, business associates, humane society and others who are interested in this type work. He stated that he felt he and his wife are very qualified for this type work as it has been their business for 10 to 12 years. They are now located on Richmond Highway in a commercial shopping center. This is their residence and they have lived here for two years. They specialize in Lhasa Apsos dogs which are very small dogs. These dogs do not bark as they are trained.

Mr. Donald Betea, 8807 Lakehill Drive, spoke in opposition stating that there were covenants of the subdivision that prohibited this type of a commercial venture in this subdivision.

Mr. Charles Wayne, 8822 Lakehill Drive, Lot 14, spoke in opposition stating that the reasons for his opposition is the covenants that prohibit this and the traffic that will be increased in his opinion.

Mr. Andrew Gonda, Lot 18, Lakehill Subdivision, spoke in opposition complaining that Mr. Compton had complained about his dog barking in the past.

There were 9 people in the room objecting to this application.

Another person from Lot 9 spoke in opposition stating that the only concern they have is will there be limitations written into the permit that would assure them that there would be a set number of dogs, a certain limit to the hours of operation, etc.

Mr. Smith answered that there would be such limitations if the Permit were granted.

Mr. Compton spoke in rebuttal to the opposition. In answer to Mr. Smith's question, he stated that he was not aware of the covenants. He stated that he knew they were zoned RE-1, which allows kennels with a Special Use Permit. He stated that his dogs do not make noise and this use would not generate hazardous traffic.

RESOLUTION

In application No. S-119-74, application by Carol and Dave Compton under Section 30-7.2.8.1.1 of the Zoning Ordinance to permit kennel on property located at 8830 Lake Hill Drive, also known as tax map 106-1((3))12, County of Fairfax, Mr. Runyon 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 bylaws 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 September, 1974.

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 3.0428 acres.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has not presented adequate 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

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 with all members present.

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11:40 - CARDINAL COMMUNITY CENTER, INC., application under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit community, civic and cultural center, 8209 Mt. Vernon Hwy., 101-4((1))27 & 27A (2.66 acres), Mt. Vernon District (R-12.5), S-120-74

This hearing began at 12:30 P.M.

Mr. Paul Morrison, 3809 Laurel Road represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Dorothy Allan, 8205 Mount Vernon Highway, on the north edge of the subject property and Mr. O'Brian on the south edge of the property. However, the O'Brian letter was forwarded to the Sanfords who are the new owners of that property. Another contiguous owner was Richard Lee Locklear, 706 Colgate Drive who owns the vacant lot to the rear of the property.

Mr. Morrison stated that the proposed use will be a community center and will be available to all organizations in the community as a civic center for Boy Scouts or anybody who needs a meeting hall facility. It will also be used by four Lions Clubs. It will be available for a nominal fee for these community functions. It will be a janitoral fee. This facility will be developed by these four Lions Clubs for community use. In order to continue the Lions' work, this facility will be advantageous as a fund raising center as well as community uses on a year around basis.

Mr. Morrison stated that the architectural design will be the same as the Masonic Lodge had approved by this Board with some modifications. They will not use cinderblock unless it is covered with stucco. The Mt. Vernon Masonic Lodge which had a Special Use Permit never did develop this property.

Mr. Baker stated that they did not develop the property as they got control of the old fire department building.

Mr. Kelley stated that it had been a long time since the Board granted the Masonic Lodge and this is a new application and must be considered as a new application. Therefore, he would like to see a rendering of this building to see just what the Board is considering and he was sure the people who live around the property who like to see what it will look like also.

Mr. Morrison stated that the building plans as well as the site plan have expired. The Lions Club is a non profit organization and they have tried to develop this as inexpensively as possible, therefore, the rendering has not been done at this point.

Mr. Kelley stated that he still wanted to know what the Board is asked to approve.

Mr. Smith asked Mr. Mitchell if this application meets the definition of community use under this section of the ordinance, or if he had done any research on this question.
Mr. Mitchell stated that he had done no research specifically, but it appears to meet the definition of the Ordinance.

Mr. Morrison stated that the membership in the Lodge will be approximately 125. These four Lions Clubs will not be meeting at the same time. Each Club meets twice a month. This would only be a secondary use of this facility. The prime use will be a community use for the area.

Mr. Smith stated that he questioned whether or not the 85 parking spaces would be sufficient. He asked Mr. Morrison if they plan to lease the property for concerts or dancing.

Mr. Morrison stated that there would be no outside commercial uses of this building. There will be fund raising activities such as auctions. There is usually an annual dance.

Mr. Jim Coffee, 2909 Breezy Terrace, spoke in favor of the application. He stated that he is past president of one of the Lions Clubs. He went into the details of why the Mason Lodge did not develop this property.

Mr. Robert A. Sweatt, 8401 Cherry Vale Lane, Riverside Estates, spoke in opposition to this application. He stated that he is President of the Riverside Citizens Association and is also a member of the Mount Vernon Counsel of Civic Associations. He stated that this area is an area of great controversy. This type of building in this community does not fit in with the residential community. He stated that they did not know about this hearing in time to call a meeting of the Citizens Association. He requested the Board defer this case until all the people who will be affected have an opportunity to get together and find out what this is all about. He questioned the financing of this project.

Mr. Smith stated that this Board does not go into the proposed method of financing.

Mr. Sweatt stated that he felt this operation is a commercial venture in disguise. He stated that there is no requirement in that neighborhood or community for this type use as they have three different schools for community meetings.

Mr. Sweatt stated that he felt a great amount of consideration should be given to the traffic that will be generated by this operation.

Mr. Kenneth Gibson, 3401 Ayers Drive, spoke in objection stating that he felt the way the other two gentlemen who spoke in objection felt about this use in their neighborhood. He submitted a Petition with 49 signatures in objection to this application. He stated that he was present at a meeting at Mr. Allen's house where Mr. Morrison said that this building would be for use for anyone who wanted to pay a fee to use it. All 49 people who signed this Petition live in this neighborhood and will be affected adversely by this building proposal. There is no need for it in this community as they have three schools for their community activities.

Mr. Smith stated that the Lions Clubs perhaps are not able to use the schools for their meetings.

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Mr. Gibson stated that they are not objecting to the Lions Clubs but they do not have any control over who they are going to lease it to.

Mr. Smith inquired if there was anyone in the community in the Lions Club.

Mr. Gibson stated that he had not found any, but he did find a couple of Masons who signed the Petition against the proposed use.

Mrs. Fouse, Mount Vernon Manor Civic Association, off of Old Mill Road, spoke in opposition. She stated that their children attend the elementary and high school located within a block of this proposed building. She questioned who would hold title to the property as she understood that the Lions Club could not hold title to property and still be non-profit. She stated that she wished to express the same objection as the other speakers. She stated that she too has a lot of doubt as to who will use this building and for what purpose. She stated that the traffic on 235 is quite heavy now and she did not feel this use would help it, but would cause it to become more hazardous.

Mr. Elroy Allen, 8205 Mount Vernon Highway, next door to the subject property, stated that they have lived at this location for 18 years and Mrs. Ayers who originally owned this property was his mother-in-law. He stated that she would never have sold it to this corporation. She sold it to the Masons for a Lodge. The Masons have none of these activities. The men who have this Corporation are real estate men.

Mr. Pilkinton, 9040 Laurel Road, Woodland Hills Subdivision, spoke in opposition to this application

The Board recessed the hearing until after lunch. The hearing recessed at 1:15 and returned at 2:15 to continued the hearing.

A lady Mrs. Roger Sanford who lives directly behind this property at 8221 Mt. Vernon Highway spoke in opposition. She stated that when they have auctions, it will be almost in her yard. The cars will have to park on Mt. Vernon Highway as she felt 85 parking spaces would not be enough to accomodate all the cars when they have a function such as an auction or a dance.

Another person who lives at 3183 Woodland spoke in opposition because of the increase in traffic that would be generated with this use.

Mr. Morrison then spoke in rebuttal. He stated that the building is not designed to pay for itself and they would only charge a fee for janitorial services. The meetings that will be held will begin around 7:00 p.m. and usually end about 9:00 p.m.

Mr. Smith inquired if the building would ever be used earlier than 9:00 a.m.

Mr. Morrison stated that he was not in a position to answer that.

Mr. Smith stated that this is something the Board would have to know before they could consider granting a Special Use Permit.

Mr. Smith inquired if they could reduce this building to a one-story structure.

Mr. Morrison stated that they need 2 stories as they need a space for storage for these auctions that they have. The smaller meeting halls will be on the lower level and the main meeting hall on the upper level.

Mr. Barnes suggested that this case be deferred for a month.

Mr. Runyon moved that this case be deferred until October 16 for the people to get together and work out the differences and see what they can come up with to the advantage of both sides. Mr. Morrison and his group should get together with the neighbors and explain what is going on. They have met the criteria before when this same type use was granted to the Masons, but in this particular case the Board can limit the activities to a certain extent to assure the neighborhood of what uses can be made of the building, if the Board wants to be that drastic, so that it will not be something that will destroy the neighborhood.

Mr. Barnes seconded the motion and the motion passed unanimously with all members present.

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12:00 - CHARLES F. SCHEIDER, app. under Sec. 30-6.6 of Ord. to permit variance of front setback for proposed lots 1 through 9 from the required 50' to 30', north side of Rebel Drive, 59-2((1))49-A, (6.74 acres) Annandale District (RE-0.5), V-144-74 OTH

Mr. Smith explained that this is a rehearing of a variance that was previously granted by the Board and expired.

Notices to property owners were in order. The contiguous owners were William and Peter Chaconas, 3440 Gallows Road and Harold A. Kimbel, 7810 Rebel Drive.

Mr. Charles Johnson from the engineering firm of Runyon Associates, 152 Hillwood Avenue, represented the applicant before the Board.
Mr. Johnson stated that the request for the lesser setback is required because the property has a severe topographic problem from front to rear. If the variance is granted the lots can be better developed, utilizing the rear house wall to take up the elevation change while making better use of the lots. The lots will be under an extreme hardship if a variance is not granted. The variance that results will be no greater than that allowed if the property were developed under the alternate density option.

Mr. Smith stated that Mr. Robert Clark had appeared before the Board during the lunch break to give the Board a list of names of people who support this application. It contains most if not all of the people who live on Rebel Drive.

The Board amended the appliation to read "Charles and Sara Scheider"

There was no one to speak in opposition to this application. Mr, Clark who had been present to speak in favor had to leave but had left the Petition in favor with the Chairman.

RESOLUTION

In application No. V-144-74 OTH, application by Charles F. and Sara S. Scheider under Section 30-6.6 of the Zoning Ordinance, to permit variance of front setback for proposed lots 1 through 9 from required 50' to 30' on property located on the north side of Rebel Drive, Annandale District, also known as tax map 59-2((1))49A, 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 25th day of September, 1974, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Sara S. Scheider.

2. That the present zoning is RE-0.5.
3. That the area of the lot is 6.74 acres.
4. That on November 15, 1972, with a favorable recommendation from the Planning Commission, the BZA granted to Charles F. and Sara Scheider a variance of 20 feet to the 50 foot front setback requirement to allow construction of houses 30 feet from the front property line on property located on the north side of Rebel Drive in Shamrock Heights Subdivision, Annandale District.
5. In this application for the same variance on the same property, the applicant states that construction was not begun (and the earlier variance expired) since no plat could be recorded because of the sewer moratorium.

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:

SCHEIDER (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 permit shall expire unless renewed by action of this Board upon whichever of the following events shall last occur:
(a) Twelve months from this date.
(b) Three months after Fairfax County permits connections with the existing sewerage facilities thereon.
(c) Six months after Fairfax County permits a Site Plan to be filed thereon.

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, residential use permits and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Runyon abstained.

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DEFERRED CASES:

SHELL-OIL COMPANY -- SHOW-CAUSE HEARING, 6136 Franconia Road S-35-70

The amended application to allow Shell to move the pump islands because of the taking by VDH for the widening of Franconia Road had been received in the Zoning Office. The attorney for the applicant had to be in Court in Arlington today and could not be present. He asked that this case be deferred until a later date and if it still had to be heard in view of their amended application, that the case be heard at the same time as the amended application.

Mr. Baker moved that this case and the amended application for the changes be heard on November 13, 1974.

Mr. Kelley seconded the motion.

The motion passed unanimously.

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ALDERSGATE WESLEYAN CHURCH, application under Section 30-7.2.6.1.3 of the Ordinance to permit nursery school for maximum of 100 children, ages 2 to 6 with no more than 60 to remain longer than 4 hours daily, 7223 Roosevelt Avenue, 50-3((1))9, Tyler Park Subdivision (50,515 square feet), Providence District, (R-10), S-108-74 Deferred from September 18, 1974 for viewing by the Board members.

Mr. Runyon stated that he had looked at the property and he did not feel this is a good location for this school. The streets are very narrow and there is very little off-street parking available and there is not even a direct road to the church building from Graham Road. They can use the church by right now to a certain extent.

Mr. Smith stated that he did not feel they should be allowed to have 100 children but he felt they could have 60. The Board should take into consideration the need, he stated.

Mr. Barnes stated that there have been 15 additional letters sent in in opposition to this application. He also stated that he did not feel they should be allowed to have 100, maybe 60, but that is the maximum.

Mr. Smith stated that he thought the Zoning Administrator has been allowing up to 60 by right without a Special Use Permit in a church building.

Mr. Runyon stated that that was his thought also.

Mr. Smith asked the Board if they wanted to grant this on a one year basis.

Mr. Runyon stated that this is a little different situation as it is not like the building is on Graham Road or Arlington Boulevard. It is in the middle of a neighborhood that will not be served by this particular site.

Mr. Smith stated that the church is there and the members of the church live in the community.

RESOLUTION

In application No. S-108-74, application by Aldersgate Wesleyan Church under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit nursery school for maximum of 100 children, on property located at 7223 Roosevelt Avenue, also known as tax map 50-3((1))9, County of Fairfax, Mr. Runyon 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 September, 1974 and deferred to September 25, 1974 for decision.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Wesleyan Methodist Church
2. That the present zoning is R-10.
3. That the area of the lot is 50,515 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.

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

Mr. Baker seconded the motion. The motion passed 3 to 1.

Mr. Smith voted No. Mr. Kelley abstained as he was not present at the public hearing.

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LAKE BARCROFT RECREATION CENTER, INC., application under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit proposed changes in existing SUP, S-112-74 (Deferred from 9-11-74 for decision only and for new plats showing another access from Lakeview Drive)

LAKE BARCROFT RECREATION CENTER, INC., V-113-74

The Board reviewed the revised plats that Mr. Hobson had just submitted. and upon learning that Mr. Brown from the Belvedere Civic Association felt that he had not had a sufficient opportunity to review the plats, Mr. Smith stated that the Board had hoped that this would be for final decision only, but now he feels that the best procedure would be to reopen the case for five minutes only and give Mr. Brown an opportunity to speak since he has not had an opportunity to speak with either Mr. Runyon or Mr. Hobson on the new plats.

Mr. Brown stated that his name is Rufus Brown and his address is 6506 Oakwood Drive. He stated that they oppose the alternate access in every respect. He stated that first of all, at the last meeting the Chairman said that the engineering proposal was to be drawn up and he and his group were to have an opportunity to get together with Mr. Runyon and Mr. Hobson. They were not afforded this courtesy. They received nothing

in advance and at 11:30 a.m. yesterday he was called to meet with them; however, because of prior commitments and the last minute notice, he could not. Mr. Hobson dropped one of the three engineering proposals by his house last night. They looked at that and 15 minutes ago, they saw the remaining material.

He stated that despite the absence of the opportunity to discuss this, apparently nothing was lost. The main reason they oppose the alternate access is, it will not balance the traffic pattern created by both the Center and the Cloisters in any material respect.

Mr. Goodell showed pictures of the area where the alternate access would go. Mr. Brown stated that the alternate access before the Board is by design calculated to discourage traffic, whether or not it is exclusive traffic or alternative traffic, as the pictures will show, because the grade is very very steep. Even Mr. Hobson and Mr. Lecos at the last hearing stated that the proposal for an alternate access discussed by Mr. Runyon would not change the traffic pattern. The traffic would still use Recreation Lane unless the road is made exclusive.

Mr. Hobson, attorney for the applicant with offices on University Drive in Fairfax, stated that he did not think Mr. Brown's proposal is reasonable for all the reasons he has stated previously at the hearing before the Board. They do not want to build this alternative access either, but they have agreed to do it in the spirit of compromise. Their engineer has told them that the total cost of this alternative access as they have proposed will not exceed $10,000 to $15,000 with the location as they have specified and they propose a bond not to exceed $15,000. He stated that he would not appeal the action of the Board of Zoning Appeals if the Board approves this alternative access, if Mr. Brown does not appeal. If Mr. Brown does appeal, then they might take a cross appeal on the matter.

Mr. Smith stated that they will have to wait and see what the Board's position will be. He would have liked to see separate roadways to separate the uses. He agreed that it doesn't appear to be a compromise which really will accomplish something.

Mr. Runyon stated that he finds it difficult to deny anybody the use of Recreation Lane to serve this piece of landlocked property. It has been suggested that they could buy a lot and get access that way, but he did not think that is practical. Recreation Lane could serve them and this 22' road would also serve to balance the traffic. He stated that it seemed to him that it would be the primary access for anyone coming from Lake Barcroft. There was a lady who lived on the corner who said that if all the traffic came her way it would be cause for her to become an opposing faction to the Recreation Center.

Mr. Smith stated that it is up to the Board as to whether or not it wants to change its original position and approve this alternative access. He stated that he could not support the application unless it is exclusive access with separate roads for the two separate uses. He has no qualms about them developing the Cloisters, but the way it has been approached by the applicant has not been the most desirous. They should have been more open and frank. He said that this statement was not directed at Mr. Hobson as he has been very open and frank since he got into this. Before, the Board was not instructed as to what the intent of the applicant was and the Board was not made aware of what was going on.

Mr. Runyon reviewed the plans at some length and it was the Board's decision and Mr. Runyon moved that the case be further deferred until October 9, 1974 for final decision.

Mr. Smith stated that all of the discussion on that date will be at Board level unless some new development takes place.

Mr. Baker seconded the motion.

The motion passed unanimously with all members present.

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AFTER AGENDA ITEMS:

1. BERNARD C. COX, S-182-73, Special Use Permit permitting riding stable and boarding of horses, Granted November 14, 1974

The Board was in receipt of a memo from Zoning Inspector, John Atlee, requesting the Board for a determination of the Board's intent respecting the use of ride equipment to tow pony vans to and from Mr. Cox's property.

In his memo, he stated that on several occasions, the inspector observed a truck bearing ride equipment in use to tow a van containing ponies to and from the referenced property. Limitation #9 of the Special Use Permit states that "No storage or repair of vehicles or rides is permitted." Complainants state that the use of these vehicles violates at least the intent of the BZA in granting the permit.

In addition, Mr. Atlee stated that the Permit states that "The hours of operation shall be from 9:00 A.M. to 5:00 P.M., Monday through Friday." He asked if this limitation precludes employees from removing and returning animals outside of the stated operation time.

Mr. Atlee appeared before the Board to answer any questions the Board might have.

Mr. Smith stated that he didn't see that this is an infraction of the Use Permit as long as it is just a pickup and delivery. He could pick up the ponies and then go get the rides.

Mr. Runyon said that he comes from Baileys Crossroads and if he was going toward Fairfax or Centreville, it would be very inconvenient for him to do that.

Mr. Smith inquired if he got rid of the trucks parking behind the building.

Mr. Atlee stated that he had not been behind the building. He stated that another complaint has been that employees have been parking on the street. He stated that he has been at this location numerous times to try to determine whether or not there have been employees' cars on the street and he cannot determine that they are or are not. Mr. Cox says that he has a lot of friends visit. He does have adequate parking on the site. It would require constant surveillance to determine who the automobiles that are parking on the street belong to. They have tried checking the tags.

Mr. Barnes inquired about the hours of operation and asked what hours Mr. Cox is bringing the animals on and off the property.

Mr. Atlee stated that it varies, anywhere from 7:30 a.m. to 7:00 p.m. in the evening.

Mr. Mitchell stated that part of this problem comes from the fact that at the time of the hearing, the neighbors submitted a list of conditions they wanted the Board to impose. The Board imposed conditions, but they were not exactly the way the neighbors had suggested. The way the neighbors propose the conditions, is that there will be no weekend activities.

Mr. Runyon stated that he made the motion to grant this Special Use Permit and what the Board granted is a riding stable. He actually can board horses by right. The picking up of animals is not covered under riding stable. The riding stable was from 9:00 a.m. to 5:00 p.m. He asked how this extra activity is associated with the BZA's Special Use Permit. This is an off-premises operation. The Board did prohibit him from storing vehicles on the property.

Mr. Smith stated that he felt this pick up and delivery would be permitted outside the hours of limitation placed on the Special Use Permit.

Mr. Atlee stated that the Complainants complain that this use has destroyed the character of the neighborhood. He stated that he inspected the site and it was unusually clean. In answer to Mr. Smith's question, he stated that he did not see anything that created a nuisance. The employees that the neighbors are complaining about are young kids.

The Board asked Mr. Atlee to keep them informed and until the Board has evidence that Mr. Cox is violating his Special Use Permit, there is no action the Board can take.

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2. RIVERSIDE GARDENS RECREATION ASSOCIATION -- Letters from Zoning Inspections on status and conditions of property under Special Use Permit (Deferred from September 18, 1974)

The Board had received a copy of a letter from Mr. Arthur Strickland, 8627 Buckboard Drive, Alexandria, one of the contiguous property owners regarding several alleged violations on the property of the Riverside Gardens Recreation Association. These violations were checked out by one of the Zoning Inspectors and a letter was written back to Mr. Strickland enumerating the items the Zoning Inspector found to be in violation. The Zoning Administrator indicated to Mr. Strickland that these were not serious infractions and these items were pointed out to the manager for corrections. Mr. Hobson, attorney for the applicant, had also written the Zoning Administrator, stating that he had advised Riverside Gardens Recreation Association to take immediate steps to correct the deficiencies.

The Board was in receipt of a memo from D. W. Beaver, Sr.,Zoning Inspector dated September 23, 1974 stating that he had again inspected the premises to make sure that they had corrected the deficiencies and found that:

1. The cover on the tennis court was in place.
2. The hole in the fence had been repaired.
3. The grass was being cut on the date of the inspection, and
4. The trees to be replaced on or about October 1, 1974, per agreement of nursery.

It was the Board decision to instruct Mr. Beaver to reinspect the property at the end of October and submit another report at that time to indicate whether or not the trees had been planted and the condition of the property. The Board would then take this up at the November 6, 1974 meeting.

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3. D.M.V. ASSOC. T/A POP SHOPPE, INC., S-92-74, Granted August 1, 1974

The Board was in receipt of a letter with plans attached from Thomas A. Gresham, architect on the above-captioned project.

The Board reviewed the plans. Mr. Runyon moved that in application S-92-74 the Board reaffirm that architectural fronts be provided on three sides as stipulated in Item 6, not just brick but an architectural front on the north, east and west. The proposal for solite block would be acceptable on the south side only.

Mr. Baker seconded the motion.

The motion passed unanimously with all members present.

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4. OUT-OF-TURN HEARING REQUEST -- SUSAN L. SNYDER -- Application for Special Use Permit for Beauty Shop

Mrs. Snyder requested an out of turn hearing for her case as she stated that her employer had cut her salary $50 per month and she was unable to pay the babysitter and therefore wished to have a small beauty parlor in her own home in order that she could take care of her own child.

Mr. Barnes stated that if the Clerk could get this case on the October 30th Agenda, then he would be in favor of the out of turn hearing.

This was agreeable with the Board members. The Clerk stated that she could get this on the October 30th Agenda and the case was, therefore, set for that date.

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5. APPLICATION FILED BY MARK FRIED AS PER THE BOARD'S SUGGESTION FOR REHEARING ON HIS MOTEL CASE, SPRINGFIELD GARDEN MOTEL.

This is a case that had expired because of the sewer moritorium and at the time the applicant requested the extension, it was not the Board's policy to extend beyond 6 months from the original year. Since that time they have extended when the sewer moritorium is involved. The applicant had submitted another application for this motel. The Board had stated that if the applicant wished to submit his application, the Board would grant an out of turn hearing for the earliest possible advertising deadline date. That date is October 23, 1974. The Board stated that this case should be scheduled for that date.

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6. HEART ASSOCIATION OF NORTHERN VIRGINIA, INC., S-179-73, Special Use Permit Granted October 17, 1973 to permit headquarters building, 3456 Gallows Road, Annandale District (RE-0.5)

The Board was in receipt of a letter from A. V. Combs III, Executive Director, Heart Association of Northern Virginia, Inc. He requested renewal of the Special Use Permit which expires October 17, 1974 as they have been unable to proceed with construction because (a) Suit filed December 4, 1973 by Charles E. Becker, Jr. et al to reverse the decision of the Board of Zoning Appeals. This suit remains unresolved at this time. and (b) Request for sewer tap was denied by the County Executive December 26, 1973.

Mr. Kelley moved that the Board grant a 6 month extension from October 17, 1974 at the request of the applicant and if they have still not begun construction within that 6 month period, they should again request an extension because of the suit or the sewer problem.

Mr. Barnes seconded the motion. The motion passed 4 to 0. Mr. Runyon was out of the room.

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7. Mr. Baker moved that the minutes of August 2, 1974 be approved as corrected.

Mr. Runyon seconded the motion.

The motion passed unanimously with all members present.

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BARBARA T. DEVINE AND DIANE M. RAUCH, S-170-74, application to permit nursery school in existing building -- REQUEST FOR OUT OF TURN HEARING

The attorney for the applicants, Russell S. Rosenberger, requested the out of turn hearing since this application represents the continuation of a use under new ownership which use has been existing on the property for a period of approximately ten years. There will be no change in the physical characteristics or use of the property.

The Board felt, because of the already heavily scheduled Agendas for the past two month, that they should not grant any out of turn hearings unless the applicants were under a severe hardship. This applicant has not mentioned a severe hardship, therefore, it was the Board's decision to deny the request and schedule the case for the regular scheduling date at this time which is December 4, 1974.

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DEFERRED CASE:

PARKMONT JUNIOR HIGH SCHOOL, 1341 Springhill Road, 29-1((1))55, S-125-74 (Deferred from September 11, 1974 at the request of the applicant.

The applicant had a hearing on September 18, 1974 for the Chain Bridge Road location. That location was granted. The applicant is now requesting that their application for this location be withdrawn.

Mr. Baker moved that the case be withdrawn without prejudice.

Mr. Barnes seconded the motion and the motion passed unanimously.

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RECESSED CASE FROM EARLIER IN THE DAY WHEN THE APPLICANT WAS NOT PRESENT:

10:20 Item -- Began at 4:15 P.M.

BONNIE M. GRAFFEO, application under Section 30-7.2.6.1.3 of Ordinance to permit increased number of children at day care center from 30 to 60 children, 8613 Woodlawn Court, 101-3((1))81, Engleside Subdivision, (1.0001 acres), Lee District (RE-0.5), S-115-74

Mrs. Bonnie Graffeo represented herself before the Board.

Notices to property owners were in order. The contiguous owners were John

Moore, 5101 Rosemont Avenue and John E. Whitlowe, 8621 Woodlawn Court.

Mrs. Graffeo stated that she is now operating a day care center for a maximum of 30 children. She was granted the Permit to have this February 14, 1973. She would now like to increase the number to 60. There will be no other changes. She then explained the parking arrangement. She stated that the children are brought to the school by their parents and most of them use carpools. She provides no transportation.

The Health Department report stated that the building has space and facilities for 60 children for 4 hours or longer daily and that the outdoor recreation area is already adequately fenced.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application No. S-115-74, application by Bonnie M. Graffeo under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit increased number of children in existing day care center to 60 on property located at 8613 Woodlawn Court, Mr. Runyon 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 25th day of September, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Michael C. and Bonnie M. Graffeo.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 1.0001 acres.
4. That the site is presently operating under Special Use Permit S-2-73.

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

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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without this Board's approval shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. This Resolution SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County during the hours of operation of the use.
6. All other provisions of the existing SUP shall remain in effect.

Mr. Baker seconded the motion and the motion passed unanimously.

It was the Board's decision to change December's meeting dates to December 4, 11 and 18 as the 4th Wednesday falls on Christmas Day.

Mrs. Kelsey stated that she had checked with General Services and arranged for the Board Room for those dates.

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The Board discussed briefly the Cedar Knoll Inn case with Mr. Covington who had just arrived. They primarily talked about the paving of the parking lot. The Board decided to give this further thought and consideration and continue the discussion October 9, 1974.

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The meeting adjourned at 5:00 P.M.

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By Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED October 30, 1974
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, October 9, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Joseph Baker, George Barnes, and Charles Runyon. Mr. Loy Kelley was absent. Mr. Harvey Mitchell was present from the Staff.

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

10:00 - DENNIS E. & BARBARA J. SIMONDS, application under Section 30-6.6 of the Ordinance to permit swimming pool closer to front lot line than allowed by Ordinance, (3' variance, 27' from front property line), 9031 Andromeda Drive, 78-4((6))101, (15,825 sq. ft), Springfield District, (R-12.5C), V-122-74

Mr. Simonds testified before the Board.

Notices to property owners were in order. The contiguous owners were Mr. and Mrs. Springs, 9029 Andromeda Drive, Burke, Virginia and Mr. and Mrs. Demonbeam, 6220 Ermon Street, Burke, Virginia.

Mr. Simonds stated that it would cost $2,000 more to move dirt in order to move the bank behind the pool to meet the setback requirement of the Ordinance. Another reason, he would also encroach upon the already fenced area. They also have a drainage problem and moving the pool back would make this problem more severe.

Mr. Smith asked if there was some other reason for not moving the pool as the Board cannot grant a variance based solely on financial reasons.

Mr. Runyon suggested that Mr. Simonds show the Board on the pictures why he needs a variance.

Mr. Simonds stated that the pictures show the slope that about a 6' slope. This causes him to be unable to move the pool back. The size of the pool will be 20'x40'.

There was no one to speak in favor or in opposition to this application.

Mr. Runyon stated that he had looked at the property and he knows there is a topography problem involved, therefore,

In application, No. V-122-74, application by Dennis E. and Barbara J. Simonds under Section 30-6.6 of the Zoning Ordinance, to permit swimming pool 27' from the front property line, on property located at 9031 Andromeda Drive, also known as tax map 78-4((6))101, County of Fairfax, Virginia, Mr. Runyon 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 October, 1974, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5C.
3. That the area of the lot is 15,825 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.

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. This variance does not apply to the 6' fence shown on the plot.

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 responsible for fulfilling his obligation to obtain building permits, residential use permit, and the like through the established procedures.

Mr. Baker seconded the motion. The motion passed 4 to 0. Mr. Kelley was absent.

Mr. Barnes inquired if Mr. Runyon had put anything in the motion regarding the 6' fence that is in the front yard.

Mr. Smith inquired of the applicant how that fence got in the front yard.

Mr. Simonds stated that when that fence was built, he called the County and State and asked if he had to get permits to put it up. The County and State told him that he did not. He built the fence and the State came to him and told him that he would have to move the fence 6 inches. He moved the fence 6 inches. He stated that he did not know he needed to apply for a variance. He stated that he had informed both the County and State before he built the fence how high that fence was proposed to be built.

Mr. Smith inquired if he had received a violation on the fence.

Mr. Simonds stated that he had not.

Mr. Runyon stated that he would add No. 3 (See motion) stating that this approval for the pool was not an approval of the fence. Mr. Baker accepted this and this addition to the motion passed unanimously.

Mr. Simonds asked if he had to have a 6' fence around the pool, and if he had to have that 6' fence around the pool, would he have to get a variance for it.

Mr. Runyon stated that he felt the variance to allow the 27' setback would cover that. The Board is giving him a 3' variance in the front yard.

Mr. Mitchell stated that he was inclined to agree with Mr. Runyon.

Mr. Smith agreed.

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10:10 - ROBERT J. LEWIS & GEORGE P. SWENSON, application under Section 30-6.6 of the Ordinance to permit construction of street closer to the house than the required setback for that house, north side of Route 29-211 55-4((1))9, (31,27 acres), Centreville District (RE-1), V-123-74

Mr. Robert Kohlhaas, attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were D. Tzaferis 6669 Little River Turnpike, Alexandria and H. Lightfoot, 12818 Lee Highway, Fairfax, Virginia.

Mr. Kohlhaas stated in answer to Mr. Smith's question that Mr. Lewis and Mr. Swenson are the developers of the land involved. He stated that if the Board will notice the map on the screen before them, they will notice that there is a 60' strip which is a strip of ground that leads from 29-211 to the property itself. The house in question is located near the back side of the 60' strip. Because of the configuration of the ground, this is the only access to the property that the applicants wish to develop, therefore, they are requesting a variance on the basis of hardship. The house will be within 23.60' from the existing house. Mr. and Mrs. Lightfoot are the owners of that house. This has been discussed with them and they are not present today. The proposed project was explained to them.

Mr. Smith stated that if this has been an access from Route 29-211 all the time, why is this case before the Board of Zoning Appeals for a variance.

Mr. Kohlhaas stated that this is before the Board because the County requires that the house meet the setback requirements of the Ordinance. The road is not there at the present time, but the access is there. In answer to Mr. Smith's question, he stated that this is a 60' strip of ground.

Mr. Kohlhaas stated that he wished to request that if this is granted, that it would be stated that they could build the right-of-way as close as 23.6' from the Lightfoot house. That portion of the Lightfoot house is a carport.

Mr. Smith stated that that brings up a question of whether or not the Lightfoots should have participated in the variance request since they are the ones most affected.

Mr. Kohlhaas stated that the Zoning Office said Lewis & Swenson were the ones creating the need for the variance and therefore would be the ones who had to apply for it.

There was no one present to speak in favor or in opposition to the application.

RESOLUTION

In application No. V-123-74, application by Robert J. Lewis & George P. Swenson under Section 30-6.6 of the Zoning Ordinance, to permit construction of street closer to house (23.60 feet), on property located at Route 29-211 also known as tax map 55-4((1))9, County of Fairfax, Mr. Runyon 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 October, 1974, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owners of the subject property are Robert J. Lewis and George P. Swenson.
2. That the present zoning is RE-1.
3. That the area of the lot is 31.27 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 involved:
(a) exceptionally narrow lot,
(b) unusual condition of the location of existing buildings on adjacent lot,
(c) existing access to Lee Highway necessary for use of Lewis & Swenson.

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, or six months after approval of subdivision plat by Fairfax County, whichever last occurs.

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 responsible for fulfilling his obligation to obtain building permits, residential use permits and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Kelley was absent.

10:20 - ALLAN P. HEARD, application under Section 30-6.6 of Ordinance to permit construction of garage closer to side property line than allowed by Ordinance, 9224 Presidential Drive, Mt. Vernon Forest Subdivision, 110-4((3))102, (21,879 sq.ft.), Mt. Vernon District, (RE-0.5), V-124-74

Mrs. LaTrisia Heard testified before the Board.

Notices to property owners were in order. The contiguous owners were Mr. Charles Langley, 9222 Presidential Drive, Lot 103 and Mr. Lewis Sparkman, 9226 Presidential Drive, Lot 104. All of the neighbors who signed the letter of notification also indicated their approval of this variance.

Mrs. Heard stated that the reason they need this variance is because their lot is long and narrow, with the house so situated as to preclude construction of a single car garage of adequate size within the existing setback requirements of 20 feet for RE-0.5 zoning. The location of the proposed garage, as shown on the accompanying plat, is dictated by excessively steep topography, and an existing porch in the rear of the house and an even closer setback margin on the west property line.

She stated that the garage as proposed would in no way be detrimental to the use and enjoyment of the other properties in the area. The neighbor on the proposed construction side of the house does not intend, nor is it feasible for him to further reduce the separation between their structures. The proposed construction will not provide a crowded appearance due, in part, to the fact that his property is elevated (tiered) above theirs. The neighbor to their immediate west has added a 15' garage to his house and crowding is not a factor. They will endeaver to insure that the neighbor's property is in no way undesirably affected by the proposed construction. The size of the addition is 15.5' by 25'.

There was no one to speak in favor or in opposition.

RESOLUTION

In application under Section 30-6.6, application no. V-124-74 by Allen P. Heard to permit construction of a garage 15.1' from the side property line on property located at 9224 Presidential Drive, also known as tax map 110-4((3))102, County of Fairfax, Virginia, Mr. Runyon 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 October, 1974, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Allan P. and LaTrisia K.Heard.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 21,879 sq. ft.

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,
(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 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 materials and architectural detail shall conform to that of the existing structure.

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, residential use permits and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Kelley was absent.

10:30 WILLIAM N. & MIWAKO MAXON, application under Section 30-6.6 of the Ord. to permit carport to be constructed closer to side property line than allowed by Ordinance, (2' variance, 5' required setback), 8527 Betterton Court, 39-3((28))47, (8,642 sq. ft.), Providence District, (R-10), V-126-74

The Staff Report indicated that the applicants had declined to have their property posted as required for the public hearing and stated to the Staff member responsible for the posting that they wished the case to be withdrawn. That Staff member informed the applicants that they should contact the Clerk of the Board of Zoning Appeals. The applicants had not done that.

Mr. Smith inquired if there was anyone present interested in this case.

There was no one present interested in this case.

Mr. Runyon moved that the case be deferred until November 6 to get the proper withdrawal from the applicant, or to allow the applicant the opportunity to have his property posted so the case could be heard by the Board.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Kelley absent.

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10:40 - VETERANS OF FOREIGN WARS, POST 7327, application under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit club use in existing shopping center, 7035 Brookfield Plaza, 90-2((1))17, (56,295 sq.ft.) Springfield District (C-N), S-127-74

Mr. Richard Chess, attorney for the applicant, represented them before the Board.

Notices to property owners were in order. The contiguous owners were Stafac Inc., which is a holding company for Shell Oil and Springfield Mart Ltd.,c/o S. S. Abensohr, 5028 Wisconsin Avenue.

Mr. Chess stated that the applicants did not realize that a Special Use Permit was required in this C-N zone until after they signed the lease.

Mr. Stanovich from the Club spoke to the Board regarding the number of members they have. He stated that they plan on having between 200 to 225. They plan to operate 7 days per week with hours of 5:00 P.M. Monday through Thursday and 1:30 A.M. Friday and Saturday and close at 12:00 Midnight on Sunday. They don't plan on having any employees. They do not have kitchen facilities as yet until they get an exhaust system put in.

Mr. Runyon inquired if there is a theatre in this shopping center that would operate at night and therefore use a large amount of parking spaces.

Mr. Stanovich stated that there is no theatre and they did not feel this use would create a parking problem as there is plenty of parking spaces in the shopping center.

There was a violation notice in the file which Mr. Smith read which violated the applicants for failure to obtain a non-residential use permit. There was also a follow-up letter which was served on the applicants by the Sheriff stating that continued occupancy of the 7035 Brookfield Plaza address without meeting Fairfax County Zoning Code, Section 30-9.7.1 requirements will cause the Zoning Office to take the necessary court action to enforce the code. The deadline for obtaining this was set at October 21.

Mr. Chess stated that the only thing that is holding up the non-residential use permit is this Special Use Permit. If this is granted today, they can get their non-residential use permit immediately.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application No. S-127-74, application by Veterans of Foreign Wars, Post 7327 under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit clubhouse in existing shopping center, on property located at 7035 Brookfield Plaza, also known as tax map 90-2((1))17, County of Fairfax, Mr. Runyon 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 October, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Springfield Mart Limited Partnership. The applicant is the lessee.
2. That the present zoning is C-N.
3. That the area of the lot is 11.2151 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 for Special Use Permit Uses in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance, and

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The Resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The hours of operation are 5:00 P.M. to 12:00 Sunday through Thursday and 5:00 P.M. to 1:30 A.M. Friday and Saturday.
7. The number of members are 225.

Mr. Baker seconded the motion. The motion passed 4 to 0. Mr. Kelley was absent.

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11:00 - THE MADEIRA SCHOOL, INC., application under Section 30-7.2.6.1.3.2 of the Ordinance to permit construction of 2 tennis courts to existing facility, 8328 Georgetown Pike, 20-1 & 20-2((1))14 & 1, (376 acres), Dranesville District (RE-2), S-128-74

Mr. William O. Snead, 8328 Georgetown Pike, Greenway, Virginia, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Mr. Pollard, 9359 Campbell Street, Vienna, Virginia and Harold L. Green, 8540 Georgetown Pike, McLean.

Mr. Snead stated that they have 376 acres of land and these tennis courts will be in the middle. They now have 310 girls at the school, 97 are day students. These courts will be used by the students in the school. At the present time they have six tennis courts, but it is a very popular sport in the school and more courts are needed.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application No. S-128-74, application by The Madeira School under Section 30-7.2.6.1.3.2 of the Zoning Ordinance to permit construction of two tennis courts on property located at 8328 Georgetown Pike, also known as tax map 20-1 & 20-2((1))14 & 1, County of Fairfax, Mr. Runyon 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 the 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 October, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is The Madeira School, Inc.
2. That the present zoning is RE-2.
3. That the area of the lot is 376 acres.
4. That the site is presently operating under Special Use Permit last amended April 10, 1974.

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 30-7.1.1 of the Zoning Ordinance (Standards for Special Use Permit Uses in R Districts), and

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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The Resolution pertaining to the granting of this Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use.
6. All other provisions of the existing Special Use Permit shall remain in effect.

Mr. Baker seconded the motion. The motion passed 4 to 0. Mr. Kelley absent.

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11:20 - LeROY EDWARD & HARRIETT ARMSTRONG, application under Section 30-6.6 of the Ordinance to permit construction of room addition closer to rear lot line than allowed by Ordinance, (8.8'variance, 16.2' from rear lot line), 3323 Slade Court, Falls Church 60-2((4))54, (10,053 sq. ft.) Broyhill Park Subd., Mason Dist., (R-10) V-148-74OTH

Mr. Armstrong represented himself before the Board. Notices to property owners were in order. The contiguous owners were the Davidsons, 3325 Slade Court (Lot 55) and the Libertes, 3324 Slade Run Drive (Lot 64).

Mr. Armstrong stated that they would like to construct a room addition 12' wide x 35 feet long onto the rear of their home. This will be utilized by their family. This addition would replace the porch (8x20') that is currently built on the rear of their house. Due to the irregular shape of their lot which is located in a cul-de-sac, it is not feasible or desirable to construct this addition on either the right or left side of their house. The lot area on the left of the house has a hill approximately 4 feet high which tapers toward the front of the property and eliminates full use of the land.

Mr. Armstrong stated that there are 6 Petitions in the file from the nearby neighbors supporting this application. The material to be used will be aluminum siding.

RESOLUTION

In application No. V-148-74, application by LeRoy & Harriett Armstrong, under Section 30-6.6 of the Ordinance to permit construction of addition 16.2' from rear lot line on property located at 3323 Slade Court, 60-2((4))54, County of Fairfax, Virginia, Mr. Runyon 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 October 9, 1974,

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 10,053 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 a physical conditions exists 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:
(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.
3. Architectural design and detail shall conform to that of the existing structure.

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 responsible for fulfilling his obligation to obtain building permits, residential use permit, and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Kelley was absent.

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12:00 - CHURCH OF THE NATIVITY, application under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of church, 9616 Keene Mill Road, 88-1((1))10, (10.49 acres), S-156-74 OTH

Mr. Fred Taylor, attorney for the applicant, The Executive Building, Springfield, Virginia, represented the applicant before the Board.

Notices to property owners were in order. The contiguous property owners were Martin Shanton, 5219 Portsmouth Road, Fairfax and Aaron Roemer, 4930 Deal Drive, Oxon Hill, Md. and Mr. and Mrs. Charles Z. Hitchcock, 5208 Chancery Avenue, Alexandria.

Mr. Taylor stated that this property is under a contract to purchase, a copy of which is in the file. He stated that since the time they filed the application, the diocese has been split. The contract is signed by Walter Sullivan and since then a new diocese of Northern Virginia has been formed. The contract is still in force, however. He stated that the proposed church will have 800 seats, which would require a minimum of 160 parking spaces. The 220 parking spaces proposes exceeds the minimum requirement. The church will be served by septic field and well water. If the plans of the Highway Department go through, there will be a realignment of Keene Mill Road which will take a corner off their property. Even though they will lose two acres of land approximately, they will have two means of access. The plans that have been submitted show a building to house the worship services and the administration facilities and it also shows a multi-purpose building which they plan to construct in the future, no later than five years from now. He stated that their architect is Michael LeMay, 7900 Westpark Drive, McLean. The materials they plan to use will be masonry and frame. The building facade and architecture shall be of form, material, texture and color as will complement the rolling, heavily wooded site. The plans also show the parish house.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application No. S-156-74, application by Church of the Nativity, under Section 30-7.2.6.1.11 of the Zoning Ordinance, to permit construction of a church on property located at 9616 Keene Mill Road, 88-1((1))10, County of Fairfax, Mr. Runyon 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 October, 1974.

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

1. That the owner of the subject property is John L. Scott. The applicant is the contract purchaser.
2. That the present zoning is RE-1.
3. That the area of the lot is 10.49 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 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 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 has started or unless renewed by action of this Board prior to date of expiration, or six months after Fairfax County approves the site plan, whichever last occurs.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any

kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Use Permit.

4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. Applicant agrees to grant right-of-way for future road, if requested by the Department of Environmental Management.

Mr. Baker seconded the motion.

The Chairman called for a clarification on Limitation No. 2, as the applicant had stated that they plan some future development which is shown on the plan.

Mr. Runyon stated that he had assumed that if they begin construction within that time frame, they would not have a time limit on finishing that construction.

Mr. Smith stated that he would suggest further conditioning this Permit, that all construction will be completed within five (5) years.

Mr. Runyon stated that the motion indicates that this is approved in accordance with the plans and the future expansion for the multi-purpose building and the parish house are on the plans. He told the applicant that should they decide to change the building or flip it around in any way, they would have to come back to this Board for that.

The motion passed 4 to 0. Mr. Kelley was absent.

DEFERRED CASES:

12:20 P.M. - OAKTON LIMITED PARTNERSHIP & THE NATIONAL BANK OF FAIRFAX, application under Section 30-6.6 and 30-16.8.3 to permit sign at 2928 Chain Bridge Road, for the National Bank of Fairfax, 47-2((1))99 (1.3603 acres) Centreville District (C-OL), V-129-74 (Deferred from September 18, 1974 for full Board)

Mr. Smith stated to Mr. Tom Lawson, attorney for the applicants, that there was still not a full Board. There was a death in Mr. Kelley's wife's family and he had to go to Georgia.

Mr. Lawson stated that in view of that and for that very reason, they would ask that this case be postponed again. Mr. Kelley has indicated that he may not vote and plans to disqualify himself. He did vote on the case when it came up before as an appeal from the Zoning Administrator's decision. Mr. Kelley, however, has not indicated this to him personally and therefore he would like to talk with him about it and to hear him disqualify himself for the record.

There was no one in the room to speak on this case other than the applicant and his representative.

Mr. Barnes moved that the request for deferral be granted and that the date be set for October 30. Mr. Baker seconded the motion. The motion passed unanimously. (Later it was found that theBoard of Supervisors needed the Board Room for a portion of the day on October 30, therefore, the Clerk called Mr. Lawson to inquire if this case would be set for October 23, rather than the 30th. Mr. Lawson agreed to this.

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LAKE BARCROFT RECREATION CENTER, INC., S-112-74; and LAKE BARCROFT RECREATION CENTER, INC., V-113-74 (Deferred from September 25, 1974 for decision)

Mr. Smith stated that in view of the fact that there is not a full Board, he felt that this decision should be deferred. He stated that the Clerk had contacted both Mr. Hobson, the attorney for the applicant, and Mr. Brown, a representative of the opposing citizens, regarding this matter and both had agreed to a further deferral.

Mr. Runyon moved that the case be deferred until October 16, 1974 for a full Board.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Kelley was absent.

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AFTER AGENDA ITEMS:

BRENTWOOD ACADEMY, S-104-70. Mr. Smith read a letter from Mr. Thomas J. Freaney, Jr., attorney for Brentwood Academy, requesting the Board to act to remedy the revocation decision made on February 20, 1974 as the County has assumed responsibility for the maintenance of Nalls Road which has now been resurfaced.

Mrs. Kelsey informed the Board that the Zoning Inspector has cleared the violation and confirms the fact that Nalls Road is now under County maintenance. There was also a letter in the file from Mr. Dooley in Public Works regarding this.

Mr. Baker moved that in view of the facts presented to the Board, that the Board lift the revocation as set forth in a memorandum to Brentwood Academy dated February 20, 1974.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Kelley was absent.

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BUENA VISTA ASSOCIATES, S-7-72 (McLEAN INDOOR TENNIS CENTER) Granted March 8, 1972.

Mr. Smith read a letter requesting that they be allowed to change their hours from 7:00 A.M. to 12:00 P.M. TO 6:00 A.M. to 1:00 A.M. in view of the fact that their facility is enclosed.

Mr. Runyon stated that this is located in the center of McLean in a commercial area and the structure is enclosed. It is a very quiet activity and, he therefore moved that the request be granted to change the hours to 6:00 A.M. to 1:00 P.M.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Kelley was absent.

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FAIRFAX COUNTY WATER AUTHORITY, S-237-69

Mr. Smith read a letter from Mr. Richard Hobson, attorney for the applicant, addressed to Mr. Wallace Covington, Assistant Zoning Administrator, requesting to apply for any necessary extension of the above-captioned Special Use Permit. On January 27, 1970, the BZA granted an amendment to a previously existing use permit for a property yard and storage facility. The approval of a building included within this amended use permit was specified for a five year period only. They now wish to continue to use this building for small material storage. Mr. Hobson stated that he is aware of the amendment by the Board of Supervisors on February 12, 1973, moving the jurisdiction over this case to that Board rather than the Board of Zoning Appeals. He asked Mr. Covington to determine whether or not the Board of Supervisors wishes a public hearing on this matter or whether or not the extension of the permit with respect to the building can be handled by the Zoning Administrator's Office.

Mr. Mitchell told the Board that the Zoning Administrator could not extend this Special Use Permit and thought that the Board of Zoning Appeals could perhaps change that condition limiting the time period of the Special Use Permit.

Mr. Smith stated that the BZA could not do this as it is no longer under this Board's jurisdiction. He stated that any extension or renewal will have to go before the Board of Supervisors.

Mr. Mitchell stated that the Board of Supervisors could not change a condition imposed by the Board of Zoning Appeals without a new application and a public hearing. He stated that the Zoning Administrator feels that this Board issued the Special Use Permit and this Board could, if it so chooses, change the condition of the existing Special Use Permit. He stated that this time limitation applies only to the temporary building. It doesn't necessarily put an end to the Special Use Permit itself.

Mr. Smith stated that he had stated his position, but if this Board wants to disagree with this, he would be glad to call a vote on it.

Mr. Barnes and Mr. Baker agreed with Mr. Smith. Mr. Runyon stated that he is not familiar with the application, but as he understands it, the Use Permit is still in force, but they can't continue to use the temporary building.

Mr. Smith stated that it is then the Board's position that any changes or modification of the existing uses will have to go to the Board of Supervisors.

The Board members agreed. The Clerk was directed to inform the applicant of this decision.

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OUT OF TURN HEARING REQUEST -- ROBERT & KATHLEEN JORTBERG, V-173-74

Mr. Smith read their letter requesting this out of turn hearing. Their justification was that if they did not begin the construction now, they would not be able to finish until spring and this would deprive their family the use of the addition.

The Board's decision was that this hardship is the same that most people have. They told the Clerk to schedule this case for the next regular agenda date which is November 20, 1974. Columbia LNG was removed from Nov. 20 as it does not appear likely that the Planning Commission will complete their hearing.
OUT OF TURN HEARING REQUEST - TRUSTEES, ST. JOHNS EPISCOPAL CHURCH S-174-74 and V-175-74 -- They wished to have an out of turn hearing in order to get the children in the new classrooms as soon as possible as they are very overcrowded. It was the Board's decision to schedule this case for November 20, 1974 also. December 4, 1974 had been the previous scheduling date until Columbia LNG was moved off the November 20 Agenda, therefore, this moves both these cases up from December 4 to November 20.
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ST. PAUL'S EPISCOPAL CHURCH, S-30-74, Granted May 8, 1974 -- Mr. Smith read a letter requesting that they be allowed to reduce the size of their proposed parking lot. Their Special Use Permit S-30-74 was granted to permit enlargement of parking lot for existing church. Now, they wish to pave only the existing parking lot and a portion of the proposed parking lot because of financial problems they are having.

It was the Board's decision to allow them to do this as the existing parking lot is nonconforming. They can then expand the remainder of that proposed parking lot later when they are financially able to do so as long as they conform to the plats that they have submitted to the Board.

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The meeting adjourned at 1:00 P.M.

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By Jane C. Kelsey, Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED: November 6, 1974
DATE

The Regular Meeting of the Board of Zoning Appeals was Held on Wednesday, October 16, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Joseph Baker and Charles Runyon. Mr. Barnes was absent. Mr. Mitchell was present from the Staff. Mr. Wallace Covington, Assistant Zoning Administrator, was present.

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

10:00 - COAKLEY & WILLIAMS, INC. & CHARLES & EDITH FUGATE, application under Section 30-6.6 of Ordinance to permit 116' high motel closer to front property line than allowed by Ordinance, Franconia Road and Loisdale Drive, 90-2((11))500-503, 2 & 6-7C (6.03 acres) Lee District (C-DM) V-121-74

Mr. Lee Fifer, attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Inez DiJulian, The Cover, Hume, Virginia and Wilmer E. Lyles, 5914 Dinwiddie Street, Springfield, Virginia.

Mr. Fifer stated that the parcel that is actually affected by the setback is owned by Ramspring Limited Partnership which is wholly owned by Coakley and Williams, Inc. The Fugates own and are leasing the back portion of the property to Coakley and Williams, Inc. This does not include the entire six acres of property as advertised. This application does not include 7A, B, and C. The land area of the application is 5.3 acres.

In answer to Mr. Smith's question, Mr. Fifer stated that at the time of the rezoning and in the presentation for the Special Use Permit for the height of the motel, he made mention of the fact that they would need a variance to the setback requirement of the Ordinance. He stated that at that time he mentioned that they did have a setback problem and they would have to solve it. The Board's agent knew that they would be proceeding to solve this problem by requesting a variance from this Board. He stated that he did not go into details on this problem, but he did mention it.

Mr. Fifer stated that their justification for requesting this variance is at the time of rezoning of this parcel to C-DM for high-rise motel use, the Zoning Staff requested the applicant to abandon its main means of ingress and egress which was an easement near the intersection of Loisdale Road and Franconia Road. In abandoning this easement, the applicant agreed to contribute land for an interior circulation road to serve all the parcels that were being rezoned at the same time. Because of the relocation of the main entrance, it became necessary to alter the position of the motor inn on the lot so that the main entrance of the motor inn faced the new driveway into it. As a result of this relocation and of the configuration of the lot, and in order to meet the zoning requirements as to parking spaces, the motor inn building had to be moved closer to the front lot line than was the case in the original submission for rezoning. The County Staff made it clear that the abandonment of the easement was quite important to the obtaining of the rezoning necessary for the high-rise motor inn. Moreover, at the time of rezoning, the Planning Commission and the Board were presented plats and information concerning the height of this building and its location on this parcel.

Mr. Fifer stated that he had attached letters to this application from the surrounding landowners indicating that the granting of such a variance would not affect them adversely and that they are not opposed to this application.

Mr. Smith inquired if, in the beginning, they could have developed a 116' high building without a variance.

Mr. Fifer answered that they could have.

Mr. Smith stated that he felt they were overdeveloping the property. He stated, however, that he felt the Board of Supervisors granted this variance when they approved the site plan at the time this went before them for the Special Use Permit and the height variance.

Mr. Kelley agreed.

Mr. Fifer stated that it was the Director of Environmental Management's Agent who determined that they would need a variance from this Board. If this Board prefers not to grant this variance, but to abide by what the Board of Supervisors granted at the time of the request for the Special Use Permit for the height variance, they will be happy to accept that.

Mr. Smith inquired of Mr. Covington what the maximum height of a motel in this zone is.

Mr. Covington stated that a motel exceeding 40' in height shall be permitted by the Board of Supervisors in accordance with Sections 30-7.2.10.3.10 and 30-7.2.10.4, provided, however, that motels in the C-DM District shall not exceed 150' in height, subject to the standards set forth in Section 30-7.2.10.4.1.

Mr. Smith stated that he might feel differently toward this request, if the applicant could convince him that they could have built this motel without a variance before they changed the entranceway.

Mr. Fifer then showed the Board a copy of the original plan showing the motel before the changes in the road and entranceway and showed that they did not need a variance before the changes.

Mr. Runyon inquired if the parcel indicated on the plans before the Board as "future development" is a part of this application under the 6.03 acres of land.

Mr. Fifer stated that that portion of land is not part of this application. Ramspring is the owner of that portion of land also and the reason they have it on this plan is so they can amend their site plan to include that portion of land in order to get in line for sewer. Sewer allocation is based on the site plan number.

In answer to Mr. Smith's question, Mr. Fifer stated that the Special Use Permit was granted by the Board of Supervisors for this motel on July 29, 1974 at 2:30 P.M.

There was no one present to speak in favor or in opposition to this application.

Mr. Smith stated that he would like to defer this case until the Board could contact the County Executive and get assurance that the Board of Supervisors was, in fact, aware of the need for this variance.

Mr. Kelley agreed.

Mr. Baker so moved that this case be deferred until November 6, 1974.

The motion passed 4 to 0. Mr. Barnes was absent.

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10:10 - WILLA F. ECKLES T/A PETER PIPER SCHOOL, application under Section 30-7.2.6.1.3 of Ordinance to permit continued operation of nursery school with maximum of 25 children each day, 1351 Scotts Run Road, 30-1((9))1, Dranesville District (2.3843 acres), (RE-1), S-131-74

Mr. Smith checked the notices that Mrs. Eckles presented and stated that they did not meet the 10 day requirement.

Mr. Kelley moved that the case be deferred until November 20 for proper notices.

Mr. Baker seconded the motion. There was noone else in the room interested in this application.

The motion passed 4 to 0. Mr. Barnes was absent.

This will be for full hearing. Mr. Smith told Mrs. Eckles that she would have to renotify property owners of the time, date, place and purpose of that hearing at least 10 days before the hearing.

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10:30 - BETTIE J. PENROD, application under Section 30-7.2.6.1.5 of Ordinance to permit operation of beauty shop in home, 7203 Homestead Place, 71-3((15))6, Leewood Subdivision, (21,367 sq.ft.) Annandale District (RE-0.5), S-132-74

Notices to property owners were in order. The contiguous owners were Kayser, 7201 Homestead Place and Wagner, 7205 Homestead Place.

Mrs. Penrod stated that this would not be a beauty shop, as such, as she just wanted to fix a few friend's hair, perhaps 2 or 3 per day. She stated that she has a small child in nursery school from 9:00 a.m. until Noon and she, therefore, could not hold a full time job and be home with her child in the afternoon. She stated that she is a licensed beautician since May of this year. She has not worked outside the home in this capacity. They have lived at this present address for approximately one year. They do own the property. She stated that she doesn't feel that she needs to get a full time job, but would like to practice her skills.

Mr. Baker inquired if she could get a position just in the mornings when her child is in school.

Mrs. Penrod stated that she has not been able to, as most of the shops insist that one work one to two evenings per week and on Saturday.

Mr. David S. Taylor, Vice-President of the North Springfield Civic Association, spoke in opposition to this application. He stated that their civic association has taken the stand that no commercial business should be permitted within any of the homes. They feel that the granting of this one, will lead to the granting of others. This is in a lovely subdivision and there is no need for this beauty shop in this home as there are plenty of shops in the nearby shopping centers.

Mr. Fred B. Kayser, 7201 Homestead Place, spoke in opposition. He stated that he is one of the contiguous property owners. Homestead is a cul-de-sac of seven homes in the $70,000 price range and four of these homes, including the Penrods, have swimming pools. He stated that he objects because there is no need for a beauty parlor business, this will disturb the piece and tranquility of the neighborhood because of the increase in traffic and he feels this will start the neighborhood on a downward trend not only financially, but in its aesthetic value.

Mr. Runyon told Mr. Kayser that the zone this request is in is RE-0.5 and in that zone they have the right for a Special Use Permit for a one-chair beauty shop. He asked how this shop where she would only have two or three people per day would affect the traffic adversely. She might have supplies delivered one or two times per month. He stated that he could see the problem if this were to be a commercial beauty shop, but it isn't. He stated that he assumed that she would not have a sign and that this would be only for her friends. He stated that of the people he knows that have shops such as this, they do not generate a lot of traffic and he, therefore, could not see the magnitude of the problem.

Mr. Kayser stated that this is a deadend street and children play out in that street. The Penrods have four vehicles and two trailers and customer parking would create a problem. If Mrs. Penrod becomes successful in her venture, she will expand and have more customers which means more cars, more traffic and more parking problems.

Mr. Runyon stated that the Board can limit the Use Permit to permit only a certain number of customers and he still does not see the intensity of this.

Mrs. Alice Wagner, 7205 Homestead Place, one of the contiguous property owners, spoke in objection. She submitted a Petition signed by 32 people in the neighborhood in objection to this application.

Mr. Elmer Hoffnauer, 7116 Woodland Drive, across the street and two doors away, spoke in opposition, stating that this will disturb the piece and quiet of the neighborhood.

Mr. John Cosgrove, 7125 Woodland Drive, spoke in objection to the application. He stated that he had requested a variance to build a two car garage next to his house and there was no objection, yet the Board turned it down and he cannot see how the Board could now grant this type application.

Mr. Smith stated that the Board is in receipt of a note from Pat Huett, Homestead Place, in favor of the application, a letter from Frank Hard in opposition and Mr. and Mrs. James G. Watson, 7204 Homestead Place, in opposition. He stated that all the letters would be retained in the file for the record.

Mr. Kelley stated that he disagreed with Mr. Runyon. He stated that he did not feel a residential area is a place for any type business. These people have a nice,quiet neighborhood. He stated that he wouldn't want a man who works on cars next door to him. This is a business and he did not see any other category this could be placed in and this is not the place for a business.

Mr. Baker stated that he agreed with Mr. Kelley to a large extent, but since it is in the law and legal that is what this Board has to base their decision on and if there is a problem with that law, then the Ordinance should be changed.

Mr. Kelley stated that this use is not legal until such time as they get a Special Use Permit.

Mr. Smith stated that this comes to the Board as a request for a Special Use Permit as a home occupation. Several years ago when the County was still sparsely settled and there was a need in the remote areas for this use.

Mrs. Penrod spoke in rebuttal. She stated that they too moved to this neighborhood because they feel the same way that their neighbors who spoke in opposition feel. She stated that only she and one other family in that cul-de-sac have children and she would be the first to object to anything that would cause a traffic hazard. They are planning to build a new addition that will more than hold any cars that she and her husband have and the two to three customers' cars that might be there during the day.

Mr. Runyon stated that in this application, it is a condition that the applicant has to meet standards for permit uses in R Districts. He stated that he did not see any overriding solution in either direction.

Therefore, in application No. S-132-74, application by Bettie J. Penrod 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 7203 Homestead Place, also known as tax map 71-3((15))6, County of Fairfax, Mr. Runyon 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 October, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the applicant is the owner of the property.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 21,367 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

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 0.

Mr. Barnes was absent.

10:50 - PROVIDENCE UNITED PRESBYTERIAN CHURCH & PROVIDENCE NURSERY SCHOOL, INC. application under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit continuance of day care center with change of operator, maximum of 70 children, ages 2 through 6, no more than 35 children at any one time, 8:30 a.m. to 5:00 p.m., weekdays, 9019 Little River Turnpike, 58-4((1))1, (5.65 acres), Annandale District (RE-1), S-133-74

Notices to property owners were in order. The contiguous were Robert M. Orr 4035 Doveville Lane, Fairfax, Virginia and William D. Hoyt, 4034 Doveville Lane, Fairfax, Virginia.

Mrs. Virginia Ruck, 3529 Morningside Drive, represented the applicants before the Board.

Mrs. Ruck stated that this day care center was started in 1959 and at that time was located in the original church quarters. In 1972, the church opened a new church education wing and there was another Special Use Permit granted to the church. That was early 1972. In June of 1972, the school became incorporated and began a body separate and extinct from the church. The relationship to the church has not changed, however. The Board of Trustees of the school consists of the Pastor of the Church, the Chairman of the Christian Education Commission of the Church and the elected President of the School. She stated that this spring they did an overall evaluation of the school and found several deficiencies, one of which was the failure of the school to change the Special Use Permit to reflect the corporation.

Mrs. Ruck stated that this is a preschool nursery for three and four year olds. However, they do take some two year olds. They presently have 30 children and only have a morning session, but they would like to add an afternoon session. The hours of operation are from 9:00 until Noon for the morning session and from 8:45 to 4:00 would cover the entire time period should they add an afternoon session. They do not have any busses. The children are transported to the school by carpools.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application No. S-133-74, application By Providence United Presbyterian Church and Providence Nursery School, Inc., application under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit continuance of day care center with change of operator on property located at 9019 Little River Turnpike, also known as tax map 58-4((1))1, 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 16th day of October, 1974.

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

1. That the owners of the subject property are Trustees of Presbyterian Church.
2. That the present zoning is RE-1.
3. That the area of the lot is 5.65 acres.
4. That compliance with Site Plan Ordinance 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 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

PROVIDENCE UNITED PRESBYTERIAN CHURCH & PROVIDENCE NURSERY SCHOOL, INC.(cont)

is hereby granted with the following limitations:

1. This approval is granted to the applicants 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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non Residential Use Permit is obtained.
5. The resolution pertaining to the granting of this Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The maximum number of children shall be seventy (70), ages two and one-half (2 1/2) to six (6) years.
7. The hours of operation shall be 8:30 A.M. to 5:00 P.M., five (5) days per week, Monday through Friday, during normal school year.

Mr. Baker seconded the motion.

The motion passed 3 to 0. Mr. Barnes was absent and Mr. Runyon was out of the room.

11:10 - JOHN AND KAREN HOLMFELD, application under Section 30-6.6 of the Zoning Ordinance to permit construction of a one-story addition closer to front property line than allowed by the Ordinance (15' variance; 30' from front property line), 2408 Nordok Place, 102-1 ((19))19, Hollin Hills Subdivision, (17,905 sq. ft.), Mt. Vernon District, (R-17), V-134-74

Mr. John Holmfeld testified before the Board.

Notices to property owners were in order. The contiguous owners were Bateman, 7615 Elby Road and Gilson, 2906 Nordok Place.

Mr. Holmfeld stated that he has a corner lot and the house is located in a position that the sides of the house is not parallel to the property lines. He has owned the property for three years and this addition is for the use of his own family and not for resale purposes. This addition will be compatible with the existing dwelling.

There was no one present to speak in favor or in opposition to the application.

RESOLUTION

In application No. V-134-74, application by John and Karen Holmfeld under Section 30-6.6 of the Zoning Ordinance to permit construction of one-story addition closer to front property line than allowed by the Ordinance (15' variance, 30' from front property line) on property located at 2408 Nordok Place, also known as tax map 102-1((19))19, County of Fairfax, Mr. Runyon 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 October, 1974; 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 R-17.
3. That the area of the lot is 17,905 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 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 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 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. Architectural detail shall conform to that of the existing development.

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 responsible for fulfilling his obligation to obtain building permits, residential use permit and the like through the established procedures.

Mr. Kelley seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

11:20 - AMOCO OIL COMPANY, application under Section 30-7.2.10.3.1 of the Zoning Ordinance to permit service station use with change of ownership, (station is under construction) intersection of Lee Chapel Road and Old Keene Mill Road, 88-1((1))14A, (33,756 square feet), Springfield District (C-D), S-157-74

Mr. L. J. Hayward from the AMOCO OIL COMPANY, Baltimore, Maryland, represented AMOCO before the Board.

Notices to property owners were in order. The only contiguous owner was Roland Goode.

Mr. Hayward stated that this Permit was originally granted to CITCO in 1971 and B.P. OIL in May of 1972. Because of a change in B.P.'s marketing concept these facilities were not completely constructed and consequently are not open. AMOCO is presently under a contract to purchase this property. They plan to finish the construction in compliance with the approved site plan that B.P. had on this property. There will be no changes to the facility. They will abide by all the conditions set by this Board for B.P. Oil. It is their intention, if this is granted, to have this facility in operation by November 1.There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application No. S-154 -74, application by AMOCO OIL COMPANY under Section 30-7.2.10.3.1 of the Zoning Ordinance to permit service station (change of owner) on property located at intersection of Lee Chapel Road and Old Keene Mill Road, also known as tax map 88-1((1))14A, County of Fairfax, Mr. Runyon 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

AMOCO OIL COMPANY

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 October, 1974,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is B.P. Oil Corp. The applicant is the contract purchaser.
2. That the present zoning is C-D.
3. That the area of the lot is 33,756 square feet.
4. That the site is presently under Special Use Permit S-69-74 for the same 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 C Districts as contained in Section 30-7.1.2 in the Zoning Ordinance, and

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. All other conditions of the previous Special Use Permit shall apply (S-69-74).

Mr. Smith asked if that included the provisions that there shall be no sales, rental, storage, or leasing of trucks, trailers, or recreational vehicles.

Mr. Runyon stated that No. 6 does cover that.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

11:40 - DANIEL F. & GEORGIA RITA RUSKIN, application under Section 30-6.6 of the Zoning Ordinance to permit 6 foot stockade fence in front setback (4' maximum allowed), 1449 Woodacre Drive, 31-2((6))7, (18,280 square feet), Dranesville District, Briggs and Hooper addition to Chesterbrook Woods, (R-17), V-136-74

Mr. Smith read a letter from the applicant requesting that this case be deferred as something unforeseen had come up that caused them to be unable to be present.

Mr. Smith inquired if there was anyone in the room interested in this case.

Mr. Franklin Sneider, 1516 Laburnum Street, McLean, Virginia 22101, came forward and in answer to Mr. Smith's question stated that it would be an inconvenience for him to have to come back another time, but he would do so if necessary.. He asked if there was any possibility of his being able to state his objection to this fence at this time.

Mr. Smith stated that that would not be possible.

Mr. Kelley moved that the case be deferred until December 4, 1974 and that the applicant be notified that he would have to submit proof of notification to property owners of the December 4, 1974 hearing date and the copies of this notification be filed with the Clerk at least 5 days prior to the December 4, 1974 meeting.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

Mr. Smith requested the Clerk to also notify Mr. Sneider.

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DEFERRED CASES:

FAIRFAX BAPTIST TEMPLE, application under Section 30-7.2.6.1.11 of Ordinance to permit Sunday school and church services in mobil classrooms, 9524 Braddock Road, 69-1 & 69-3((1))21, (5 acres), Annandale District, (RE-1), (Deferred from 7-24-74 for proper notification and again from 9-11-74 to give applicant time to obtain a non-residential use permit on existing facility FULL HEARING)

Mr. Smith stated that Fairfax Baptist Temple still has not been able to obtain their non residential use permit as the contractor has not cleaned out the storm drain. He stated that the applicant requests another deferral.

Mr. Kelley moved that this case be deferred until December 4, 1974.

Mr. Runyon seconded the motion. The motion passed 4 to 0. Mr. Barnes absent.

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B. P. OIL INC., application under Section 30-6.6 of Ordinance to permit variances to front setback requirements for canopy, pump island and building (9.5' from property line), 1958 Chain Bridge Road, 29-4((1))16, (23,978 sq. ft.) Dranesville District (C-G), V-102-74 (Deferred from 9-11-74 to allow applicant the opportunity to amend plats to reduce variance requests)

Mr. Tim McPherson, 10560 Main Street, Suite 211, Fairfax, Virginia, attorney for the applicant, represented the applicant before the Board.

The plats had been submitted reducing the variance requests. Their present requests are: the rear canopy to be within 14' of old 123 (25' required); rear pump island to be within 23' from old 123 (25' required); a variance for the building to be within 56' from Chain Bridge Road and 52' from old 123 (75' required); variance for canopy to be 18' from Chain Bridge Road

Mr. Smith stated that the canopy is permitted to be within 25' of the property as opposed to other businesses which have to setback the full requirement which is usually 50'.

Mr. Runyon stated that they do have an unusual case, speaking to the variance portion of it. You do not have a lot of sites with road frontage on the front and rear. They have an odd shaped parcel that is left over by the combination of the new 123 and the remainder of Old 123 with the same road fronting on both sides. He stated that he knew what Mr. Smith meant regarding the canopy variance, but he felt the Board should grant them a little relief in the case of such unusual conditions.

Mr. Smith stated that the canopys should be brought into compliance and then he would vote for it. He stated that there is an existing service station here which is a very fine facility that was just constructed three or four years ago and is run very well.

Mr. Runyon stated that maybe it is not run very well.

Mr. Smith stated that there is a reasonable use of the land now which provides a service to the community.

Mr. Kelley asked how many pumps the existing station has and how many the new station will have.

Mr. McPherson stated that the existing facility has four dual pumps and the new facility will have 20 dispensing units, 10 pumps.

The B. P. representative stated that the reason they are going to this type station is so that they can reduce the price of the gasoline three (3) cents.

Mr. Smith stated that he drove over and looked at this site and it certainly seems to be a good business there now. This proposal with an iluminated B. P. sign on it is not in keeping with the Board's policy. The Board just denied Giant permission to have such a sign.

Mr. McPherson stated that they have moved the building back 8 or 9 feet reducing the amount of the variance needed for that and have reduced the amount of the other requests also.

Mr. Smith again stated that he felt that they are overdeveloping the site. Whether this would allow the applicant to cut the price is something he doesn't know. He asked if B. P. operates the existing station.

Mr. McPherson answered that they do operate the existing station. It is a company owned station.

Mr. Runyon stated that he feels that this is one of the most unusual cases the Board has had.

Mr. Smith stated that they have reasonable use of the land now.

Mr. Runyon stated that the applicant has stated that under their marketing conditions, this is what they need.

Mr. Smith stated that that is fine as long as they stay within the setbacks they have now, but they are more than doubling the number of dispensing units. He stated that they could cut the canopy off in the back. He asked how the Board could justify granting a variance for a canopy. He stated that he took part in the process to amend the ordinance to allow canopies to be within 25' because he felt it was justified to shelter the tanks, but now to grant another variance is certainly not justified.

Mr. McPherson stated that they could cut off the front canopy completely.

Mr. Smith stated that B. P. was aware of the limited development that could take place here at the time they purchased the property. He inquired if they ever close these pumps off from use by the public.

The B. P. representative stated that if the pumps are blocked off, it is because of the number of attendants that are available.

Mr. Runyon moved that this case be deferred for decision only until November 20, 1974.

Mr. Baker seconded the motion.

Mr. Runyon stated that based on the Board's discussion, he felt the Board has given them enough instruction to know what they can or can't do. He stated that he has marked up a plat with some suggested alternatives.

Mr. Smith stated that he would like to discuss what his proposals are though.

Mr. Runyon stated that the Board is not going to grant any variances for the canopy and pump islands. He stated that he did not feel the Board made this clear before.

Mr. Smith stated that he felt they had had ample time.

The motion passed 4 to 0.

Mr. Barnes was absent.

Mr. Smith asked that they submit any new plats they might come up with to the Staff at least five (5) days prior to the November 20, 1974 deferral date. This will be for decision only and will be taken up after the regular scheduled cases.

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JAMES M. ROLLINS, application under Section 30-6.6 of the Zoning Ordinance to permit construction of family room addition closer to rear lot line than allowed by Ordinance, (15.7' from rear lot line) and to permit construction of garage closer to side property line than allowed by Ordinance, (2.2' from side property line), 13602 Bentree Court, 44-2((3))82, Brookfield Section 1, (10,700 square feet), Centreville District, (R-12.5C), V-118-74, (Deferred from 9-25-74 for new plats reducing requirements for variance for both side and rear property lines by 4'). DECISION ONLY.

The plats had been received cutting the addition by 4' and the garage by 4'.

----------Resolution----------

In application No. V-118-74, application by James M. Rollins under Section 30-6.6 of the Zoning Ordinance to permit construction of a family room and a garage as additions to residence at 13602 Bentree Ct., Centreville District, 44-2((3))82, Brookfield Section 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 propery owners, and a public hearing by the Board of Zoning Appeals held on 9-25-74 and deferred to 10-16-74.

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

1. That the owner of the subject property is James M. & Patricia E. Rollins.
2. That the present zoning is R-12.5 cluster.
3. That the area of the lot is 10,700 sq. ft.
4. That the request is for a variance of 9.3 feet for the rear yard and a variance of 2 feet for the side yard, resulting in the family room being 19.6 feet from the rear property line and the garage being 6 feet from the side property line.

AND, WHEREAS, the Board 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 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 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 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 used in proposed addition shall be compatible with the 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 responsible for fulfilling his obligation to obtain building permits and the like through the established procedures.

Mr. Baker seconded the motion. The motion passed 4 to 0. Mr. Barnes was absent.

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CARDINAL COMMUNITY CENTER, INC., S-120-74 (Deferred from 9-25-74 for applicant to meet with nearby community to answer their questions and try to resolve the problems -- Written testimony only to be accepted, public hearing closed). DECISION ONLY.

Mr. Smith stated that there are only four Board members present and there has been a request to defer this case for a full Board.

Mr. Kelley stated that, in view of the fact that one of the Lions Clubs has withdrawn and there is a rumor that another on will, he would think that the Board whould wait until there is a full Board and perhaps by then, everything will be worked out. He moved that it be deferred until November 13 for decision only. Mr. Baker seconded the motion. The motion passed unanimously.

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SCHEFER SCHOOLS, ANTON SCHEFER -- REQUEST FOR OUT OF TURN HEARING

A representative from the school appeared before the Board. He stated that they must move out of their present facilities and therefore needed to get another place as soon as possible.

Mr. Smith stated that the Board could grant the out of turn hearing, but it would be necessary for them to get new plats in showing such things as the recreation area, the dimensions of the building, setbacks, etc. The plats that have been submitted do not comply with the Board's present requirements.

The representative stated that they could get the plats in within the week.

Mr. Baker moved that the request be granted.

Mr. Runyon seconded the motion. The motion passed unanimously.

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Mr. Baker moved that the minutes for September 11, 1974 be approved as corrected.

Mr. Runyon seconded the motion. The motion passed unanimously with the members present.

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The hearing adjourned at 1:30 P.M. with no break.

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by Jane C. Kelsey
Clerk

Daniel Smith, Chairman

Approved: November 6, 1974
Date

The Regular Meeting of the Board of Zoning Appeals Was Held Wednesday, October 23, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Joseph Baker; and Charles Runyon. Mr. George Barnes was absent. Mr. Mitchell and Mr. Covington were present from the Staff.

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

10:00 - GERALD N. GALSTAN, application under Section 30-6.6 of the Zoning Ordinance to permit carport closer to side property line than allowed by Ordinance, (1.0' from side line) 4904 King Richard Drive, 70-3((5)) 214, Canterbury Woods, Section 4, (12,068 square feet), Annandale District (R-12.5Cluster), V-139-74

Notices to property owners were in order. The contiguous owners were Laraine Meli and Donald Meli, 4906 King Richard Drive, Annandale and Richard and Norma Vanney, 4913 North Centaurs Court, Annandale, Virginia.

Mr. Galstan represented himself before the Board.

The Staff report indicated that this unenclosed carport is requested to be one foot from the side property line and the minimum requirement is five feet for such a structure, therefore, the applicant needs a variance of four feet.

Mr. Galstan stated that he was requesting a variance to Section 30-2.2.2, as modified by Section 30-3.3.1 and 30-3.3.8 under the hardship section of the ordinance. He stated that he wished to construct up to one foot from the side lot line for the eve structure (for a variance of one foot or 50 percent) and up to two feet from the side lot line for the carport structural uprights for a variance of three feet or 60 percent.

He stated that he is requesting this variance in the strict application of the ordinance because:
A. The exceptionally narrow lot width setback remaining after his residence was sited and constructed by the building.
B. The unusual physical condition of an old stream bed passing through his rear yard which floods during moderate or heavy rains. Construction of an extended driveway and detached carport or garage would disrupt the water flow and probably cause frequent flooding of his basement and/or undermining of such driveway or detached structure.
C. The unusual feature of the siting of the adjacent residence on its corner lot, which provides a very generours 25.5 feet from the closest point on that structure to the lot line in question

He stated that the majority of single family residences in the area have either a single or double attached carport or garage.

Mr. Kelley stated that even though there might be a good separation between the houses at this point, the man next door might sell his house next week and the new owner might want to put in a family room or something like that, then there would be no separation. He stated that he did not support granting a variance to build within 1' of the property line. It is setting a precedent. A 5' variance has already been granted by the Ordinance for open carports.

Mr. Smith stated that the Board cannot grant variances on conditions that generally exist throughout the community.

Mr. Galstan stated that the general condition in the community is that the houses all have single or double garages. He estimated the percentage of these homes at 85 percent.

Mr. Smith stated that that would be a factor. He asked Mr. Covington to check this out.

Mr. Donald Maley, Lot 70, one of the contiguous property owners spoke in support of this application. He stated that he has enclosed his carport.

Mr. Galstan stated that the only reason for his going within the 1' is to provide an overhang which continues the appearance of the existing house by making the proposed overhang the same as the existing overhang. In answer to Mr. Smith's question, he stated that he could not cut the carport down as there is an existing stoop which is 3 1/2' wide which would not give enough room for the car.

Mr. Runyon stated that actually this is not a narrow lot. It is 85' and the minimum is 80'.

Mr. Kelley stated that if it is the feeling of the Board, he would be happy to go and view this property. Each lot has to stand on its own merit. He stated that he is not in favor of granting this much variance.

Mr. Smith stated that he could not support the variance without additional information as to the general condition of the area.

Mr. Runyon suggested that the Board get a copy of the grading plan and that plan will show the types of houses and how they are located in this area. (There was no one else to speak in favor or in opposition to the application). Mr. Kelley moved to defer this case until November 13, 1974 for viewing of the property and to find the percentage of houses involved with this same type situation in Canterbury Woods.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.
(Hearing ended at 11:05 A.M.)
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10:10 - JAMES T. & ALICE M. CHILDS, application under Section 30-6.6 of the Zoning Ordinance to permit addition closer to front setback line than allowed by the Ordinance, 2412 Carey Lane, 38-3((20))41 (28,734 square feet), Centreville District, Town and Country Gardens Subd., Section 2 (RE-0.5), V-140-74 (Hearing began at 11:10 A.M.)

Notices to property owners were in order. The contiguous owners were McElhatton, 9810 Vale Road, Vienna, Virginia and Jusseaume, 2410 Carey Lane, Vienna, Virginia.

Mr. Childs stated that he would like a variance to put an addition to his residence which would be 44.7 feet from the front property line along Vale Road. He needs a variance of 5.3 feet to the requirement of the Ordinance. He stated that if the house had been placed on the lot parallel to Vale Road he would have had room for the addition. If he moved the proposed addition back he would encroach on the flood plain easement. The area to be built upon now has drainage problems and this addition would help solve those problems.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application No. V-140-74, application by James T. and Alice M. Childs, under Section 30-6.6 of the Zoning Ordinance, to permit addition 44.7 feet from the front property line on property located at 2412 Carey Lane, also known as tax map 38-3((20))41, County of Fairfax, Virginia, Mr. Runyon 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 October, 1974; 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 28,734 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.

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. Architectural detail shall conform to that of the existing structure.

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 responsible for fulfilling his obligation to obtain building permits, residential use permit and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

10:20 - WHEELER RODGERS, application under Section 30-6.6 of the Zoning Ordinance to permit garage closer to front property line than allowed by the Ordinance, 5115 Forsgate Place, 67((10))20, West Hill Subdivision, (40,081 sq. ft.), Springfield District (RE-1), V-142-74

Notices to property owners were in order. The contiguous owners were Frances Dougherty, 11203 Sedgefield Road, Fairfax and Robert Batel, 5117 Forsgate Road, Fairfax, Virginia.

Mr. Rogers represented himself before the Board. His address is 5105 North 25th Court, Arlington, Virginia. He stated that he would like to construct a house on his lot located at 5115 Forsgate Place. The garage portion of this house would extend into the setback area 14' on the front property line which is actually the side of the house along Forsgate Place. Forsgate Place is a cul-de-sac. The reason for this request is the unusual shape of the lot and for the following reasons:

1. He needs to put the septic field in the front yard where he has obtained a soil percolation rate of 10 @ 65 inches.
2. To move the house toward Sedgefield Road and locate the septic tank to the rear of the house would require cutting the trees at the rear of the lot adjoining lot 21 and the soil percolation test in that area is 35 @ 38 inches.
3. By locating the house as requested, the best utilization of the land will be accomplished by permitting(a) the house to be located at the high point and (b) the septic and drain field can be located in the front, thereby saving the trees in the back; and
4. The requested use will not be injurious to the use of the land and buildings in the vicinity but will be in harmony with the neighborhood.

He stated in answer to Mr. Smith's question, that he will begin building this house just as soon as the permits that are now in the County have been approved. He stated that he had visited with each property owner on the five surrounding lots and they have no objection to this variance to his knowledge. This will not affect the Doughertys except that it will put his house in line with the existing dwellings on Lot 19. If he has to move the house to get the 50' front setback, it will put his house at least 30' to the front of the existing dwelling on Lot 19 which means that they would be looking out their front window on the rear of his house.

Mr. John T. Hazel, citizen in the area, appeared before the Board and spoke in favor of the application.

There was no one else to speak in favor and no one to speak in opposition to this application.

Mr. Hazel further stated that he agreed with Mr. Rodgers that it will be far better to put the house where he has proposed to put it.

RESOLUTION

In application No. V-142-74, application by Wheeler E. Rodgers under Section 30-6.6 of the Zoning Ordinance to permit garage of proposed house to be constructed closer to front property line than allowed by Ordinance (within 36') on property located at 5115 Forsgate Place, West Hill Subdivision also known as tax map 67((10))20, 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, letter to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 23rd day of October, 1974; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Wheeler E. & Illa S. Rogers.
2. That the present zoning is RE-1.
3. That the area of the lot is 40,081 square feet.
4. That the request is for a variance of 14 feet to the requirement of 50 feet.
5. That the subject property is a corner lot and borders on a cul-de-sac.

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 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 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.

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 responsible for fulfilling his obligation to obtain building permits, residential use permits and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

10:30 - ROBERT E. & LOUISE M. PAUL, application under Section 30-6.6 of the Zoning Ordinance to permit porch and carport closer to side property line than allowed by the Ordinance, 7010 Spaniel Road, 88-4 (2))135, (14,856 sq.ft.) Orange Hunt Estates Subd., Springfield District, (R-17C), V-143-74

Notices to property owners were in order. The contiguous owners were Col. and Mrs. Herbert Fogarty, 7012 Spaniel Road and Mr. and Mrs. Ianiero, 7008 Spaniel Road, Springfield, Virginia.

Col. Paul represented himself before the Board. He stated that the proposed porch would be within 5.4 feet from the side property line and the proposed open carport would be within 2.0 feet from the side property line. He stated that because of the terrain of the property, the shape of the lot and the way the house is situated on the lot, he is unable to build at any other location.

Mr. Runyon suggested that he reduce the variance for the carport making this a minimum variance. He suggested he reduce the size of the proposed addition to the existing carport to 7.75' rather than 9.75' making that structure 4.0' from the side property line rather than 2.0'.

The Staff report indicated that the applicants need variances to the requirement of 2.8 feet for the porch and 6.2 feet for the carport addition. Since this is in a Cluster zone the required side yard setback for this open structure for this particular lot is 8.2 feet.

The applicants agreed to reduce the proposed addition to the carport. There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application No. V-143-74, application by Robert E. and Louise M. Paul, under Section 30-6.6 of the Zoning Ordinance to permit carport side yard of 4'*and porch side yard of 5.4'*on property located at 7010 Spaniel Road also known as tax map 88-4((2))135, County of Fairfax, Virginia, Mr. Runyon moved that the Board of Zoning Appeals adopt the following resolution: *AS AMENDED

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 October, 1974; and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owners of the subject property are the applicants.
2. That the present zoning is R-17 Cluster.
3. That the area of the lot is 14,856 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.

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 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. Architectural detail shall conform to that of the existing structure.

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 responsible for fulfilling his obligations to obtain building permits, residential use permit and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

Mr. Runyon made the necessary changes on the plats and the plats were initialed by Mr. Paul.

10:50 - BELLE HAVEN COUNTRY CLUB, INC., application under Section 30-7.2.5.1.4 of the Zoning Ordinance to permit addition to clubhouse in existing country club facility, 6023 Fort Hunt Road, 83-4((1))5, 6 and 13, Mount Vernon District (127.8181 acres), R-12.5, S-145-74

Mr. John T. Hazel, attorney for the applicant, requested that this case be deferred to a later date.

Notices to property owners were in order. The contiguous owners were Fairfax County Water Authority, 4121 Channel Lane Road and Robinson, P.O. Box 275, Alexandria.

Mr. Baker moved that the request be granted and the case set for Dec. 4, 1974 Mr. Runyon seconded the motion and the motion passed 4 to 0. Mr. Barnes absent.

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11:00 - B. MARK FRIED

The agent for the applicant was not in the room, therefore, the Board recessed this case until after they had heard the next scheduled case.

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11:30 FAIRFAX QUARRIES, INC., application under Section 30-7.2.1.3 of the Zoning Ordinance to permit renewal of Special Use Permit for stone quarrying and stockpiling of quarried stone and accessory uses, 15717 Lee Highway, 64((1))12, 13, 14, 15 & 72, (99.9577 acres) Centreville District (RE-1 & IG) S-141-74

Mr. Royce Spence, attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Ruby Collins, 7100 Bull Run P. O. Road, Centreville and Mrs. Helen Alexander, 15901 Lee Highway, Centreville, Virginia and Willard P. Robinson, 15907 Lee Highway, Centreville, Virginia.

Mr. Spence stated that this application is only pertaining to the property on the south side of Lee Highway. This quarry first started in the late 1920's as a County owned, County operated quarry. At that time, it was confined to what is known as Parcel 13 and 14. In 1938 Luck Quarries took over the operation of the quarry. They continued operation of those two parcels until 1959. At that time the operation was expanded by adding 42 acres. The Permit has been extended ever since then and that is why they are before the Board today. Approximately two years ago, there was an application for stockpiling on Parcel 12 which the Board granted. Several months ago Mr. Jack Maize, Zoning Inspector Specialist, brought to the Board a request for a change in the hours of blasting on the south side to conform to the hours for blasting on the north side. The Board allowed the change in hours. They are from 11:00 A.M. to 2:00 P.M. for blasting on both the south and north sides of Lee Highway. The Restoration Board reviewed the quarry last year particularly with regard to fencing of the property. With one small exception, an area on the front, the property is now entirely fenced. They are now making plans to put in the gate. He showed the Board the plans for the gate.

Mr. Spence stated that the area surrounding the property is largely rural. They have a good relationship with all the surrounding property owners. There are no complaints. He stated that the large purple area shown on the plans, known as parcel 72, which is approximately 4 acres and is zoned I-G is presently occupied by an asphalt plant, which is not part of this application. Therefore, this application consists of about 95 acres. As soon as it is possible under the existing zoning situation in the County they plan to rezone another parcel of approximately the same size as this four acre parcel to whatever category is appropriate to allow the removal of that asphalt plant from its present location back further toward the woods and away from the road. Newton Asphalt will be the operators, as they are now. This will be a more modern plant constructed to meet all EPA standards. This goes to the Board of Supervisors, but he stated that he wants this Board to be aware of it.

Mr. Smith stated that the only requirement this Board would request is that when this plant is relocated and developed, that it be made a part of the overall plan for this file as it is within the 99 acres of this application. Under the existing conditions of the Board, for any change it will be necessary to advise the Board of these changes.

Mr. Spence stated that under the existing conditions of the Permit, they may shoot on three different days during the week and are allowed to shoot one shot on any one day. The hours of the shots may be from 11:00 A.M. to 2:00 P.M. As a practical matter, they have only been shooting 1 1/2 to 2 times per week and because of the slow down, it has been down to one time per week now.

Mr. Smith stated that for the benefit of the new members on the Board since this Special Use Permit was originally granted, one of the previous conditions was that the quarry build an access from the existing operation to the new operation on the other side of the road. This access was to be a tunnel under the road to be built at such time as they had dug deep enough in the hole to then build the tunnel to use to cross the highway.

Mr. Spence stated that they do constantly water the roads to keep the dust down.

Mr. Spence showed several slides of the area. One showing the plantings along the stockpile area, a view of the office, a view of the Centreville plant, a view of the entrance, a view of the Leesburg plant and the Rockville Quarry. He stated that they have plans to do this entrance similar to the Leesburg entrance. He showed the Board a sketch of their plans.

Mr. Jack Maize, Zoning Inspector Specialist, spoke before the Board. He stated that in general they have met all the conditions of their Permit and in the few instances where they have had violations, they have been minor and they have corrected these deficiencies immediately. On the whole, he stated, this operation has been operated in a top notch fashion. In answer to Mr. Smith's question, if they are keeping the dust within the limits of the State regulations, Mr. Maize stated that he is not fully aware of just what the State standards are, but the dust situation doesn't satisfy him entirely. He stated that during the next one or two years, they are looking at ways and means to make improvements within the scope and ability of the management.

In answer to Mr. Smith's question, if the Johnson-March dust control equipment was in and in operation, Mr. Maize stated that he had observed it when it was not in operation on occasions when it has had a malfunction of one of the water pumps and at that time there was a lot of dust. There was also a lot of dust during the time that they wrecked their watering truck. He stated that he is constantly suggesting to them that they sweep up the highway to remove the dust.

Mr. Smith stated that he feels they have neglected to bring this quarry up to the standard that they have the one in Leesburg.

Mr. Maize stated that since he is the eyes and ears of the Board, he does not hesitate to make suggestions to the management and if the occasion ever presents itself, he would not hesitate to bring anything of a serious nature to the attention of the Board.

In answer to Mr. Smith's question, he stated that he had no more conditions to add to the 17 conditions that were presented to the Board by the Restoration Board as conditions to the extension of this Permit.

Mr. Kelley stated that he feels they are doing an excellent job trying to bring this operation up to the standards of the one in Leesburg. He moved that this case be deferred until November 13, 1974 for decision only.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

Mr. Smith stated that even though the Permit is up the 24th of October, 1974, the hearing has been held and there will be no interruption in the operation as far as the Permit is concerned.

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11:00 - B. MARK FRIED, application under Section 30-7.2.10.3.3 of the Zoning Ordinance to permit motel, east side of Backlick Road directly across from the intersection of Oriole Avenue, 90-2((1))25C & 25D, (102,443 sq. ft.), Springfield District (C-D), S-165-74, OTH (renewal of sup granted 6-28-74, S-79-72)

Mr. Fred Taylor, attorney for the applicant, The Executive Building, Springfield, Virginia, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were American Oil Company, Box 507, Baltimore, Maryland and Virginia Dodson, c/o James Waddell, 6801 Backlick Road, Springfield, Virginia.

Mr. Taylor stated that there is an unusual set of circumstances here. This Board initially granted a Permit on this site and afterward granted a six month extension. During this entire time, the property was affected by the Lower Potomac Sewer moratorium, so the applicant was unable to begin construction. Before the time on the Special Use Permit expired, the applicant requested another extension which was denied by this Board. Later the Board began extending under these circumstances, but by that time, this Permit had already expired. The applicant now can't build and through no fault of his own. They are now on the Lower Potomac waiting list and they are awaiting a letter from the County. He stated that he spoke with Mr. White and he said that since their name, Springfield Garden Motel, is near the end of the alphabet, is the reason they have not yet received their letter that they can get the sewer hookup. If this Permit is granted, they hope to begin con-

struction within one year.

He stated that there are three basic motel units which are two stories high with a total number of 120 units and 123 parking spaces, a swimming pool and an office. The plans for this motel and the landscape plan were all submitted to the Board at the time of the original hearing and there has been no changes to those plans. The architecture of the building is brick veneer. The three separate units are connected by a bridgeway which is brick veneer.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application No. S-165-74, application by B. Mark Fried under Section 30-7.2.10.3.3 of the Zoning Ordinance to permit motel on property located at the intersection of Oriole Avenue on the east side of Backlick Road, also known as tax map 90-2((1))25C, County of Fairfax, Mr. Runyon 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 October, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Allan H. Gasner and B. Mark Fried, Trustees.
2. That the present zoning is C-D.
3. That the area of the lot is 102,443 sq. ft.
4. That a Special Use Permit, S-79-74, granted June 28, 1974, has expired.

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

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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit shall be posted in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. All other provisions of the previous Special Use Permit shall remain in effect.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

DEFERRED CASES:

OAKTON LIMITED PARTNERSHIP AND THE NATIONAL BANK OF FAIRFAX, V-129-74, (Deferred from 9-18-74 and 10-9-74 for full Board).

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Mr. Smith told Mr. Tom Lawson, attorney for the applicant, that there was still not a full Board.

Mr. Lawson stated that he understood that Mr. Barnes was ill. He stated that he didn't want to drag this out, but he would prefer to have a full Board.

Mr. Kelley moved that the case be deferred until October 30, 1974, for a full Board.

Mr. Runyon seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

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LAKE BARCROFT RECREATION CENTER, INC., S-112-74 and V-175-74 (Deferred from October 9, 1974 & October 16, 1974 for full Board.)

Mr. Baker moved that this case be deferred until October 30, 1974 for a full Board.

Mr. Kelley seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

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AFTER AGENDA ITEMS:

ST. MARK'S EPISCOPAL CHURCH, S-70-74, SUP for child care center.

Mr. Smith read a letter from Leslie Roos, Special Assistant Attorney General, Northern Virginia Regional Department of Welfare inquiring if the St. Mark's Episcopal Church is authorized under their Special Use Permit to contract with a private incorporated business which will operate their day care center, including administering the center, determining policies and programs and providing all the staff and equipment, so long as the Church remains the legal owner of the day care center.

Mr. Smith then read a letter from Rev. Burtis M. Dougherty of the St. Mark's Episcopal Church stating that they should have included Hourly Child Care Inc. as a co-applicant. He stated that in their letter accompanying the original application form, they did state that Hourly Child Care, Inc., a non-profit organization presently chartered by the Commonwealth of Virginia for tax-exempt purposes, would implement the program located at St. Mark's. The working agreement between St. Mark's and Hourly Child Care Inc. calls for the reimbursement of such expenses as heat, light, water, etc. incurred by the Church in providing the physical facilities for the program. The Hourly Child Care Inc. will set and collect such fees and charges for the program as are in keeping with its and the church's non-profit status. They also will be responsible for educational policy and over-all administration of the program, subject to the termination provision of the working agreement by either party for stated cause and with 90 days notice.

Rev. Dougherty requested that the Board of Zoning Appeals' action of July 10, 1974 granting the Special Use Permit for a child care center to St. Mark's be amended to include Hourly Child Care, Inc. as a co-applicant. He stated that if this is granted, it will facilitate the State licensing procedure and allow this much-needed community service program to get underway.

Mr. Runyon moved that in application by St. Mark's Episcopal Church for a child care center, S-70-74, that the application be amended to include Hourly Child Care, Inc.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

The Board requested the Clerk so notify Rev. Dougherty and Leslie Roos.

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PINEWOOD DEVELOPMENT COMPANY, S-217-73, Granted December 5, 1973

Mr. Smith read a letter from the applicant requesting an extension. They stated that they have received sewer capacity and are in the process of bonding this project, but they will be unable to start construction prior to the early part of next spring.

Mr. Runyon moved that the request be granted for a 6 month extension from December 5, 1974.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

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CEDAR KNOLL INN

Mr. Covington told the Board that he had told Mr. Richwine, attorney for Cedar Knoll Inn, that he could come and talk with the Board at 2:00 P.M. However, since the Board had finished their regular advertised Agenda, deferred cases and all other items, Mr. Smith stated that the Board would not return at 2:00 P.M. The Board was not aware previously that this was on the Agenda for 2:00 P.M. and the Board had already made a decision on the matter of the parking lot at the Cedar Knoll Inn. That decision was that they would have to come back with a new application.

Mr. Covington stated that the paving of a parking lot for a new use is mandatory under the Ordinance and Mr. Richwine feels that this should be done without the requirement of having to file a new application to come before this Board at a public hearing.

Mr. Smith stated that it should be on the advertised Agenda. He stated that he did not like to have one person in without all parties being notified, particularly a controversial case such as this one.

Mr. Covington stated that the Site Plan Department would not approve their Site Plan waiver without it first having been approved by this Board.

Mr. Smith stated that there are not supposed to be any changes in any of the Special Use Permits unless they have been approved by the Board. This parking lot came back before the Board a long time ago. The lady that was running Cedar Knoll Inn at that time didn't want to pave it. A file has been lost on this case. It did come before the Board. He stated that he remembered it and so did Mr. Barnes. He stated that they went down there and had dinner and met the lady. They talked about the parking lot.

Mr. Covington stated that he felt the Board should hold a public hearing on this because there is a lot of citizen interest.

Mr. Smith agreed and stated that it would not be proper for Mr. Richwine to come in and discuss this without it being a public hearing. This is the thing that the people are suspicious with the County on. The Board hearing one side of the story without hearing both sides of it would cause a problem. Mr. Smith stated that at the time they discussed this parking lot with the lady who operated Cedar Knoll, she felt it would take away from the country atmosphere if it were paved. Of course, the County didn't have site plan then. That was before the Site Plan Ordinance was adopted.

Mr. Baker stated that a lot of things have slipped through in this case. He stated that he felt there should be a public hearing. Mr. Baker moved that the Board hold a public hearing on this case.

Mr. Smith inquired if this was the consensus of the Board and asked if there was any objection. Hearing no objection, it was so ordered by the Chairman.

Mr. Covington stated that he would notify Mr. Richwine.

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The meeting adjourned at 1:00 P.M. with no break.
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By Jane C. Kelsey, Clerk

DANIEL SMITH, CHAIRMAN

APPROVED November 6, 1974
DATE

The Extra Meeting of the Board of Zoning Appeals Was Held On Wednesday, October 30, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Charles Runyon, Joseph Baker and George Barnes. Mr. Mitchell and Mr. Covington were present from the Staff.

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

10:00 - THE TIMBERS ASSOC., a nonstock corp., application under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit addition of tennis courts to community recreation facility, Hillside Road and Rolling Road, 79-3((1))2A (3.7338 acres) Springfield District (R-12.5 and RTC-10), S-146-74

Mr. Stephen L. Best, attorney for the applicant, 4069 Chain Bridge Road, Fairfax, Virginia, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Byron Knight, 6030 Timber Hollow Lane, Springfield and Susan F. Amdur, 6032 Timber Hollow Lane, Springfield.

Mr. Best stated that this Board granted the Timbers Association a Special Use Permit September 12, 1973 for a community swimming pool and bath house. The bath house would be in the community building. Construction has not yet commenced because of the sewer moratorium. They would like to modify their proposed building and also add a multi-purpose court. When this application was filed, the property was still under the control of the developer; however, the homeowners association has now taken this over and does not wish to have the tennis courts but would like to have multi-purpose courts in this same location for volley ball or basketball.

In answer to Mr. Smith's question, Mr. Best stated that the proposed building would be one story instead of two, but would have the same ground coverage. The dimension of the building are 30'x72'. The materials to be used in this building are stucco with a hip roof of either shingles or shakes and the design will conform to the design of the homes in The Timbers.

Mr. Kelley moved that this case be deferred until November 6, 1974 to allow the applicant to submit new plats showing the multi-purpose courts instead of the tennis courts.

Mr. Baker seconded the motion.

Mr. Smith stated that they should show the basketball goal posts as they are considered structures and have to set back as a structure would.

The motion passed 5 to 0.

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10:20 - D. COMPE, INC., application under Section 30-6.6 of the Ordinance to permit construction of a second story addition on existing building with a setback of 35' from the front property line and to permit canopy within 4' of rear property line (required 25'), 5711 Center Street, 61-2((20))9, Dowden Center, (8,776 sq. ft.) Mason District, (C-G), V-147-74

Notices to property owners were in order. The contiguous owners were Arthur L. Crea, 3511 Paul Street, Alexandria, Virginia and James E. Swanner, 3335 Kaywood Drive, Falls Church, Virginia.

Mr. Alfred W. Reilly, President of D. Compe, Inc., testified before the Board. He stated that the property in question contains an existing one story building. This building, like most of the buildings on this side of this block of Center Street, is located nearer than current zoning permits to the front lot line. Most of the neighboring buildings on this side of the street are two story structures. This property was recently acquired by the applicant to provide office and storage space for the applicant's use in his plastering and drywall business. Acquisition was completed with the hope that they could construct a second floor addition for use as an office and use the ground floor for storage of materials and supplies, etc.

Mr. Reilly stated that the proposed second floor addition is compatible with the buildings in the rest of the neighborhood. He stated that the area of open yard behind the building will be used for loading and receiving materials. They are requesting that they be allowed to put a canopy as shown on the plats within the rear setback.

Mr. Smith inquired if this building would support a second story.

Mr. Reilly stated that they had had an engineer look at it for his opinion, but they have not gone into the details as yet, until they know whether or not they can do it.

Mr. Covington stated that he was sure they could add a second story, but the building inspectors will make them meet all the necessary requirements.

Mr. Smith stated that they might have to go outside the existing building dimensions in order to put this second floor in.

Mr. Reilly stated that they could support the second floor from within without any additional variance.

Mr. Kelley stated that he would like to know for sure whether or not the applicants would be able to put the second floor in.

Mr. Covington stated that the applicant isn't asking for anything more than what is already there. It is heavily screened along there and there are a lot of heavy uses existing. He stated that he just viewed the property this morning.

Mr. Smith stated that perhaps the other buildings were constructed by right.

Mr. Covington stated that there was an application before the Board which was for a second floor and it was granted. This was some time ago. He stated that he has been talking about the second floor, not the canopy.

Mr. Smith stated that there is no topographic hardship for the canopy.

Mr. Runyon stated that he did not think whether or not the applicants can build the second floor is a problem that this Board can address. The variance will expire within one year from the date it is granted. If the building department will not let him build the second floor, the variance is dead anyway.

Mr. Barnes agreed with Mr. Runyon.

In answer to Mr. Smith's question, Mr. Reilly stated that they plan to use a stucco type finish on the second floor as it is lighter in weight. If necessary, however, they can use brick to match the first floor.

In answer to Mr. Kelley's question, Mr. Reilly stated that he did not know he would need a variance to build the second floor at the time he purchased the property. They felt since the other buildings in the neighborhood had two floors, that they could have a second floor also.

There was no one to speak in favor of the application.

Mr. Arthur McCrae, 3511 Paul Street, Alexandria, one of the contiguous property owners spoke in opposition to this application for a second floor. He stated that he did not object to the canopy in the rear, but he did object to the second floor being added as he felt this would take away from the value of his property. He stated that the applicant has just replaced a 7' fence along the property line as the old fence had been damaged by the previous owner. He stated that a similar application by Brothers Furniture Company several years ago was defeated.

Mr. Smith stated that the request for the variance is not to the rear property line for this second floor, it is from the front property line. The applicant could by right construct a second floor as long as he brought it back 15' from the existing edge of the building.

In rebuttal Mr. Reilly stated that if they are forced to bring the second story back 15' from the front edge of the existing building, it will give it a peculiar effect.

Mr. Reilly stated that facing the building, the building on the left of their building is a two story building.

Mr. Runyon stated that actually it sounds as though a variance would not be required, but to clear the record, the Board should take some action regarding this application.

RESOLUTION

In application No. V-147-74, application by D. Compe, Inc., under Section 30-6.6 of the Zoning Ordinance to permit construction of a second floor 35' front the front property line and to permit canopy within 4' of rear property line (required 25') on property located at 5711 Center Street, also known as tax map 61-2((20))9, County of Fairfax, Virginia, Mr. Runyon 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 30th day of October, 1974, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is D. Compe, Inc.
2. That the present zoning is C-G.
3. That the area of the lot is 8,776 square feet.
4. That the existing building is located 35' from the front 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 and/or buildings involved as pertains to the request for the variance to the front setback requirement for the second floor:
(a) exceptionally shallow lot,
(b) 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 indicated in the plats included with this application only (excluding the canopy) 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. Architectural detail shall conform to that of the existing structure.
4. This variance applies only to the second floor, not the canopy.
5. The proposed addition shall not exceed 25' 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 responsible for fulfilling his obligation to obtain building permits, residential use permit and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed 4 to 1 with Mr. Smith voting No.

10:30 - FIRST ASSEMBLY OF GOD OF ANNANDALE, application under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit use of existing dwelling for Sunday School educational classrooms, 4957 Sunset Lane, 71-4 ((1))21, (1.96477 acres), Annandale District, (RE-0.5), S-149-74

Mr. Calvin Boatwright, 803 West Broad Street, Falls Church, represented the applicant before the Board.

Notices to property owners were questioned by Mr. Smith. The applicant had notified one contiguous property owner who owned two separate pieces of property. This owner was the Frazers, 4553 Sunset Lane. He had not notified the other property owner. He had notified the people across the street and thought they could be considered as contiguous property owners.

Mr. Baker moved that the Board proceed with the hearing and that the notices be accepted as being proper notification.

Mr. Barnes seconded the motion.

The motion passed 4 to 1. Mr. Kelley voted No.

The Staff Report indicated that approval of this application would bring the entire church property and use under special use permit. The church building has seating for 145, so that a minimum of 29 parking spaces would be required. The existing paved parking lot shown on the plat submitted indicates 40 parking spaces, which is 11 more than required. A portion of the parking lot is non-conforming as to the specific requirement for Group VI uses regarding parking setbacks.

Mr. Boatwright stated that the Church has been trying to purchase additional property for another building. They feel they do not have enough land at the present time and wish to use this building only until they have purchased some additional land and erected a new building. They anticipate 35 to 40 children in these classrooms on Sunday. There will be no requirement for additional parking.

Mr. Smith questioned the adequacy of the plats.

Mr. Boatwright stated that their firm is doing the engineering work for the church as a favor to the church and they felt it would not be necessary to draw a new complete site plan since they are not building any additional buildings. He stated that they do have all the necessary information on the plats that they submitted.

Mr. Kelley stated that he understood the problem and appreciated it very much.

Mr. Smith inquired as to what the house is being used for at the present time.

Mr. Boatwright stated that the house is empty.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application No. S-149-74, application by First Assembly of God of Annandale under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit use of existing dwelling for Sunday School educational classrooms, on property located at 4957 Sunset Lane, Annandale District, also known as tax map 71-4((1))21, 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 30th day of October, 1974.

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 1.96477 acres.
4. That compliance with Site Plan Ordinance is required.
5. That the property is subject to Pro Rata Share for off-site drainage.

6. 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 R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening are to be provided to the satisfaction of the Director of Environmental Management.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

The Board of Zoning Appeals recessed at 11:30 A.M. as the Board of Supervisors needed the Board Room for Bond bids. Mr. Smith announced that the Board would return at approximately 1:30 P.M.

The Board returned at 1:10 P.M. to continue with the advertised Agenda.

10:50 - PAUL JAMES WASSELL, application under Section 30-6.6 of the Zoning Ordinance to permit carport closer to front lot line than allowed by the Zoning Ordinance, (29.8' from the front lot line, 10.2' variance) 8122 Drayton Lane, 70-4((8))(7)1, (14,227 square feet), Annandale District (R-12.5), V-150-74

Mr. Wassell testified before the Board. The notices he presented to the Board were in order. The contiguous owners were Guy A. Gardiner, 8120 Drayton Lane and Gerald T. Luchino, 5219 Landgrave Lane, Springfield, Virginia.

Mr. Wassell stated in his justification that he is on a corner lot and therefore must setback from two streets. In addition, he has a drainage problem and the proposed carport would eliminate this problem, he stated. He went into the fact that he has had an antenna stolen, but Mr. Smith told him that this was a general condition throughout the county and was not justification for a variance under the hardship section of the Ordinance.

Mr. Wassell stated that it is also dangerous for other people for him to have his car parking on the street.

Mr. Runyon stated that a 12' carport would be better suited in this request for a variance as it would only require a minimum variance.

This would make the proposed carport 31.7' from the side property line. This would not exceed the provision in the Ordinance which allows for a structure on a corner lot in a cluster zone.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application No. V-150-74, application by Paul J. and Claudette J. Wassell under Section 30-6.6 of the Zoning Ordinance to permit carport to be located within 29.8' of front property line(AMENDED TO: 31.8' from front property line) on property located at 8122 Drayton Lane, also known as tax map 70-4 ((8))(7)1, County of Fairfax, Virginia, Mr. Runyon 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 30th day of October, 1974; 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 14,227 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 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.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted in part for a 12' carport 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. Architectural detail shall conform to that of the existing structure.

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 responsible for fulfilling his obligation to obtain building permits, residential use permit and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

11:00 - SAMUEL & MARY BECKER, application under Section 30-7.2.6.1.5 of the Zoning Ordinance to permit one chair beauty shop operation in home, 5137 Chowan Avenue, 72-3((11))86, Lincolnia Park Subd., (41,598 square feet), Mason District, (RE-0.5), S-151-74

(This case was called around 1:10 P.M. as the Board of Zoning Appeals had to vacate the Board Room between 11:30 A.M. and 1:10 P.M. The applicant was not present and the Board recessed this case until after the 11:30 A.M. item at which time, it was recalled.)

Mr. Becker testified before the Board.

Notices to property owners were in order. The contiguous owners were John

McDonald, 5133 Chowan Avenue, Alexandria and R. K. Sakamoto, 6348 Montrose Street, Alexandria, Virginia.

Mr. Becker stated that this will be a one chair beauty shop inside their residence. He stated that his wife had a small shop in their home in Maine and when they moved here ten months ago, they brought the equipment with them. She would like to continue this work in the home in order that she can be at home with the family and also help with the cost of living. This home has an outside entrance and they purchased this home with the hope that she could also have her shop here. She plans to only have between three to eight customers a day, four or five days a week. They have owned this home since January, 1974. Mrs. Becker has a Maine beautician's license, but she does not have a Virginia license as yet. She is waiting until she knows the outcome of this application before this Board.

Mr. Kelley stated that he is very much opposed to businesses going into residential areas. People go out and buy a home to have peace and quiet.

Mr. Baker inquired about the distance from this house to the nearest shopping center where there is a beauty shop.

Mr. Becker stated that it is about one and one-half miles.

In answer to Mr. Barnes' question, Mr. Becker stated that the ages of their childres are 13, 8 and 11. He further stated that they have no desire to change the character of the neighborhood.

Mr. Barnes agreed that this is a good thing to have in the home when there are children and stated that one of the problems today is the fact that too many of the parents work away from home and leave the children to themselves too much. He stated that he didn't think there would be too much traffic with this use as it is by appointment only and the number of customers can be limited.

Mr. Baker stated that he is in agreement with Mr. Barnes' statements.

Mr. Smith stated that this is not a good justification for granting a beauty shop as a home occupation. If the Board granted a beauty shop in the home for these reasons, most of the shops in Fairfax County would be in people's homes. The Ordinance was not intended to do that, it was intended to serve remote areas of the County. Mr. Smith stated that it has been a Board policy not to grant beauty shops if it is more than a mile to the nearest commercial beauty shop.

Mr. Baker stated that he thought it was one-half mile.

Mr. Barnes stated that he felt each case has to stand on its own merits.

Mr. Smith stated that the applicant has stated that they bought the house for this use. He asked Mr. Becker how much equipment they have.

Mr. Becker stated that they have one beauty chair and two dryers and a sink.

Mr. Barnes stated that he didn't feel the Ordinance is fair or equitable, as a real estate broker can operate out of his home and have as many cars there as he wants without having to even come before this Board. A real estate office would generate twice as many cars as this small shop.

Mr. Smith stated that the real estate brokers had a better lobby than beauty shops did when the Ordinance was being written.

There was no one present to speak in favor of this application.

Mrs. Sexton, Vice-President of the Lincolnia Citizens Association, spoke in opposition as she stated that they want to keep all commercial activities out of their neighborhood.

Mrs. Dix who stated that she lives on the same street as the Beckers, spoke in opposition. She stated that she is a nurse and would like to have a nursing home in her residence and she couldn't do that.

Mr. Smith stated that she could have two people in her home without a Permit.

Mr. Becker spoke in rebuttal to the opposition stating that all the parking for this use would be off the street. They have a circular driveway so no one would have to back out into the street.

Mr. Runyon stated that he has gone through the standards for granting Special Use Permit uses in residential zones. He stated that he did not know the Board policies on this, but the Ordinance speaks mainly about the hazards or inconvenience this might cause the neighborhood. He stated that he did not feel this use would create a hazard or inconvenience to the neighborhood. They have a turn around area on the site. The Board did deny an application last week, but that property was within one-half mile from the Braddock Shopping Center and only had one entrance to the site. This is on a collector street. He stated that he is hard pressed to see that this application doesn't meet the standards set forth in the Ordinance.

Mr. Smith stated that the people in the community whom the shop should serve do not want it, including the civic association. There hasn't even been one person who has come forth and indicated that they wanted the shop. The applicant is new in the area and doesn't even have a Virginia Beautician's License to operate a shop.

There was no one else to speak regarding this application and the public hearing was closed.

Mr. Becker came forward to give the Board several letters in support of the application.

Mr. Smith stated that the public hearing was closed, but he would place the letters in the file.

RESOLUTION

In application No. S-151-74, application by Samuel & Mary Becker, under Section 30-7.2.6.1.5 of the Zoning Ordinance, to permit beauty shop on property located at 5137 Chowan Avenue, also known as tax map 72-3((11))86, County of Fairfax, Mr. Runyon 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 30th day of October, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owners of the property are the applicants.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 41,589 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

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 operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the building and use indicated on the plans submitted with this application. Any additional structures of any kind, change in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The Resolution pertaining to the granting of this Special Use Permit

BECKER (continued)
SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

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6. The operation shall be limited to not more than one (1) customer per hour from 9:00 A.M. to 5:00 P.M.
7. This permit shall run for one year with the permit being re-evaluated at the end of one year.

Mr. Baker seconded the motion.

The motion passed 3 to 2 with Messrs. Smith and Kelley voting No.

11:20 - FRANK G. SHERVANICK, application under Section 30-6.6 of the Ordinance to permit carport to be constructed closer to side property line than allowed by the Ordinance (3.12' from side property line, 3.78' variance), 8003 Ellet Road, 79-2((3))(8)10, Ravensworth Subdivision, (10,931 square feet), Annandale District (R-12.5), V-152-74

Mr. Shervanick represented himself before the Board.

Notices to property owners were in order. The contiguous owners were James B. Bryans, 8001 Ellet Road and Mario V. Lipari, 8005 Ellet Road.

Mr. Shervanick stated that he would like to amend his application to request a 12' carport.

Mr. Smith told him that this was not possible since the case was advertised, posted, and property owners in the area notified that this would be a 10' carport. The Board could lower the request, but could not raise it.

Mr. Runyon stated that with a 12' carport, it would only be 1' off the property line.

Mr. Shervanick stated that this would limit the inside usable portion of the carport to 9' which becomes quite inadequate. He stated that he had owned the property for four and on half years and plans to continue to live there. This is for the use of his own family and is not for resale purposes. It will be constructed of the same type material as the existing structure.

Mr. Smith stated that he has already been granted a 5' variance in the Ordinance itself for open structures. He stated that in addition, the Board must have a topographic problem with the land before it can grant any variance.

Mr. Shervanick stated that this carport is needed in order to park his car off the street to provide adequate protection from potential car theft. He stated that there is an elevation difference of 4 feet for the land that runs between his house and the common property line.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application No. V-152-74, application by Frank G. Shervanick, under Section 30-6.6 of the Ordinance to permit carport to be constructed closer to side property line than allowed by the Ordinance, on property located at 8003 Ellet Road, Ravensworth Subd., also known as tax map 79-2((3))(8)10, Annandale 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 30th day of October, 1974, 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 10,931 sq. ft.
4. That the request is for a variance of 3.78' to the requirement.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusion of law:
1. That the applicant has not satisfied the Board that 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/or 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 5 to 0.

11:30 - FREEMAN L. JONES, application under Section 30-7.2.10.5.4 of the Ordinance to permit sales rentals and repair of tools and household equipment and supplies and rental of trucks and trailers, 8412 Richmond Highway, 101-3((1))9A, (29,991 square feet), Lee District, (C-G), S-138-74.

Grayson Hanes, attorney for the applicant, testified before the Board.

Notices to property owners were in order. The contiguous owners were Allen M. Klein, 4260 Buckman Road and Michael Mulholland, 8420 Richmond Highway, Alexandria, Virginia.

Mr. Hanes stated that the engineer, Mr. Copeland, and a representative from the truck rental company is present to answer any questions the Board might have in their regard. He stated that Mr. Jones filed this application and mentioned that there was an existing Special Use Permit on this property. This was an error; there is no Special Use Permit on this property. There is an Occupancy Permit which is now called a Non-Residential Use Permit. Mr. Jones confused the two. Mr. Jones has been operating under Uses by Right in a C-G zone. The information that he received from the County when he begin this operation in 1970, was that he could have outdoor display of trucks and trailers. That was erroneous. He has now been issued a Violation for this and he is here to get the Special Use Permit in order to comply with the Zoning Ordinance. The rest of the items listed in the advertisement can be done by right and should not be a part of this application. Mr. Jones has been in business continuously since 1970. This business is dependent on this outside rental of trucks for its success. The property is surrounded on three sides by a fence. The lighting is kept on the property itself. Recently there have been some complaints from the neighbors about the manner the yard is kept and Mr. Jones has been trying to keep this clean every day. Mr. Jones would like to have a total of ten trucks and twenty trailers. The trailers are small and are called Rider Trailers and trucks are less than 1 1/2 tons and most are 1 ton. There are mostly van type trucks involved. There are no recreational vehicles.

After a discussion, it was decided that the applicant would have to have the plats redrawn to show no display parking in the front setback, adequate customer parking, and indicate the exact number of display spaces that are needed and could be accomodated. Mr. Kelley moved that the case be deferred until November 6, 1974, in order for Mr. Copeland to redraw the plats.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

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11:50 - SUSAN LYNN SNYDER, application under Section 30-7.2.6.1.5 of the Zoning Ordinance to permit one chair beauty shop in home, 5917 Erving Street, 80-3((2))(16)16, Springfield, Section 3 Subdivision, (8,447 square feet), Springfield District, (R-10), S-166-74, OTH

Mrs. Snyder represented herself before the Board.

Notices to property owners were in order. The contiguous owners were F. P. Harrison, 5910 Erving Street and Billy Stone, 5918 Dinwiddie Street.

Mrs. Snyder stated that she wished to have a one chair beauty shop in her home. She has two small children and her employer cut her salary by $50 per month and she can no longer afford to work and pay a babysitter. She would prefer to stay at home while the children are young. She stated that she is not employed at the present time.

The Board discussed the distance between this property and the nearest shopping center. Mr. Runyon stated that it scaled approximately one-half mile.

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SUSAN SNYDER (continued)

There was no one to speak in favor of the application.

Mrs. Helen Dodson, 7158 Floyd Avenue, spoke in opposition. She submitted a letter from Mr. and Mrs. Tabor, who lives next door to her (Mrs. Dodson) and Sylvia Hansbarger who also lives in close proximity to Mrs. Snyder and Mrs. O'Brian who lives across the street from her (Mrs. Dodson) on Floyd Street. The letter stated that they object to the rezoning of the subject property for commercial use as they felt it would destroy the asthetic and cultural integrity of a single family neighborhood as commercial use of the property would attract persons who have no direct stake in maintaining the quality of life in their neighborhood, would establish a precedent for further encroachments on the residential nature of their neighborhood, would increase the traffic and adversely affect the value of their property.

Mrs. Dodson stated that she used to be a beautician and one can't make any money unless they do 16 people a day.

Mr. Smith stated that that is the advantage of operating in one's own home as there is no rent to pay.

Mrs. Sylvia Hansbarger spoke in opposition to the application.

Mrs. Snyder spoke in rebuttal to the opposition stating that she had submitted a letter for the file from several of her neighbors, two of whom were contiguous, stating that they did not have any objection to her operating a beauty shop in her home. She stated that she had lived in this home for five years and she certainly did not buy the home with the intention of operating a shop. As far as this being the first shop of this nature to go into this neighborhood, it is not. There are doctors and dentist offices, an upholstery shop and a real estate office in that neighborhood.
Mr. Smith stated that he did not find the letter of no objection in the file.
Mr. Baker asked if there was any way she could provide for more parking.

Mrs. Snyder stated that she could not without making her front yard into a parking lot and she did not wish to do that. She would only have one customer at a time and her driveway was large enough for that. According to the Ordinance, it is not necessary to provide off street parking.

Mr. Smith stated that this application is similar to the one previously granted.

Mr. Runyon disagreed and stated that this lot is only 8,000 square feet, the other one was much larger. The other one had a circular driveway, making for better ingress and egress, this one does not.

There was no one else to speak either in favor or in opposition and the public hearing was closed.

RESOLUTION

In application No. S-166-74, application by Susan Lynn Snyder, under Section 30-7.2.6.1.5 of the Zoning Ordinance to permit beauty shop on property located at 5917 Erving Street also known as tax map 80-3((2))16, County of Fairfax, Mr. Runyon 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 held by the Board on the 30th day of October, 1974

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is John P. and Betty B. Huff.
2. That the present zoning is R-10.
3. That the area of the lot is 8,447 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.

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

Mr. Barnes seconded the motion. The motion passed 4 to 1 with Mr. Baker voting No.

DEFERRED CASES:

FITZGERALD KNIGHTS OF COLUMBUS HOME ASSOC., INC., V-84-74 (Deferred from 7-24-74 & 9-18-74)

Mr. Arban, attorney for the applicant, called and left the message that he was in a trial in Alexandria and would not be able to be present at this meeting. In addition, they have not been able to get their final inspection from the Fire Marshall's office as they have to put in a partition around the furnace. He requested that this be deferred until November 13.

Mr. Barnes moved that this case be deferred until November 13, or until such time as they have all the necessary information.

Mr. Kelley stated that he objected to this type request particularly when the applicant does not even have his agent present. They should have someone here. This takes up too much of the Board's time and the Staff's time.
Mr. Smith asked if there were any objections to the deferral of this case. Hearing no objection, the Chairman so ordered that this case be deferred until November 13, 1974.

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OAKTON LIMITED PARTNERSHIP, LANDOWNER,AND THE NATIONAL BANK OF FAIRFAX, LESSEE, V-129-74 (Deferred from 9-18-74 for full Board and full hearing and deferred again from 10-9-74 and 10-16-74 and 10-23-74 for full Board.)

Mr. Tom Lawson, attorney for the applicant, testified before the Board.

The notices had been submitted and accepted at the original hearing date on September 18, 1974.

Mr. Lawson stated that to save everyone's time since everyone here already knows the facts, the evidence that was presented at the hearing on the case of the appeal from the Zoning Administrator's decision also applies in this case. He submitted some additional photographs of the subject property. He stated that the National Bank of Fairfax had a branch office within the Oakton Shopping Center down near the Giant Store about a year ago. He stated that he brought today the Manager of that branch bank and two employees to testify before the Board on the results of not having a free standing sign at this location. The branch office moved to this location in this free standing building so as to have a drive-up window. Branch locations that have a drive-up window seem to have a larger volume of business than the branch that is located in a shopping center and doesn't have the drive-up window. However, this has not been the case in this location and they feel it is due to the fact that no one knows that this branch even exists. It cannot be seen from the roadway coming in either direction. One has to be directly in front of the branch bank before you can see the sign. They have had numerous inquiries from people who trade with this bank asking if the Oakton branch has moved and if so, where to.

Mr. Lawson then introduced Mr. Edward Roberts, Manager of this branch and who also was the Manager of this branch when it was located within the shopping center.

Mr. Roberts stated that his home address is 8217 Woodland Avenue, Annandale. He stated that their volume of business is nowhere near the volume they had anticipated. He stated that he felt that this is due to the fact that they do not have a sign that can be readily seen from the roadway. They have had numerous inquiries as to where they are located and how to get there. When they tell someone where they are located, that person usually says they pass by all the time and have never seen the bank. The banks consists of one-half of the first floor of that building.

Mr. Baker inquired if there is any reason they cannot locate the sign on the front of the building rather than where it is now, over the drive-up window.

Mr. Roberts stated that Mr. Lawson could better answer that question.

Mr. Baker stated that they do have a sign on the building now which can be seen from the road.

Mr. Lawson stated that that is debatable.

Mr. Smith stated that he had travelled by there and you can see the sign, but no more than you can see the signs of the other businesses located within the shopping center and this building was developed on the same site plan as the Oakton Shopping Center and is part of the Oakton Limited Partnership development and was built in conjunction with the integral part of the shopping center. He asked Mr. Roberts if this was correct.

Mr. Roberts stated that that was correct.

Mr. Barnes stated that not only can the general public not see the sign for the bank as it now stands when they drive down the highway, but they cannot see it from within the shopping center either.

Mr. Smith asked if they also had two other branch locations not far from this location and if those locations were Jermantown and Route 50 and Route 50 and Chain Bridge Road.

Mr. Lawson answered "Yes." He stated that this branch doesn't begin to have the volume of business that those two branches have.

Mr. Lawson then introduced Mrs. Johnson who is also employed at this branch. She stated that she has been employed with The National Bank of Fairfax for almost seven years, two of those in Oakton. She stated that they constantly receive telephone calls as to where they are located.

Mr. Smith again asked Mr. Lawson why they could not put the sign on the front of the building.

Mr. Lawson stated that he did not think that would take care of the problem.

Mr. Smith stated that the bank has the same right as the other businesses in the shopping center to display a sign on the building.

Mr. Smith then read Section 30-16.8.3 of the Ordinance and asked Mr. Lawson how the Board had the right to grant a variance. He stated that he saw nothing in this section that would indicate that this Board has the right to grant a free standing sign even under the variance section. He stated that the Board might have the right to allow some modification of the sign at the entrance of the shopping center.

Mr. Lawson called Mr. Smith's attention to the memo he filed in this regard and stated that he did not agree under any circumstances that this building is part of the Oakton complex itself. It is a circumstance that the site plan for this building happened to be filed at the same time and the building is under the same ownership as the shopping center. These were developed as completely separate developments entirely. They are not even zoned the same. If someone else built the office building rather than the owner of the shopping center, they would be entitled to a free standing sign with no question. But, be that as it may, he stated, this is a rather unusual situation where the bank is located in such a way that one cannot see it from the highway. All the evidence shows that this has caused an economic hardship for the bank.

Mr. Smith stated that a lot of planning and agreements went into this shopping center development. This Board granted a Special Use Permit for a service station in this shopping center and were taken to Court.

Mr. Lawson stated that no Ordinance intends to be unreasonable and this is exactly what the Ordinance is in this particular instance and that is why they are requesting a variance under the hardship section in this case. The ownership of the building has nothing to do with the health, safety and welfare of the general public.

Mr. Barnes stated that he had been on the Board for a number of years and this is the most unique situation the Board has had. He stated that he feels the bank does need a sign. He stated that he has been to this site and looked at it and if you took 50 people by this site and then asked them if they saw the bank, they wouldn't have seen it, nor the sign.

Mr. Baker stated that if the sign was on the front of the building, it would be a lot better than where it is. There are a lot of banks in the County that have their signs on the front of the building.

Mr. Lawson stated that there are a number of businesses in that building and the owner can't allow everyone to have a sign on the building. There are several large evergreen trees that would even block the sign if it were on the building. The main point of the free standing sign ordinance is to protect the public from hazardous type circumstances. It is important to have the sign where the public can see it, otherwise, the public has their eyes off the road looking for the bank.

Mr. Smith inquired if he was arguing the sign ordinance or his case under the section of the ordinance that he had applied. This Board is responsible for hearing the case under the section of the Ordinance under which the applicant has applied.

There was no one else to speak in favor or in opposition to this application.

Mr. Runyon inquired of Mr. Lawson where they propose to put the sign, how high and what type sign will they use. He asked Mr. Lawson to show the Board on the photographs that he had submitted where he plans to put the sign.

Mr. Lawson came forward and pointed this out to the Board. He stated that it would be parallel with the Oakton Shopping Center sign.

Mr. Runyon stated that the trees are going to cover that. He stated that he looked at this site today.

Mr. Lawson stated that there is an island and the sign would be there.

Mr. Runyon stated that the evergreens would cover that too.

Mr. Lawson stated that the proposed sign is 18' high and they may have to lower it.

The Board continued to discuss the location of the sign.

Mr. Smith inquired if all the branch offices of the National Bank of Fairfax have free standing signs.

Mr. Carlos France, Vice-President of the bank, stated that they all have free standing signs except the Centreville branch which is within a shopping center and the Pickett branch which is in a building which sits out entirely by itself and can be easily seen.

Mr. Smith again stated that this Board does not have the authority to grant a free standing sign. The Board has no authority to vary any section of this ordinance other than what is specifically listed. He stated that he could understand the position of the applicant, but this Board must uphold the ordinance. The Board upheld the Zoning Administrator's decision in the previous case on this bank.

Mr. Runyon stated that he had voted to uphold the Zoning Administrator's decision as the Zoning Administrator had no choice. Now the applicant is coming to this Board for a variance to that ordinance. This Board has the authority to grant a variance, not the Zoning Administrator.

Mr. Smith disagreed.

There was no one to speak in opposition to the application.

RESOLUTION

In application No. V-129-74, application by The National Bank of Fairfax and Oakton Limited Partnership under Section 30-6.6 and 30-16.8.3 of the Zoning Ordinance to permit sign at 2928 Chain Bridge Road for The National Bank of Fairfax on property located at 2928 Chain Bridge Road, also known as tax map 47-2((1))99, County of Fairfax, Mr. Runyon 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 30th day of October, deferred from September 18, 1974 and subsequent dates for full Board.

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.
2. That the present zoning is C-OL.
3. That the area of the lot is 1.3603 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) 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 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 sign shall conform to that of the existing center with the final design of the sign to be approved by the Board of Zoning Appeals prior to permit issuance. (No. 3 added in a subsequent motion by Mr. Runyon-see below)

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, sign permits and the like through the established procedures.

Mr. Baker seconded the motion.

Mr. Runyon stated that the Board has discussed this case at length and the main point is, if this property were ever sold to another owner, then they would have the right to the sign. He stated that he does not see this office building as part of the shopping center. It is not zoned C-D.

Mr. Smith stated that this Board does not have the authority to grant a free standing sign and there are a lot of shopping centers that have office buildings built in conjunction with the center that are not zoned the same, yet are part of the shopping center development.

Mr. Baker withdrew his second.

Mr. Barnes then seconded the motion. He stated that he is doing so because he feels this is a unique situation and a lot of common sense has to be used.

Mr. Kelley inquired what the height of the sign would be.

Mr. Barnes stated that it should be no higher than 18'. There is no use putting it up unless it is going to do the job.

Mr. Smith stated that if this were made a part of the shopping center sign, he would support it.

Mr. Baker stated that that is why he withdrew his second.

Mr. Runyon stated that he would like to see a low profile sign.

The motion passed 3 to 2 with Messrs. Smith and Baker voting No.

Mr. Runyon then moved to amend the motion to further limit the sign to conform to the sign now existing in the Oakton Shopping Center rather than the modern sign that they have proposed with the final design of the sign to be approved by the Board of Zoning Appeals prior to the issuance of the sign permit. (See Limitation No. 3 above)

Mr. Barnes seconded the motion. The motion passed 3 to 2 with Messrs. Smith and Baker voting No. Mr. Covington inquired if he should take the same approach with respect to the other businesses in that building. The Board told him that he should take the same approach and every case would have to stand on its own merit.

LAKE BARCROFT RECREATION CENTER, INC., S-112-74 and V-1[illegible]-74 (Deferred from October 9, 1974; October 16, 1974 & October 23, 1974 for decision only for full Board)

Mr. Runyon stated that he had prepared a motion and he hoped that he has covered all the items the Board has discussed over the months.

RESOLUTION

In application No. S-172-74, application by Lake Barcroft Recreation Center, Inc., under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit changes in existing Special Use Permit on property located at Whispering Lane approximately 150' south of the intersection with Jay Miller Road, Lake Barcroft Subdivision, Section 3, also known as tax map 61-3((14))A2 & A3, County of Fairfax, Mr. Runyon 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 2nd day of August, 1974 and deferred on subsequent dates to October 30, 1974.

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

1. That the owner of the subject property is Lake Barcroft Recreation Corporation.
2. That the present zoning is R-17.
3. That the area of the lot is 13.6779 acres.
4. That compliance with the 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

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

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 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 plans submitted with this application except as enumerated in Limitation No. 10 below. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. That the 22 foot road shown from Lakeview Drive to the parking area be constructed for alternate access.
   - A. The road is to be a minimum of 6" stone with two shot surface treatment.
   - B. The road shall be constructed within two (2) years of this date.
   - C. A bond of Fifteen Thousand and No/100 Dollars ($15,000.00) shall be posted to insure the road construction. A bond form acceptable to the County Attorney shall be posted, personal surety being acceptable.
   - D. The road and gate shall remain open during all hours of operation.
7. Dedication of Recreation Lane for use by the Cloisters Subdivision on adjacent land is permitted conditioned on provision No. 6 being bonded prior to recordation. The site area remaining being 12.4634 acres after dedication.

8. Hours of operation remain the same except for the tennis courts which shall be 8:00 A.M. to 9:00 P.M.
9. A ten (10) foot fence being placed around the now proposed six (6) tennis courts.
10. The 6' perimeter boundary fence shall be constructed around the entire area north of Recreation Lane. A 6' fence 6" off the north line of Belvedere, Section 2 from Whispering Lane to where Recreation Lane leaves the subject site, i.e. the entire southerly line of the site shall be provided.

MR. RUNYON:
The reason I am making this motion is, as you know I made the original motion to revoke. We made that motion in trying to uphold the faith of the original Use Permit. Now I think a lot of these things have been resolved, though not to the satisfaction of all five of us. I hope the Permittee will abide to the letter to the provisions that I am talking about, plus what we have on this plat and a lot of the faith can be restored.

The motion passed 4 to 0 with Mr. Smith abstaining.

VARIANCE RESOLUTION

In application No. V-113-74, application by Lake Barcroft Recreation Center, Inc., under Section 30-6.6 of the Ordinance to permit variance of front yard fence from 4' to 6' in height, on property located at Whispering Lane, also known as tax map 61-3((14))parcel A-2 & A-3, County of Fairfax, Virginia, Mr. Runyon 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 2nd day of August, 1974 and deferred on subsequent dates to October 30, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Lake Barcroft Recreation Center, Inc.
2. That the present zoning is R-17.
3. That the area of the lot is 13,6779 acres.
4. That the front yard fence location was required under Special Use Permit No. S-142-74 approved by the BZA previously.

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 condition exists 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.

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, i.e. the 6' fence along Recreation Lane, the entire length, 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 responsible for fulfilling his obligation to obtain building permits, non-residential use permit and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Smith abstained.

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AFTER AGENDA ITEMS:

WOODLAWN COUNTRY CLUB -- Clarification on parking requirement.

The Clerk explained to the Board that the Site Plan department would like the applicant to provide screening for the benefit of the residential dwellings across the street from this use. In addition, Site Plan has noticed something that had been previously overlooked and that is that the parking that was proposed was in the front setback which is not permitted in the Ordinance. The Zoning Administrator has suggested that those spaces that are in the front setback be deleted or the Board suggest an alternative location for these spaces.

Mr. Runyon moved that the deletion of the spaces in the front setback be allowed lacking any complaint from any of the residents of on-street parking and the application be so amended. If the people come in complaining about on-street parking, then the Board will reevaluate it.

Mr. Baker seconded the motion.

The motion passed 3 to 0 with Mr. Kelley abstaining and Mr. Barnes having left the meeting a few minutes earlier.

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Mr. Kelley moved that the minutes of September 18 and 25, 1974 be approved as submitted.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes was not present.

// The meeting adjourned at 2:00 P.M. with no break.

By Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED November 6, 1974
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held On Wednesday, November 6, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Charles Runyon, Joseph Baker and George Barnes. Mr. Mitchell and Mr. Covington were present from the staff.

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

10:00 - WILLIAM CAVINESS, JR & ANNE CAVINESS, application under Section 30-7.2.6.1.3 and 30-7.2.6.1.3.2 of the Zoning Ordinance to permit school of general education and day care center for 75 children (change of owner - existing school operated by Burnell since 1961) 5411 Glenwood Drive, 82-1((4))70 & 70A & ((1))5A, Clermont Woods Subd., (3.268 acres), Lee District (R-12.5), S-154-74

Mr. Barnes had not yet arrived.

Mr. Robert Lawrence, attorney for the applicant, presented notices to the Board. The contiguous property owners were Ernestine Edmunds, 4609 Upland Drive and Joseph Usrey, 4605 Upland Drive, Alexandria, Virginia. The notices were in order.

Mr. Lawrence stated that the Cavinesses are contract purchases of this school. They wish to continue operating the school in the same manner as did the Burnells. The Burnells had this school from 1961. They will serve an area within a three mile radius and wish to have a maximum of 75 children, which will be nursery, kindergarten and first grade schooling. The hours of operation will be from 7:00 a.m. until 6:00 p.m., five days a week. They also plan to operate a summer program. They will have four teachers, two administrators and two nursery assistants. In addition to Mr. and Mrs. Caviness, they will employ as consultants, their daughter, Elizabeth Haththorn, who has a bachelor's degree in elementary education and Dr. Alice Pieper, who has a doctor of philosophy degree in childhood education.

Mr. and Mrs. Caviness will provide improvements to the property on the recommendation of the building and fire inspectors.

He stated that this school is in a prime location. The Clermont Elementary School is next door. Mr. and Mrs. Caviness are increasing the area of the school by two acres. They are not planning to build anything on this two acres, but will buy it at the same time from the Burnells. They will provide a parking lot of nine spaces. The pictures that are in the file show the trees that are on the property. They are quite large and will provide natural screening for the area. He stated that he feels this is one of the reasons why there have been no complaints from the neighbors. He presented to the Board a Petition signed by ten of the neighbors stating that they have no objection to this school. He also presented a letter from Mr. Manno, Principal, Oak View Elementary School, who was principal of the Clermont Elementary School from September, 1968 until June, 1975, stating that he feels this school is rendering a service to the working mothers in this community and the students who attend this school are well prepared to enter public school.

In answer to Mr. Smith's question, Mr. Lawrence stated that this school is not incorporated. The name of the school is Elfland Day School. Mr. Smith suggested that this name be included in the application.

The Board then discussed the busses that the school has. Mr. Lawrence stated that these busses have the proper lights, lettering and emergency equipment according to state standards, but they are not painted yellow. He stated, in answer to Mr. Kelley's question, that the applicants would be willing to paint the busses in conformance with the State standards.

In answer to Mr. Kelley's question, Mr. Lawrence stated that they are aware of the report from Inspection Services and that they have resolved the major questions and are ready to go forward with the necessary imppovements.

There was no one present to speak in favor or in opposition to this application.

In application No. S-154-74, application by William and Anne Caviness T/A Elfland School under Section 30-7.2.6.1.3 and 30-7.2.6.1.3.2 of the Zoning Ordinance to permit school of general education and day care center for 75 children (change of owner) on property located at 5411 Glenwood Drive, Clermont Woods Subdivision, also known as tax map 82-1((4))70 & 70A and ((1))5A, Lee District, 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 6th day of November, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Carleton S. Jr. and Dorothy E. Burnell. The applicants are the contract purchasers.
2. That the present zoning is R-12.5.
3. That the area of the lot is 3.268 acres.
4. That compliance with the Site Plan Ordinance is required.
5. That compliance with all County and State Codes is required.
6. That Special Use Permit #17126 was granted July 16, 1963 for a private school, kindergarten and first grade for a maximum of 63 children on the subject property. The original Special Use Permit was granted to Mr. and Mrs. Burnell on June 13th, 1961 for 23 children under Permit No. 3643.

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

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.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The Resolution pertaining to the granting of this Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The maximum number of children shall be 75, ages 2 to 6 years.
7. The hours of operation shall be 7:00 A.M. to 6:00 P.M., five days per week, Monday through Friday.
8. The operation shall be subject to compliance with the inspection report, the requirements of the Fairfax County Health Department, the State Department of Welfare and Institutions, and obtaining a Non-Residential Use Permit.
9. All landscaping and screening to be provided to the satisfaction of the Director of Environmental Management.
10. All busses and/or vehicles used by the applicant for transporting children shall comply with County and State standards in color and light requirements.

Mr. Baker seconded the motion. The motion passed 4 to 0. Mr. Barnes had not yet arrived.

10:20 - SHOWCASE ENTERPRISES, INC. & ROLLING VALLEY PLAZA, INC., application under Section 30-7.2.10.3.4 of the Zoning Ordinance to permit triple theatre operation inside Rolling Valley Mall, N.E. intersection of Old Keene Mill Road and Shiplett Blvd., 78-4 & 88-2((1))4A, (19.455 acres), Springfield District, (C-D), S-155-74

Mr. Bernard Fagelson, attorney for the applicants, testified before the Board. He requested the Board amend the application to read as above stated. The Board so amended by Mr. Baker's motion; Mr. Runyon's second; passed unanimously.

Mr. Fagelson presented the notices to the Board which were in order. The contiguous property owners were Caroline Jermane, 9401 Old Keene Mill Road, and Boyssen and Cecilia Frazer, 6501 Sydenstricker Road, Burke, Virginia.

Mr. Fagelson stated that he wanted to first discuss the comments from Preliminary Engineering which stated that site tabulations and the buildings, as shown on the plan submitted with the application did not conform to the approved site plan. It was suggested by Preliminary Engineering that the special use permit not be considered until such time as the proposed site tabulations and buildings are approved by the County administration. It was also suggested that the plats submitted to the Board show a revised parking tabulation reflecting the increase in the required parking spaces for the proposed movie theatres. Mr. Fagelson stated that they have now submitted a plan to comply with Preliminary Engineering comments. He submitted that plan to the Board. He stated that the usual procedure is to get the special use permit and then go before Preliminary Engineering with the site plan. Preliminary Engineering will not approve their site plan until the Board has approved the special use permit. He then explained the parking tabulation and stated that they will still have a surplus of 30 spaces in this lot. He stated that the Staff Report indicates that they will have 570 seats, but in his letter along with the application, he stated that they wished to have 600 seats. However, if this is a problem, they can reduce the number of seats to 570.

Mr. Zalaski, 9222 Sprucewood, representing Keene Mill Woods Homeowners Association, spoke in opposition to this application as he stated they feel this will increase the traffic, noise, and light pollution. In answer to Mr. Smith's questions, he stated that he had no financial interest in any theatres in this area, nor does he have clients who have financial interest in any theatres in this area to his knowledge.

Mr. Steve Reynolds from Preliminary Engineering Branch of the Department of Environmental Management, spoke to the Board regarding his comments in the Staff Report. He stated that their office has had a revision submitted to them on the 4th of this month. It has been reviewed, but has not yet been approved. The site tabulation has changed from the existing approved site plan, even if the movie theatres were not involved, as the sizes of the buildings have changed.

Mr. Fagelson in rebuttal to the opposition stated that he could not believe that there is any valid objection to a 570 seat movie theatre in the Rolling Valley Mall. The area Mr. Zalaski represents is actually to the east and beyond the Dart Home and Dart Drug Store building. These two buildings hide from view the part of the mall where the movie theatres would be. Actually this is not three separate movie theatres, but one theatre separated into three smaller ones. The question from Preliminary Engineering could be handled very simply by adding a stipulation that the special use permit would not be valid until such time as the site plan had been approved and the non-residential use permit had been obtained. However, the plats that were submitted were submitted as per the suggestions of Preliminary Engineering and those plans are before the Board today.

Mr. Kelley inquired of Mr. Runyon if he felt these plats were correct. Mr. Runyon stated that he felt they were correct.

There was no further opposition to this application.

In answer to Mr. Zalaski's question, Mr. Fagelson stated that the four free standing buildings that are under construction are shown on the site plan.

SHOWCASE THEATRE, INC. ET AL (continued)

RESOLUTION

In application No. S-155-74, application by Showcase Enterprises, Inc. and Rolling Valley Plaza, Inc. under Section 30-7.2.10.3.4 of the Zoning Ordinance to permit triple theatre operation(3, 190 seat theatres) on property located at Old Keene Mill Road and Shiplett Boulevard also known as tax map 78-4 and 88-2 ((1))4A, County of Fairfax, Mr. Runyon 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 6th day of November, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Rolling Valley Plaza, Inc.
2. That the present zoning is C-D.
3. That the area of the lot is 19.455 acres.
4. That compliance with the 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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The Resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Parking for 145 automobiles is to be provided for this operation.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes abstained as he was not present during the meeting.

10:40 - LAKE BRADDOCK CHURCH -- AMENDED TO: CHURCH OF GOD CALLED LAKE BRADDOCK CHURCH, application under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of new church, 4925 Twinbrook Road, 69-3((1)) 29, (5.38 acres), Springfield District (RE-1), S-158-74

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Grayson Hanes, attorney for the applicant, testified before the Board. He presented notices to the Board which were in order. The contiguous property owners were Lloyd Carver, 4901 Twinbrook Road, Burke and Mr. and Mrs. William Tinder, 9431 Braddock Road, Burke, Virginia.

Mr. Hanes stated that new plats were submitted for the file several days ago showing the 75' setback to the outlet road as suggested by Preliminary Engineering. They have not discussed the comments in the Staff Report which were made by the Fairfax County Arborist. However, they do object to moving the church to another location on the property. He stated that he would go into the reasons later. First, he wished to clear up the point of the owner of the property. The proper owner should be Earl Stinson, Johnny Dean, Harlan Stillwell, Trustees of the Church of God. That is the way the application should read, as the Church has now taken title to the property without any contingency.

He stated that he has several members of the Church present and also the engineer, Mr. Wilson Kirby, to answer any questions the Board might have of them.

He stated that this Church has grown from 35 to 150 members since July. The proposed structure for this site will be a multi-purpose building which sits back 440' from Twinbrook Road. It sits in a mass of trees. Some of these trees they do propose to leave. They like the idea of this Church sitting in the trees and blending in with the natural screening. It not only will be screened from the adjoining property owners, but it will leave them room to expand at some date in the future when the need arises. In the proposed building will be the auditorium for Sunday School, two offices and the fellowship hall. When the congregation reaches 330 people, they will come back to this Board for permission to build the second phase which will be the educational building to the rear of the property. The third phase will be an auditorium which will be toward the front of the property. When and whether or not this will happen will depend on the success of the Church. The property does perk should there be any problem getting a hookup with the County sewer system. There is a small building on the front part of the property which is now being used as a single family residence. It will not be used for church purposes.

Mr. Smith inquired why this was not deleted from the application.

Mr. Hanes stated that it could be as there is no reason for it being in the application.

Mr. Hanes stated that they will have two services on Sunday, one from 9:00 A.M. to 12:00 Noon and one evening service from 6:00 P.M. to 8:00 P.M., one service on Wednesday from 7:30 P.M. to 10:00 P.M. and hopefully some smaller group meetings in the building from time to time, but at no time past 10:00 P.M. in the evening.

Mr. Kelley inquired if they would be willing to dedicate as suggested by the Staff.

Mr. Hanes stated that they are not anxious to, but they will if required to.

Mr. Smith stated that he did not feel the existing house that is on the property would need a variance if it comes closer to the road because of dedication that they are required to do.

Mr. Covington agreed that they would not need a variance for the existing house.

Mr. Ralph Donnell, Assistant County Arborist, spoke before the Board on the County's position in asking that the applicant move the building back toward the rear of the property in order to save the trees that now exist on the property in the location where the proposed structure is supposed to go. He stated that it is the concern of their office to preserve as many trees as possible. Because of the conditions of the site, the existing trees are in the location of the proposed building and they would like to see as much of the open area to the rear utilized and save the trees. The applicant has mentioned future development. Perhaps if he could utilize the open space for the first phase and at a later date go into the wooded area, that would be more desirable.

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Mr. Smith stated that the applicant has stated that they would prefer to use the existing trees as screening for the proposed structure, rather than putting the structure back in the open area that would require additional screening. He stated that he did not know how the Board could channel construction into the open area if they have a proposed plan for that area at a later date.

Mr. Barnes stated that he feels the Church will try to work with the County and will save as many trees as possible. All of the developers are finally coming around to this idea now.

Mr. Kelley stated that the Staff Report indicates that compliance with the Parking Lot Ordinance will be required, he asked if this is something the County can control without the Board making this a condition.

Mr. Donnell stated that it is and the Parking Lot and Landscaping Ordinance is a fairly new ordinance. It requires that so much of the parking lot be in some type of vegetation.

Mr. Hanes stated that they have worked with the Arborist in the past and has found him to be very reasonable.

Mr. Barnes inquired what the materials would be for the proposed structure.

Mr. Hanes stated that the materials would be brick veneer and metal.

There was no one to speak in favor or in opposition to this application.

There was a rendering in the file which the Board looked over.

RESOLUTION

In application No. S-158-74, application by CHURCH OF GOD, CALLED LAKE BRADDOCK CHURCH, under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of new church on property located at 4925 Twinbrook Road, Springfield District also known as tax map 69-3((1))29, 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 on the 6th day of November, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Earl Stinson, Johnny Dean and Harlan Stilwell, Trustees of The Church of God.
2. That the present zoning is RE-1.
3. That the area of the lot is 5.38 acres.
4. That compliance with the Site Plan Ordinance is required.
5. That compliance with all county codes is required.
6. That the proposed church would contain a maximum of 440 seats.

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

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 building and uses indicated on the plans submitted with this application. Any additional structures of any kind,

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changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.

4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. All landscaping and screening is to be provided to the satisfaction of the Director of Environmental Management.

7. The proposed dedication for future road widening along the full frontage of the property on Twinbrook Road to be provided.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

11:00 - MINERVA C. PARSONS, application under Section 30-7.2.6.1.5 of the Zoning Ordinance to permit one-chair beauty shop in home, 5907 Westchester Street, 81-4((7))76 & ((20))Outlot A, Arden Acres Subd., (17,201 square feet) Lee District (R-12.5), S-159-74

Mr. Danny Parsons, the applicant's husband, presented the case. Notices to property owners were in order. Two of the contiguous owners were Allan Donald on the right hand side and the Fairfax County School Board on the left. They had notified 68 people of this hearing.

Mr. Parsons stated that this will be a one-chair beauty shop in one room of their home. They are seeking no change in the exterior of their home. Adequate parking is provided in the driveway and in addition, there is a 60' roadway which would allow parking on the roadway. The hours of operation will be from 9:00 a.m. to 7:00 p.m., five or six days a week. The number of patrons will be limited to the number of persons she could handle, as she will be working alone and all the patrons will be by appointment only. The reason she would like this shop is in order that she can be at home with the children. She has been a beautician for eleven years. She had her own shop in Manassas. The house does have a separate entrance off to the side that abuts no other property owners.

Mr. Barnes stated that the school is immediately to their left and it looks like the closest property owner is Lot 77.

Mr. Parsons stated that that is correct. The Donald's are the closest property owner and they have no objection to this use.

In answer to Mr. Baker's question, Mr. Parsons stated that the nearest shopping center is Rose Hill which is .8 of a mile. (Mr. Parsons later clocked this distance and it clocked .5 of a mile)

Mrs. Bell, 5906 Westchester Street, diagonally across the street, spoke in favor of the application. She stated that her primary concern initially had been the traffic, but she has looked at the layout and physical facilities of the inside and outside of the residence and in her judgment it would not generate any more traffic than could be accommodated on their property. She stated that she did not feel this would be detrimental to the nearby property owners in any way.

Mrs. B. Casey, 5914 Westchester Street, across the street from Mrs. Parsons near the school, spoke in favor of the application. She stated that she like Mrs. Bell also has school age children and they do not feel this use will be detrimental either and in fact, it will be rather nice to have a shop in the neighborhood so they don't have to drive. She stated that she just met Mrs. Parsons when this business came up. She stated that she has no objections at all.

Mrs. Elizabeth Kasarda, 5900 Brookland Road, across the street, spoke in favor of the application stating that the traffic problem that already exists is caused by people going to and from work and picking up the children at the school.

Mr. Edward Jones, 5924 Westchester Street, stated that he and his wife are in favor of this application. He stated that they would appreciate it if Mrs. Jones could call this lady and have her hair fixed as she goes all the way into town now to have it done.

Mr. Russell E. Corey, 5407 Brookland Road, 200' from the proposed beauty shop, spoke in opposition to the application. He stated that he had obtained signatures from 89 neighbors in opposition to this application. That list is in the Board's file. Their opposition is caused by the fear that this will affect their property values, the traffic would be a nuisance and hazard, and they do not want a commercial use in their R-12.5 residential area. He further stated that they do not have adequate on-site parking.

Mr. Smith pointed out that the ordinance no longer requires on-site parking as long as the shop is only a one-chair, one customer at a time operation.

Mr. Corey stated that this shop is only 3/4 of a mile from the nearest shopping center.

He stated that she also began operation without a permit in September. She had been employed about five miles from her home, but she terminated her employment because she said she could make more money at home.

Mrs. Ruth Grove, 5405 Brookland Road, directly opposite the intersection of the Parson's, spoke in opposition stating that she was afraid this would set a precedent and would open the door for others to operate businesses in their neighborhood.

Mr. Smith stated that each case is decided on its own merits. He stated that he knew of no case where the granting of one special use permit set a precedent.

Mr. Barnes stated that there would be no sign and there would only be one customer at a time.

Mr. Smith asked Mrs. Parsons to come forward to answer some questions. He asked her if she had been operating.

Mrs. Parsons stated that she did have a chair and dryer in her home, but she had not been actually operating. She had some customers in her shop in Prince William County and they have come to visit her and she has fixed their hair, but she has not charged for that service.

Mr. Parsons spoke in rebuttal to the opposition. He stated that this Petition of 89 names was gotten under false representation. The people were told that they would have a large lighted sign, that they were going to expand their building and that this would create parking problems, none of which are true.

Mr. Smith stated that he would not accept these statements unless he had something in writing or had someone to testify to that effect.

Mrs. Casey came forward and stated that Mrs. Corey did visit her and Mrs. Corey told her that there would be a possibility of Mrs. Parsons putting up a neon sign and have a lighted parking lot and create an impossible traffic pattern in the area. This was stated to both she and her husband.

Mrs. Helen Corey came forward and stated that Mrs. Casey's statements were untrue. She stated that she also knew that Mrs. Parsons' is now operating as Mrs. Kasarda told her that she got a permanent there and it cost $5.85.

Mr. Kelley asked Mrs. Kasarda to come forward and state if this was true.

Mrs. Kasarda came forward and stated that Mrs. Parsons had fixed her hair and she had not charged her anything, but she had given her $5.85.

Mr. Smith accepted a letter from Marilyn McDonough for the record which letter stated that she had been approached to sign the Petition and was informed that the shop could have many chairs, unlimited beauticians, and a 20' electric sign. She stated that her friend, Mrs. Doris Rice, who signed the Petition, had also been given this information. She stated that she contacted the office of the Board of Zoning Appeals and was given the correct information.

PARSONS (continued)

She enumerated several other statements that had been made to her during the course of the people trying to get her to sign the Petition in opposition. She stated that she was not a friend of the Parsons, and does not go to the beauty shop more than a few times a year, but she felt that justice should prevail.

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Mrs. MCDonough's address is 5827 Westchester Street.

RESOLUTION

In application No. S-195-74, application by Minerva C. Parsons under Section 30-7.2.6.1.5 of the Zoning Ordinance to permit beauty shop (one-chair) in home on property located at 5907 Westchester Street, also known as tax map 81-4((7))76 and Outlot A, County of Fairfax, Mr. Runyon 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 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 6th day of November, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Danny L.& Minerva C. Parsons.
2. That the present zoning is R-12.5.
3. That the area of the lot is 17,201 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

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 operation has started or unless renewed by action of this Board prior to date of expiration.
3. The approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The Resolution pertaining to the granting of this Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. A one-chair operation is permitted with one customer permitted on site at any one time.
7. No signs permitted.

The motion passed 4 to 1.

Mr. Kelley voted No.

11:20 - WILLIAM WATTERS UNITED METHODIST CHURCH, application under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of church, 1219 Swinks Mill Road, 29-2((1))15, (5.297449 acres), Dranesville District, (RE-0.5), S-160-74

(Hearing began at 12:30 P.M.)

Rev. Roger Balcom, Swinks Mill Road, represented the applicant before the Board.

Notices to property owners were in order. The contiguous property owners were Roland Blue, 7742 Lewinville Road and R. A. Thomas, 1208 Stablegate Court.

Rev. Balcom stated that they purchased this piece of property in 1969 and the applicant is the owner of the property. They would like to construct this modest multi-purpose building connected with the house that is now on the property. He stated that he had some letters from the contiguous neighbors stating that they have no objection. In addition they have spoken with the neighbors to explain to them what they plan to do. One of the primary concerns is to maintain the property in its natural beauty which means removing no more trees than is absolutely necessary. They will have to remove a couple of old locust trees and several need to be taken out to provide the driveway and parking area, although most of the parking area will be on land already clear of trees. The other structure that is on the property is an old garage that they will use as an office and study.

In answer to Mr. Kelley's question, Rev. Balcom stated that they are not meeting in the existing house at the present time. He and his family have been living in that house, but they have purchased another house to live in.

Mr. Smith stated that Preliminary Engineering requests that the applicant dedicate a certain amount of land for road widening.

Rev. Balcom stated that he thought part of that land was already dedicated.

Mr. Lewis Childer, 4201 Markam Avenue, Annandale, Virginia, architect for the project, stated that they have worked diligently to arrange the construction of this structure and the parking so that they will not have to take out any more trees than absolutely necessary and so as not to infringe on their neighbors. They feel they have provided the proper setback for the parking area and should they have to dedicate land for the road widening that would infringe upon the parking area, they feel they should be allowed to keep that parking area where it is and not be required to dedicate.

Mr. Runyon stated that he felt they would not have to dedicate as much land as Preliminary Engineering suggests as the road bears away from this property.

Mrs. Dickerson, 2010 Echols Place, Falls Church, Virginia, member of the Church's congregation, spoke in favor of the application and stated that there are several other members of the Church present in favor of this use.

There was no opposition to the application.

Mr. Smith stated that there was no letter that indicated that they were not opposed to the Church, but opposed to any kind of a fence being built on the property adjacent to theirs. The letter was from Andrew Christopher, 1205 Swinks Mill Road, McLean.

RESOLUTION

In application No. S-160-74, application by William Watters United Methodist Church under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of church on property located at 1219 Swinks Mill Road, Dranesville District, also known as tax map 29-2((1))15, 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 6th day of November, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Trustees of William Watters United Methodist Church.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 5.297449 acres.
4. That compliance with the Site Plan Ordinance 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 R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The Resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. All landscaping and screening to be provided to the satisfaction of the Director of Environmental Management.
7. Applicant is to dedicate property along frontage of Lewinsville Road and Swinks Mill Road for future road widening not to exceed 25 feet.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

NOTE: The contiguous property owner does not want fence.

11:40 - KENNETH & GEORGIA FOSTER, application under Section 30-6.6 of the Zoning Ordinance to permit pool closer to front property line than allowed by Ordinance, 2207 Chestertown Drive, Tysons Woods Subd., Section 2, 39-3((28))30, (9,857 sq. ft.), Providence District, (R-10), V-161-74 -- REQUEST: 27' from line, 8' variance.

Mr. Foster represented himself before the Board. He presented proper notices to property owners. The contiguous owners were G. P. Townsend, 2205 Chestertown Drive and James Funbach, 8726 Litwalton Court, Vienna.

Mr. Foster's justification for the variance was the fact that he has an irregular shaped lot which is a corner lot and the way the house is located on the lot is such that he actually has three fronts.

Mr. Smith stated that the proposed 6' fence that is drawn on the plats in pencil should not be allowed.

Mr. Runyon agreed.

The applicant stated that if this is granted this 6' fence would be only around the pool, if this is what the Board desires.

Mr. Covington stated that the 6' fence in the position where it is drawn in pencil on the plat would not be allowed.

There was no one to speak in favor or in opposition to the application.

FOSTER (continued)

RESOLUTION

In application No. V-161-74, application by Kenneth & Georgia Foster under Section 30-6.6 of the Zoning Ordinance to permit swimming pool closer to front property line than allowed by Ordinance on property located at 2207 Chestertown Drive, Vienna, Tysons Woods Subdivision, also known as tax map 39-3((28)) 30, County of Fairfax, Mr. Runyon 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 6th day of November, 1974, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Kenneth B. & Georgia Foster.
2. That the present zoning is R-10.
3. That the area of the lot is 9,857 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 condition exists 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.

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.

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 responsible for fulfilling his obligation to obtain building permits, residential use permit and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

DEFERRED CASES:

WM. N. MAXON & MIWAKO MAXON, V-126-74 (Deferred from 10-9-74 to allow applicant to make formal withdrawal)

Mr. Smith read a letter from Mr. Maxon requesting that the case be withdrawn.

Mr. Runyon moved that the request be granted and the case be withdrawn without prejudice.

Mr. Baker seconded the motion and the motion passed 5 to 0.

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COAKLEY & WILLIAMS, INC. & CHARLES & EDITH FUGATE, V-121-74 (Deferred from 10-16-74 for additional information)

Mr. Fifer had submitted the additional information needed by the Board and that information was satisfactory.

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COAKLEY & WILLIAMS, INC. & CHARLES & EDITH FUGATE (continued)

In application No. V-121-74, application by Coakley & Williams, Inc. & Charles & Edith Fugate, appl. under Section 30-6.6 of the Zoning Ordinance to permit 116' high motel closer to front property line than allowed by Ordinance, on property located at Franconia Rd. & Loisdale Dr., 90-2((11))500-503, 2, 6, 7A, 7B & 7C, County of Fairfax, Virginia, Mr. Runyon, 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 October, 1974, and continued to November 6, 1974, and

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

1. That the owner of the subject property is Charles & Edith Fugate, Ramspring.
2. That the present zoning is C-DM.
3. That the area of the lot is 6.03 acres.
4. That the Board of Supervisors on July 1974 granted a Special Permit for the 116' height.

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.

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 unless construction has started or unless renewed by action of this Board upon whichever of the following events shall last occur:
   (a) 12 months from this date,
   (b) 6 months after Fairfax County permits connection with the sewer,
   (c) 6 months after Fairfax County permits a site plan to be filed thereon.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

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THE TIMBERS ASSOC., a nonstock corp., appl. under Section 30-7.2.6.1.1 of the Ord. to permit addition of tennis courts to community recreation facility Hillside Road and Rolling Road, 79-3((1))2A, (3.7388 acres), Springfield Dsitrict, (R-12.5 & RTC-10), S-146-74, (Deferred from 10-30-74 to allow applicant to revise plats to show multi-purpose court in the place of tennis courts).

New plats had been submitted and the Board found them satisfactory.

In application no. S-146-74, application by The Timbers Association under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit addition of tennis courts to community recreational facility, on property located at Hillside Road & Rolling Road, Springfield District, also known as tax map 79-3((1))2A, 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 30th day of October 1974.

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 & RTC-10.
3. That the area of the lot is 3.7338 acres.
4. That compliance with Site Plan Ordinance 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 R. Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

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* unless renewed by action of this Board upon whichever of the following events shall last occur:
(a) 12 months from this date,
(b) 6 months after Fairfax County permits connection with the sewer,
(c) 6 months after Fairfax County permits a site plan to be filed thereon.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non Residential Use Permit on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping, screening and/or fencing shall be provided to the satisfaction of the Director of Environmental Management.
(*unless construction has started or)
Mr. Barnes seconded the motion. The motion passed 5 to 0.

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497

FREEMAN L. JONES, application under Section 30-7.2.10.5.4 of Ordinance to permit sales rental and repair of tools and household equipment and supplies and rental of trucks and trailers, 8412 Richmond Highway, 101-3 ((1))9A, (29,991 sq. ft.), Lee District, (CG), S-138-74, (Deferred from 10-30-74 for new plats).

The plats had been received and were satisfactory. The Board members went over the plats.

Mr. Covington reminded the Board that this operation has been operating for several years and the Zoning Office had had no complaints on it.

In application no. S-138-74, application by Freeman L. Jones under Section 30-7.2.10.5.4, of the Zoning Ordinance, to permit sales rental and repair of tools and household equipment and supplies and rental of trucks and trailers, on property located at 8412 Richmond Highway, also known as tax map 101-3((1))9A, Lee District, 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 30th day of October 1974.

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

1. That the owner of the subject property is James F. & Mabel C. Rice.
2. That the present zoning is C-G.
3. That the area of the lot is 29991 sq. ft.
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 C or I Districts as contained in Section 30-7.1.2 in the Zoning Ordinance, and

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

Mr. Barnes seconded the motion. The motion passed 5 to 0.

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REQUEST FOR REHEARING -- SUSAN SNYDER

Mr. Smith read the letter from Mrs. Snyder requesting a rehearing.

The letter stated that the Staff Report had indicated that if she only had one customer at a time, off street parking is not required; therefore, she was not prepared to discuss this issue at the hearing.

With regard to the requirement of the use permits for beauty shops issued only if a shop is over one mile from a shopping center, this is not stated in the Ordinance, therefore, she was again unprepared to respond to this, stating incorrectly at the time that it was, in her estimation, approximately a mile. She has now clocked the mileage and it is 0.8 miles and the second nearest shopping center is 1.3 miles.

She stated that approval of her application is extremely important for her family's needs. She also stated that she submitted statements of approval signed by her immediate neighbors and this was not acknowledged at the hearing.

Mr. Baker moved that the Board grant her request for a rehearing.

Mr. Kelley stated that he voted against it and he could not see that she had any additional information.

Mr. Smith stated that at the time of the hearing, he could not find the statement signed by the neighbors indicating approval of this application.

Mr. Barnes seconded the motion.

The motion passed 3 to 2 with Mr. Kelley and Mr. Runyon voting No.

The Board set the date for the rehearing at December 11, 1974.

Mr. Barnes stated that the reason he was voting for the rehearing is he had voted against the application and had made a statement that customers would have to back out onto the street. But the ordinance does not require off street parking, therefore, that would not be a consideration.

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Mr. Baker moved that the minutes of October 9, 16, 23 and 30 be approved with minor corrections as noted.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

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CARDINAL HILLS SWIM AND RACQUET CLUB

Mr. Runyon stated that after reading the letter, they want to change the remainder of the fence from a wooden fence to a chain link fence and he would move that that be approved subject to the approval of the adjoining neighbors.

Mr. Covington stated that it is the adjoining neighbors who want it done.

Mr. Baker seconded the motion. The motion passed 5 to 0.

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499

RIVERSIDE GARDENS RECREATION ASSOCIATION

There had been a report in April of violations, and a further report in September that most of the violations had been cleared.

The Board received a report today that all the violations have been cleared.

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The meeting adjourned at 1:40 with no lunch break.

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Jane C. Kelsey, Clerk

Approved: Daniel Smith
Daniel Smith, Chairman

December 4, 1974
Date

The Regular Meeting of the Board of Zoning Appeals Was Held Wednesday, November 13, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Joseph Baker; George Barnes and Charles Runyon. Mr. Mitchell and Mr. Covington were present from the Staff.

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

10:00 - FRANCIS & CARMEN WOIDICH, appl. under Sec. 30-6.6.5.4 of the Zoning Ord. to permit existing storage shed to remain closer to side property line than allowed by Ord. (5.4' to side; 12' required), 1830 Baldwin Dr., 40-1((25))8, West Lewinsville Heights, Sec. 7, (16,739 sq. ft.), Dranesville Dist., (R-12.5), V-162-74.

Mrs. Woidick presented the notices to the Board. The contiguous property owners were Swanson, 1828 Baldwin Drive and McMann, 1832 Baldwin Drive. Mr. Woidich came forward and certified that he had obtained the signatures for the notices. The notices were in order.

Mrs. Woidich stated that her request is that they be allowed to leave the storage shed in its present location. The shed was erected off site by Mr. William F. Clarke of Brandywine, Maryland and brought over to their lot and erected. She stated that she had come into the County prior to the erection of this structure on the property and told the girl at the information desk, Mrs. Betty Hogue, that they wished to put up this structure, that it would be 16' wide by 24' long, that they wished to put it on the part of the property that faces Dulles Access Road. Mrs. Hogue told her that it need only be 4' from the property line. She stated that Mrs. Hogue signed a slip of paper with that on it. That paper is in the file.

Mr. Smith stated that the paper in the file reads that it must set back from the rear line 4', not the side line. Under the Ordinance, it could set 4' from the rear line, if it is 12' behind the house. He inquired if they had a building permit to erect this building.

Mrs. Woidich stated that they did not. They left those matters up to Mr. Clarke.

Mr. Covington stated that in order to go to 4' from the rear property line, the shed must set back 12' from the rear of the house.

Mr. Mitchell stated that he felt that was the source of the confusion. Mrs. Hogue had the impression that this was going in the rear yard, but it is not the rear, but the side yard.

Mr. Kelley inquired if Mr. Clarke has a business license in Fairfax County.

Mrs. Woidich stated that she did not know.

Mrs. Woidich stated that they have a very narrow, shallow lot, plus an irregular shaped lot. The side yard has a lot of trees. This is the only place they could place this shed without cutting down some very large trees. Then it would be just sitting out in plain view of everyone. They have hemlocks planted around this shed.

There was no one to speak in favor of the application.

Mr. John McMann, 1832 Baldwin Drive, spoke in opposition to the application. He stated that he is one of the contiguous property owners. He submitted a statement from two other property owners, John J. Morrison, 1836 Baldwin Drive and Mr. Lilley, 1837 Baldwin Drive objecting. He stated that they object because their residences do view the shed in question. He stated that he has a narrow shallow lot and all they have for a yard is the side yard that adjoins Mr. and Mrs. Woidich's yard. They feel this shed will cause a reduction in their property values. He stated that Dr. Woidich has a medical practice in the home and the need for this shed is caused by that fact.

In rebuttal Dr. Woidich stated that this opposition comes as a surprise since he had discussed this with Mr. McMann previously and at that time Mr. McMann had no objection. He stated that the storage shed does not contain any medical supplies, but contains furniture, etc. which they don't have room for in the house. He then went into why he purchased this type of shed and this large shed in answer to Mr. Smith's question. Also in answer to Mr. Smith's question he stated that there was no written contract between he and Mr. Clarke. It was a verbal agreement and he paid Mr. Clarke after Mr. Clarke erected the shed on his property.

Dr. Woidich stated that the reason Mr. Clarke didn't obtain a building permit was because this is a temporary structure and they were told that a building permit is not necessary for a temporary structure.

Mr. Kelley stated that he could see why some trees would have to be removed for this size building and he felt that the applicant should live within the zoning ordinance. He stated that he would be in favor of bringing Mr. Clarke in to answer some of these questions. A building of that size would affect property values in the surrounding area, he stated.

Dr. Woidich stated that all this happened because they were misinformed by the County government.

Mr. Smith stated that if they had followed the proper procedures and got a building permit, this would not have happened. He disagreed that this was the fault of the County government. He stated that he could not see that they were given wrong information.

Mr. Barnes suggested that the County stop giving out information unless the citizens bring in a plat with the location shown on the plat as to where they wish to place a structure. Then they would have no confusion.

Mr. Smith and Dr. Woidich continued this discussion.

Mr. Runyon stated that all he wanted to know is what the justification is for putting the building in this location and if there is any place else on the lot where this building could be placed.

Dr. Woidich stated that because the lot is so shallow, it cannot be placed in the back yard. The only place it could be placed is in the side yard and moved forward from its present location and they would have to remove three trees which would degrade the appearance of the area, including the property of the contiguous owners.

Mr. Runyon stated that the Board can only grant a variance if the applicant has a problem with the physical condition of the lot and in this case there would be no problem except for the trees and the Board cannot grant a variance just because the applicant would have to cut down some trees. This shed could be moved forward and there would be no need for a variance.

RESOLUTION

In application No. V-162-74, application by Francis and Carmen Woidich under Section 30-6.6.5.4 of the Zoning Ordinance to permit existing storage shed to remain closer to side property line than allowed by the Zoning Ordinance on property located at 1830 Baldwin Drive, West Lewinsville Heights, also known as tax map 40-1((25))8, Section 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 13th day of November, 1974, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Carmen Woidich.
2. That the present zoning is R-12.5.
3. That the area of the lot is 16,739 square feet.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusion 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/or buildings involved:

2. That the Board has found that non-compliance was not the result of an error in the location of the building subsequent to the issuance of a building permit. The building permit was not obtained for this structure.

3. That the granting of this variance will impair the intent and purpose of the Zoning Ordinance and will 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 denied.

Mr. Baker seconded the motion.

The motion passed unanimously with all members present.

The Chairman stated that the building inspector should be notified.

10:10 - HARVEY S. LOWE, JR., appl. under Section 30-6.6 of the Zoning Ord. to permit carport closer to front property line than allowed by the Ordinance (26.2' from line, 50' req.) 981 Saigon Road, 21-3((7)) 21, (28,924 square feet) Dranesville District, (RE-1), V-163-74.

Mr. Lowe appeared before the Board. Notices to property owners were in order. The contiguous owners were E. C. Lineberry, 7855 Enola Street, McLean and Dale Harris, 980 Saigon Road, McLean.

Mr. Lowe stated that the steepness of his driveway causes a serious and hazardous condition. They cannot now use the existing garage because the drive is so steep that when they try to come down into it during periods of rain and snow, he stands a chance of sliding into it.

Mr. Runyon stated that he had looked at this property and it is very steep and it is obvious that he needs some relief.

RESOLUTION

In application No. V-163-74, application by Harvey S. Lowe, Jr. under Section 30-6.6 of the Zoning Ordinance to permit carport to be located closer to front property line than allowed by the Zoning Ordinance on property located at 981 Saigon Road, also known as tax map 21-3((7))21, County of Fairfax, Virginia, Mr. Runyon 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 November, 1974.

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 28,924 square feet.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusion 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 and/or 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. Architectural detail shall conform to that of the existing structure.

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 responsible for fulfilling his obligation to obtain building permits, residential use permit and the like through the established procedures.

Mr. Baker seconded the motion and the motion passed 5 to 0.

503

10:20 - GLEN FOREST COMMUNITY ASSOCIATION, INC., application under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit addition of tennis courts to existing recreational facility, end of Kaywood Place 1650' north of Leesburg Pike, 61-2((27))Parcel A,(6.7868 acres), Mason District, (R-12.5), S-164-74.

Mr. Peter Maloney, 5912 Merritt Place and Richard Henderson, 5913 Merritt Place, were the two contiguous property owners who were notified of this hearing. Mr. La Verne Kamps came forward and certified that he had obtained the signatures and they were correct.

Mr. Donald Moak represented Glen Forest Community Association before the Board.

Mr. Moak stated that this is a long standing recreation facility that is located in the midst of their small community. All the residences are within one-fourth mile of the facility, so practically all the traffic is by foot. He stated that they do have a service road leading to the pool and an area indicated on the plat as a parking area, but it is actually a turn around area. It will accommodate about 20 cars. There is very little vehicular traffic and they do not want to do anything that will encourage vehicular traffic. They do not hold swimming metes. They/have a membership of 125, with about 90 of those belonging to the pool. /(the association)

Mr. Covington indicated that he had had no complaints on this facility.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application No. S-164-74, application by Glen Forest Community Association, Inc., under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit addition of a tennis court to existing recreation facility, on property located at Kaywood Place, Mason District, also known as tax map 61-2((27))Parcel A, 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 on the 13th day of November, 1974.

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 6.7868 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all County and State Codes is required.
6. That property is subject to Pro Rata Share of offsite drainage.
7. That the applicant has been operating, pursuant to Special Use Permit No. 19930 granted March 25, 1958, a community swimming pool with related recreational activities on property located at this same address in Glen Forest Subdivision, Mason District.

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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning

Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.

4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit shall not be valid until a Non-Residential Use Permit is obtained.

5. The Resolution pertaining to the granting of the Special Use Permit shall be posted in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. The maximum number of family memberships shall be 125.

7. The hours of operation shall be 6:00 A.M. to 9:00 P.M.

8. Landscaping and screening to be provided to the satisfaction of the Director of Environmental Management.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

10:40 - BROWNING-FERRIS INDUSTRIES OF VIRGINIA, INC., appl. under Section 30-6.6 of the Zoning Ordinance to permit 6' fence in front setback area, 2813 Juniper Street, 49-2((5))7, 8, & 9, (1.4781 acres), Providence District, (I-L), V-167-74.

(Mr. Runyon abstained from this hearing as he drew the plats).

The corporation papers had not been received. In addition, there was a question as to the proper owner of the property. The property records of Fairfax County indicated that the owner of the property is Keane Transport, however, Mr. Sam Zeff, Executive Vice-President of Browning-Ferris, indicated that Keane Transport no longer existed as Keane Transport had merged with Browning-Ferris. This transfer took place in March of 1972.

Mr. Kelley stated that since it is a policy of the Board not to hear cases without the Certificate of Good Standing, he would move that the Board recess or defer this hearing until the applicant has submitted the required documents. If the applicant can get these documents and get back in time, the Board will hear the case later in the day.

Mr. Baker seconded the motion.

The motion passed unanimously.

The Board again took up this case after the 11:10 item. Mr. Zeff stated that he had been to see the attorney, Mr. Bauknight, regarding this matter. He submitted the Certificate of Good Standing from the State Corporation Commission and the papers from the State Corporation Commission regarding the appointment of the registered agent for Browning-Ferris. Mr. Zeff stated that Mr. Bauknight had told him that there was no land transfer involved here. It was just a merger of the two corporations.

The Board discussed this at length. Mr. Baker moved that the application be amended to show the property owner as Browning-Ferris Industries of Va.,Inc. Mr. Barnes seconded the motion and the motion passed 4 to 0.

Notices to property owners were in order. The contiguous owners were D. B. Johnson, 1301 Ranleigh Road, McLean and Dr. A. B. Morgan, 2816 Gallows Road, and Mr. Montgomery, 2814 Juniper Street.

Mr. Zeff stated that the reason they need this 6' fence is for security of the property. They have had several break ins which resulted in damage to some of their trucks and one break in to the building itself. They have about 55 vehicles on the property.

Mr. Smith stated that this sounds like the same type of complaint coming from most of the businesses in Fairfax County. There should be some thought given to changing the Ordinance rather than requesting a variance if it is necessary to fence these industrial areas. The Ordinance does not give this Board the authority to grant a variance because of security reasons.

Mr. Zeff stated that they also use canine dogs to secure the property which is another reason they need the 6' fence.

Mr. Smith stated that they cannot park the trucks in the front setback area anyway, so why do they need the fence in the front yard. The rear yard can have a 6' fence by right.

In answer to Mr. Smith's question, Mr. Zeff stated that the contiguous property owner

Mr. Montgomery, waived the screening requirement along that property line. Dr. Morgan, who is the contiguous property owner to the rear, did not waive the screening requirement.

505

Mr. D. B. Johnson, owner of the contiguous property to the other side, spoke in opposition to this application. He stated that his company is in the process of building a warehouse on the contiguous lot. He stated that his proposed building will be suitable for retailing and he feel that this 6' fence in the front yard will degrade his property. He stated that he feels this requirement in the Zoning Ordinance is necessary to maintain the established neighborhood and protect the environment. The reason they need the variance,as Mr. Zeff stated,is to protect the storage of the trucks and equipment they have on that property. However, according to Chapter 30-3.4.10 of the Zoning Ordinance, they should not be using the front setback for the storing of these trucks and equipment. This is what they are now using it for.

Mr. Smith agreed and stated that the only thing they should be using the front setback for is customer parking.

Mr. Johnson stated that he felt that this 6' fence would also create a sight distance problem. The Ordinance would allow a 4' fence in the front yard as long as it did not hamper the sight distance, but this 4' fence would even affect the sight distance.

Mr. Smith stated that the applicant would not be allowed to have even the 4' fence then, if this is the case.

Mr. Johnson stated that the applicant's justification has nothing to do with the physical aspects of the land or buildings involved as must be the case in order for this Board to grant a variance. He stated that he submits that this Board has no authority to grant this variance. He then submitted a letter from Capitol Distributors, Inc. 5004 Buchanan Street, Hyattsville, Maryland, the future lessee of the proposed building contiguous to the subject property, in opposition to this application.

Mr. Smith also read a letter from Dr. A. B. Morgan in relation to this fence. Although Dr. Morgan stated that he did not object to the fence, he stated that according to the Zoning Ordinance, the Browning-Ferris operation should be screened from view from the first floor of their home and it is not. He stated that he felt this was a violation of the zoning regulations. He also complained about the smoke and fumes coming from these huge trash and garbage trucks in the morning.

Mr. Barnes moved that this case be deferred for further study and he would like to ask Mr. Covington, the Assistant Zoning Administrator, to go over this with his Staff to see what is what and that it should be rescheduled whenever the Clerk can get it on the Agenda after Mr. Covington has studied it, but not to be more than 30 days.

Mr. Baker seconded the motion. The motion passed 4 to 0.
(Mr. Runyon abstained from the entire hearing).

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10:50 - SHELL OIL COMPANY, appl. under Sec. 30-7.2.10.2.1 of the Zoning Ord. to permit amendment to existing SUP to allow relocation of pump islands, construction of driveway to rear of existing station, relocation of fence required by previous SUP & waiver of screening requirement under existing SUP adjacent to residential land, n.w. corner of Valley View Drive (Route 718) and Franconia Road, 81-3((4))4A, 32,088 square feet, Lee District, (C-N), S-168-74

10:50 - SHELL OIL COMPANY, appl. under Sec. 30-6.6 of Ord. to permit relocation of pump island closer to front prop. line than allowed by Ord. because of taking by VDH for widening of Franconia Road, n.w. corner of Valley View Drive & Franconia Road, 81-3((4))4A,(32,088 sq. ft.),Lee Dist., (C-N), V-169-74.

10:50 - SHELL OIL COMPANY, SHOW-CAUSE HEARING, S-35-70, Show-Cause why SUP should not be revoked for failure to comply with conditions of original SUP granted to Shell, n.w. corner of Valley View Drive & Franconia Rd., 81-3((4))4A, 32,088 sq. ft., Lee Dist., (C-N), Deferred from 9-25-74 & 7-24-74 to allow applicant to submit amended SUP application.

Mr. William Hansbarger, attorney for the applicant, testified before the Board. He submitted notices to the property owners which were in order. The contiguous owners were Hollis Hall and Lillie May Deavers, 6142 Franconia Road, Alexandria, and George and Dorothy Lyles, 5700 Ambler Street, Alexandria, Virginia.

Mr. Hansbarger stated that the reason for the requested amendment to the

existing Special Use Permit and the request for the variance is because the Virginia Department of Highways is proposing to widen Franconia Road and Valley View Drive which will require the relocation of the pump islands. Although the proposed pump islands are setback further from the new right-of-way than the existing pump islands, one of them is 13 feet from the new right-of-way line, and since the minimum required setback for such is 25 feet, they need a variance of 12 feet to the requirement.

Mr. Smith inquired of Mr. Covington if they really need a variance since the Highway Department is taking the land.

Mr. Covington stated that they do need a variance as the Zoning Department can only grant a 20 percent reduction when there is a taking by the Highway Department.

Mr. Smith asked Mr. Hansbarger if the Highway Department had negotiated the purchase yet. Mr. Hansbarger answered that they have negotiated the purchase, but if Shell can move the pump islands back, the State will not have to pay for those pump islands.

In answer to Mr. Smith's question, Mr. Runyon stated that he was familiar with this and he feels the Highway Department will move ahead shortly.

Mr. Hansbarger submitted a copy of the Highway Department's plan.

Mr. Steve Reynolds from Preliminary Engineering spoke before the Board and stated that it was his feeling also that the Highway Department's proposal is moving forward and should take place in the near future.

Mr. Hansbarger requested that the Board dismiss the Show-Cause hearing and allow them to place the fence along the rear property line. He stated that the fence requirement should not have any bearing on the relocation of the pumps. The Board had requested Shell to place the fence 20' behind the proposed addition in 1970 because of the property owner to the rear who complained about trucks parking in that area. Trucks no longer park in that area and, therefore, there is no need for the fence to be in that location. They will, however, put the fence along the rear property line and also put in screening in that area.

Mr. Smith stated that the Board could not dismiss the Show-Cause until that fence is up. It was agreed that the Show-Cause be deferred for 120 days to allow the applicant time to implement the screening and fencing relocation as indicated in the plans submitted with this application today.

There being no one to speak in favor or in opposition, Mr. Runyon made the following motion.

RESOLUTION

In application No. S-168-74, application by Shell Oil Company under Section 30-7.2.10.2.1 of the Zoning Ordinance to permit amendment to existing SUP to allow relocation of pump islands, construction of driveway to rear of existing station, relocation of fence required by previous Special Use Permit and waiver of screening required under previous SUP adjacent to residential land, on property located at Valley View Drive and Franconia Road, also known as tax map 81-3((4))4A, Lee District, County of Fairfax, Virginia, Mr. Runyon 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 November, 1974.

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-N.
3. That the area of the lot is 32,088 square feet.
4. That compliance with Site Plan Ordinance is required.
5. That the applicant has been operating, pursuant to SUP No. S-35-70, granted 4-14-70, a service station on this property. A Show-Cause Hearing was ordered because Permittee failed to comply with a condition of the Special Use Permit that a chain link fence with standard screening was to be placed 20' behind the proposed addition.
6. The current application seeks to amend S-35-70 to reflect the proposed taking by VDH for widening of Franconia Road and Valley View Drive, the proposed relocation of the fence and screening to the rear of the property, the

paving of additional area behind the station, and relocation of the pump islands.

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

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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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The Resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. All other provisions of the existing Special Use Permit shall remain in effect as follows:
   a. There will not be at any time storage, selling, renting or leasing of trucks, trailers or automobiles in connection with this use.
   b. Lighting is to be directed onto the property itself.
   c. Any new signs shall be limited to 26 feet maximum height.

Mr. Baker seconded the motion. The motion passed 5 to 0.

----------RESOLUTION RE VARIANCE----------

In application No. V-169-74, application by Shell Oil Company under Section 30-6.6 of the Zoning Ordinance to permit pump island 13' from front property line after VDH takes some frontage for widening of Franconia Road and Valley View Drive, on property located at Valley View Drive and Franconia Road, also known as tax map 81-3((4))4A, County of Fairfax, Virginia, Mr. Runyon 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 this Board held on the 13th day of November, 1974, 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-N.
3. That the area of the lot is 32,088 square feet.
4. That VDH plans widening of Franconia Road that would render the existing pump island unuseable.

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 and/or 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.

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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, non-residential use permit and the like through the established procedures.

Mr. Baker seconded the motion. The motion passed 5 to 0.

11:10 - BARBARA DEVINE & DIANE RAUCH, appl. under Sec. 30-7.2.6.1.3 of the Zoning Ordinance to permit change of owner for nursery school for 50 children (formerly owned and operated by Kimmerling - Mount Vernon Preschool) 1703 Collingwood Road, 102-4((1))30A, (1.0 acre) Mt. Vernon District, (R-12.5), S-170-74.

Mr. Rosenberger, attorney for the applicant, testified before the Board.

Notices to property owners were in order. The contiguous owners were Louis and Pearl Vasilas, Jr., 10903 Fleetwood Drive, Beltsville, Maryland and Carl and Shirley Folsom, 8318 Woodacre Street, Alexandria, Virginia.

Mr. Rosenberger stated that Mr. and Mrs. Kimmerling have owned and operated the existing pre-school at this location for approximately 10 years, pursuant to Special Use Permit No. 26700 granted by this Board on August 2, 1963 and S-100-65 approved by this Board on June 8th, 1965. This use that is requested today is for a continuation of the presently existing use under different ownership. They plan to continue to have 50 pupils and operate from 7:00 A.M. to 6:00 P.M., 12 months per year, 5 days a week. This will be under the direction of Patsy Cole. A copy of her resume is in the file. They do not plan any physical changes to this property. There will be no school busses.

Mr. Smith stated that the plats are not adequate as the parking is in the setback area.

Mr. Rosenberger stated that they have made no changes in the physical outward appearance of the property. They cannot move the parking as they would be moving into the play area. He stated that he had talked with Mr. Covington about this and it was Mr. Covington's feeling that because this use had existed prior to the adoption of the present ordinance which requires 25' setback, they are nonconforming there and would not have to comply.

Mr. Smith stated that the original Special Use Permit was granted in 1963 and this requirement was put in the Ordinance in 1959, so the use permitted doesn't predate it. This is a new application and the Board can require the new applicant to update this use as far as parking is concerned.

Mr. Rosenberger stated that there will only be five employees at any one time and the ten parking spaces they have on the plat is in excess of what they need. The children will be dropped off by the parents in the morning and picked up in the afternoon, therefore, the parents will not be parking at all.

Mr. Kelley stated that the plat before the Board doesn't tell the Board anything. It doesn't say how long or wide the parking spaces are and if there are going to be 50 children coming in and out of that property with those parking spaces jammed into the same area, it will be a lot of confusion there.

Mr. Rosenberger stated that he had discussed this plat with Mr. Covington and it was his understanding in that discussion that the plats had been reviewed by him and determined to be adequate.

Mr. Kelley stated that it is the policy of the Board to have correct plats and these are not correct plats.

Mr. Barnes stated that he felt they should provide ten parking spaces.

Mr. Baker agreed.

Mr. Smith stated that they should provide new plats showing the proper setback for the parking spaces (no parking in front setback, nor within 25' of any other property line). If these plats are received by the next meeting, the Board will try to make a decision, but the plats must be in no later than Tuesday morning.
Mr. Kelley so moved. Mr. Baker seconded the motion. Motion passed 5 to 0. This was agreed to by all the Board members.

(There was no one to speak in favor or in opposition to this application)

11:30 - VULCAN QUARRY - ANNUAL REPORT

Mr. Jack Maize, Inspector Specialist in the Zoning Administration Office of Fairfax County, reported to the Board. He submitted his statement to the Board which stated:

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"In accordance with conditions set forth in the Special Use Permit issued to Vulcan Materials Company, an annual review is to be conducted by the Board of Zoning Appeals for the purpose of determining whether the conditions set forth in the permit are being met.

It can be generally stated that all conditions are being met, however, in two areas it will be necessary to continue our evaluation. These two areas are: air borne noise and air quality. Our intention today is to brief you on our status and future plans in these two areas.

Air Borne Noise. The peak overpressure from any blast at any occupied residence has been under the 120 dBA limit. Air borne noise criteria have been and can be met. Systomatic monitoring will continue during the coming year.

Air Quality. A joint study of suspended particulates has been initiated in the Occoquan area by Fairfax County and Vulcan Materials Company. Approximately $5300.00 was spent on equipment by the Division of Zoning Administration for use by the Air Pollution Control Element of our Health Department. You have before you a summary of data collected to date. Two men are here today, Mr. J. J. Nelson of our Air Pollution Control Office and Mr. R. M. Stewart, Environmental Engineer of Vulcan Materials Company to present and assess the data collected under this current study effort."

Mr. Smith stated that the Board has a report on the quarry from the Air Pollution Control Board and it is a very fine report.

Mr. Barnes agreed.

Mr. Smith asked Mr. Maize if he had any recommendations to make on what conditions should be placed on the quarry, if any, at this point.

Mr. Maize stated that he did, but he wished the Board to hear the report from the Health Department and Vulcan first.

Mr. J. J. Nelson, Air Pollution Control Office, Chief of Monitoring Engineering Control for Fairfax County, spoke before the Board. He submitted a statement to the Board of his findings. He stated that he would answer any questions the Board might have on this study. He stated that he had one suggestion. The Vulcan Quarry is now operating under a condition of their Special Use Permit which restricts weekend activity. This includes running the watering trucks. According to their tests, the level of dust on Sunday is quite high. With the beginning of the watering on Monday, the level decreases. He stated that he feels Vulcan should be allowed to run their watering trucks on the weekend to help keep down the level of the dust.

Mr. Smith stated that the Board never intended this type of thing to be restricted if it is for the general health and welfare of the public. It should be done.

In answer to Mr. Runyon's question, Mr. Nelson pointed out on the map the location of the testing stations. He stated that they are all within one-fourth mile of the Quarry.

In answer to Mr. Smith's question,if he felt the storage area on the hill adjacent to the Water Authority property greatly affects the air particles in the area, Mr. Nelson stated that this is the case as the storage and pyramiding does pollute the environment of the area. This is the high point in the area.

Mr. R. M. Stewart, Chief Environmental Engineer for Vulcan, testified before the Board. He presented Vulcan's Occoquan Dust Study Report for 1974 to the Board. He confirmed Mr. Nelson's quarry dust study report that the dust is greater on Sunday and stated that there is an increase of 35 percent from 1973 to 1974 for the Sunday reading. He stated that they tried using a chemical binder that was supposed to form a crust on the storage pile at the top of the hill that they were just discussing, but that didn't work. In lieu of this, they have added a larger watering truck and they are watering the stockpile on a daily basis with the exception of weekends. They will implement their watering to include weekends if the Board will permit them to. He stated that they would like to do this on their own descretion, however, as the weather conditions demand.

Mr. Kelley stated that he felt the Board should go on record that it was not the Board's intent to prevent them from watering the roads at any time it was necessary.

Mr. Maize stated that he would see that that is accomplished if it is the wish

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of the Board.

Mayor H.L. Mooney, Mayor of Occoquan, Virginia, spoke before the Board. He requested copies of the statements and studies that had been submitted to the Board. He stated that he wished to remind the Board that the Town of Occoquan is the first recipient of any mistake that the quarry personnel might make. They are still getting shaken by the blasts. He stated that he had no way of knowing if the Board's conditions are being met.

Mr. Maize stated that in general the Board's conditions are being met. The earth vibrations have been much reduced in the past year. This is due basically to the fact that the quarry personnel are blasting much deeper into the quarry, the amount of explosives has been reduced and the quarry officials are much more aware of the disturbances this quarry has caused to the Town of Occoquan. They are doing everything within their power to keep the earth tremors down. The seismograph readings are much reduced this year as compared to what they were 1 and 1/2 years ago. He stated that he is certain there is quite an overall improvement.

In answer to Mr. Smith's question, Mr. Royce Spence, attorney for Vulcan, stated that they plan to be out of this quarry five years from this year.

The Board reviewed the report from the Restoration Board which stated that "The Restoration Board of Fairfax County conducted its annual inspection of the Virginia-Graham Quarry at Occoquan, Virginia on October 22, 1974. Our findings are as follows:

1. This quarry is operating in compliance with all the requirements of its permit.
2. Two changes have occurred in the immediate vicinity of the Quarry that have been beneficial to all residents in the immediate area. A new bridge has been opened for traffic on Route #123 and the old vehicular bridge across the Occoquan River has been removed. This has resulted in an improved traffic pattern in the immediate vicinity of the Quarry.
3. Roads in the area indicate that there has been no spillage of material from trucks hauling stone from this Quarry.
4. Progress is being made toward the achievement of their restoration plan. Considerable grading and planting has been done. The pit area has been enclosed by a fence that meets the criteria established by the Board of Zoning Appeals.
5. The Restoration Board has no recommendations as to the need for any additional restrictions for the health, safety and welfare of the general public with respect to Quarry operations."

Mr. Kelley moved that there be an amendment to the conditions set forth in the original granting of this Special Use Permit to allow the use of watering trucks or any other device to control dust and particle erosion from the stockpile or the quarry itself on weekends and this will be from Saturday to Monday.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

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DEFERRED CASES:

CARDINAL COMMUNITY CENTER, INC., application under Section 30-7.2.6.1.1 of the Ordinance to permit community, civic and cultural center, 8209 Mt. Vernon Highway, Mt. Vernon District,(R-12.5), S-120-74 (Deferred from 9-25-74 and 10-16-74 for decision only)

Mr. Smith read a letter from Mr. Paul Morrison, agent for the applicant, requesting that this case be withdrawn.

Mr. Baker moved that the Board grant the request that the application be withdrawn without prejudice.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

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The Board inquired about a case the Zoning Office had in Court the previous day regarding the section of the ordinance that will allow only one commercial vehicle in a residential zone. Mr. Covington stated that the Zoning Office had charged a man for storage of more than one garbage truck in a residential zone.

Judge Grove had already convicted him. The man had not even appeared in Court at the hearing. This was a show cause. Judge Rothrock said he didn't see anything wrong with storing a garbage truck in a residential zone and dismissed the case.

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GERALD N. GALSTAN, 70-3((5))214, Canterbury Woods Section 4, (R-12.5 Cluster), V-139-74,(Deferred from 10-23-74 for viewing and additional information on percentage of houses in Canterbury Woods that has carports -- see file) Decision Only.

The necessary information was in the file indicating that the greatest percentage of houses in Canterbury Woods do not have carports and are on lots similar to this lot. The carports that have been constructed in Canterbury Woods meet the setback requirements.

RESOLUTION

In application No. V-139-74, application by Gerald N. Galstan under Section 30-6.6 of the Zoning Ordinance to permit carport closer to side property line than allowed by the Ordinance (1.0' from side line), on property located at 4904 King Richard Drive, Canterbury Woods Subdivision, also known as tax map 70-3((5))214, Annandale 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 23rd day of October, 1974, and deferred to November 13, 1974.

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 12,068 square feet.
4. That the request is for a four foot variance to the requirement of five feet. (1.0' from side property line)

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/or buildings involved.

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

Mr. Baker seconded the motion.

The motion passed 5 to 0.

FAIRFAX QUARRIES, INC., appl. under Section 30-7.2.1.3 of the Zoning Ord. to permit renewal of SUP for stone quarrying and stockpiling of quarried stone and accessory uses, 15717 Lee Highway, 64((1))12,13,14,15 & 72,(99.9577 acres), Centreville District, (RE-1 & I-G), Deferred from 11-23-74 for decision only. S-141-74.

----------RESOLUTION----------

In application No. S-141-74, application by Fairfax Quarries, Inc. under Section 30-7.2.1.3 of the Zoning Ordinance to permit renewal of Special Use Permit for stockpiling of stone and accessory uses and stone quarrying, on property located at 15717 Lee Highway, Centreville District, also known as tax map 64((1))12,13,14,15 & 72, 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 October, 1974 and deferred to November 13, 1974, 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 McKinley and Mary B. Robinson and Fairfax Quarries, Inc.
2. That the present zoning is RE-1 & I-G.
3. That the area of the lot is 99.9577 acres.
4. This is an application to renew a Special Use Permit (#23498) granted October 27, 1959, extended for 5 years from October 27, 1964, extended again in 1969, and expiring October 27, 1974, for a stone quarrying operation on property located on the south side of Lee Highway west of Bull Run Post Office Road in Centreville District. The application also seeks to renew the Special Use Permit (S-233-71) granted December 20, 1972, to permit stockpiling of quarried stone and erection of a maintenance building as an accessory use on a portion of the property,which permit also expires October 27, 1974.

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 Standards for Special Use Permit Uses in C or I Districts as contained in Section 30-7.1.2 in the Zoning Ordinance, and

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board, (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit shall not be valid until a Non-Residential Use Permit is obtained.
5. The Resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. All applicable terms and conditions set forth in all previously granted Special Use Permits for this property shall remain in force.
7. This permit is granted for a period of two years.
8. Incorporate the 17 suggested conditions made by the Restoration Board which are:
    1. This permit is granted for the maximum period specified by the Code. (2 years)
    2. A bond of $1,000 per acre to insure restoration of the property shall be continued for the duration of this operation.
    3. Blasting vibrations shall be limited to a maximum resultant peak particle velocity of 1.5 inches per second in the earth at any occupied structure not on the quarry property.
    4. The peak overpressure from any blast shall be limited to .0092 pounds per square inch (130 decibels) at any occupied structure not on the quarry property.
    5. Earth vibration produced by the quarry from sources other than blast shall not exceed 0.05 inches per second at any occupied structure not on the quarry property.
    6. Air borne noise produced by the quarry from sources other than blasting shall not exceed the following at any occupied structure not on quarry property: 10 decibels above the background in residential areas and 16 decibels in commercial areas.
    7. Roads and other areas subject to traffic within the confines of the quarry will be watered as often as necessary.
    8. All present duct control equipment including the Johnson-March Dust Control System, will continue to be maintained and operated.
    9. No drilling or crushing shall be performed other than the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday;provided however, that blasting shall occur only between the hours of 11:00 a.m. and 2:00 p.m. There shall be no more than one blast per day with a limit of three per week.
    10. Millisecond delay caps shall be used in all blasting operations, with no blast exceeding 15,000 pounds. All blasts within 400' of State

Route 621 shall follow the standard operating procedure introduced as part of the hearing.

11. All blasting material shall be handled and stored in accordance with standards and regulations established by the United States Bureau of Mines.
12. There shall be no work performed other than sales of materials on Saturday between the hours of 7:00 a.m. and 6:00 p.m. and maintenance activities on the facilities and equipment.
13. In the event any feasible equipment or means of controlling the dust and blasts becomes available to the industry, the quarry operators shall install and use the same as soon as available to them.
14. Discipline of personnel and supervision during blasting and loading shall be exercised diligently to prevent flying rock.
15. All operations at the quarry shall conform to all applicable performance standards and regulations.
16. The Zoning Administrator, or his agent, shall periodically inspect the premises to determine that the quarry is being operated in compliance with all the foregoing restrictions.
17. An annual inspection fee shall be paid to the County of Fairfax. This fee to cover inspections relating to the conditions and standards enumerated above.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

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AFTER AGENDA ITEMS:

NATIONAL BANK OF FAIRFAX & OAKTON LIMITED PARTNERSHIP, V-129-74 (Mr. Lawson, attorney for the applicant to present design of sign for bank. Variance for sign granted 11-6-74)

Mr. Lawson appeared before the Board and presented the design of the sign to the Board. He then showed a colored rendering of the sign to the Board. He stated that the base of the sign would be metal. It will be the same shade of brown as the trim of the Oakton Building. They can also put the raised look on the sign that looks like cedar shakes. This sign will be a little smaller than the Oakton Center sign. The Oakton Center sign is 14 1/2' long their sign is 11'. In width, the Oakton Center sign is also larger.

Mr. Smith asked Mr. Runyon if this sign meets what the members of the Board who votes for this sign had in mind. He stated that he still does not think this Board has the authority to grant the sign.

Mr. Covington reminded the Board that they should approve the location of the sign also.

Mr. Lawson submitted the site plan which indicated the location of the proposed sign. Mr. Lawson stated in answer to Mr. Smith's question, that this is not a neon sign.

Mr. Runyon stated that in the case of the National Bank of Fairfax sign, the drawing does not quite conform with the Oakton Center sign and does not conform with what the Board had in mind when they suggested a sign compatible with the Village concept of the Oakton Center, therefore, he moved to defer this until next week and ask the applicants to revamp the sign design with some consideration being given to the Oakton Center Village concept. It might have a brick base in the same brick as is used in the Oakton Building.

Mr. Barnes seconded the motion.

Mr. Lawson asked for some guidelines. He stated that he thought he heard one of the Board members mention cedar shakes and that is more expensive.

Mr. Runyon had drawn up a sketch for his own use which he showed to Mr. Lawson. He stated that perhaps some more thought should be given to the actual surface of the sign.

The motion to defer passed 4 to 0. Mr. Smith abstained.

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EDUCO, INC., S-250-69. Mr. Lawson, attorney for the applicant, stated that the Board granted a Special Use Permit for this school in April, 1970. It allowed 300 students maximum when they finished construction of the other buildings. They have not yet begun construction of these other buildings, but wish

to do so in the near future. Mr. Cohen has now filed a new application for these new buildings and would like the Board to grant an out-of-turn hearing for December 11, 1974. They would like to get the footings in before the ground freezes. This is to be a prefab building.

Mr. Smith stated that he remembered the original application. It was an old stable turned into a school house. He stated that there was a lot of controversy about this building and a question about a small strip of land abutting this property.

Mr. Barnes moved to place this case on the December 11 Agenda.

Mr. Baker seconded the motion.

The motion passed unanimously.

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Mr. Kelley left the meeting at 3:00 P.M.

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SANDRA WARD, (Special Use Permit for Riding School)

Mr. Smith read a letter from Sandra Ward stating that she had been visited by a County official who informed her that there had been a complaint about the lights installed in their riding rings and that permission should have been sought prior to the installation of the lights. She stated that she had no idea that special permission was required to illuminate an approved operation, that the lights are necessary during the winter months if the School is to be able to operate safely during approved hours, 9 p.m., that Bay Ridge Riding School is providing riding services for the Fairfax County Recreation Department program and many of the students so enrolled can only attend classes in the evening after their own working hours, the lights installed are of the minimum power required to provide adequate vision for riding. They are ordinary 500 watt floodlights (8 in all) which cannot be compared with lights for recreational facilities such as football or tennis, etc. She stated that the lights are directed into the riding rings and are located several hundred yards away from the nearest residence and the lights are never operated after 9:30 p.m.

Mr. Covington stated that the Zoning Office has had a complaint about the lights.

Mr. Barnes stated that he could not see why anyone should complain about them.

Mr. Smith inquired if a violation notice had been given.

Mr. Covington stated that it had not, but he would give her a violation unless the Board does something about this request.

Mr. Runyon moved that Ms. Ward be advised to submit an application for an amendment to her existing Special Use Permit requesting these lights be added to the existing Special Use Permit.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Kelley had left the meeting earlier.

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KNIGHTS OF COLUMBUS, Telegraph Road, S-163-72

Mr. Donald Beaver, Zoning Inspector, spoke to the Board regarding the problems with this Special Use Permit. He stated that the Board deferred this case until the applicant had received all the inspections, however, he had checked with the Inspection Departments and found that the mechanical inspection had not been made according to Mr. Keys in that department and no request has been made of them for a final inspection. He checked with the building inspector's office and was told by the lady there who is responsible for keeping those records, that no request had been made for a final inspection from that department. He stated that he did not know whether or not the applicants were using the property at the present time. He made his inspection during the day.

Mr. Covington stated that he also inspected the property and the parking that the applicant has provided is not adequate for a big family, much less an organization of that type.

Mr. Runyon stated that they use the grass.

Mr. Covington stated that it certainly would be a mess with the rain we just had.

Mr. Beaver stated that the Fire Marshall's office on August 2, gave the Knights of Columbus a list of five items that must be complied with in order to make the building safe for use. The Fire Marshall's office has never been advised whether any of this work has been completed so that they can make their final inspection.

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Mr. Smith stated that they should not be allowed to use the building if they have not complied with the County codes. He stated that they should be advised that they are not to use this building for any of their activities until they have complied with the conditions of the Special Use Permit.

Mr. Baker so moved.

Mr. Runyon stated that he did not think there was anything this Board could do. They have to start operation or construction within the year, or they don't have a Special Use Permit. It was granted in June of 1972.

Mr. Covington stated that they may have been working on the building within that year.

Mr. Covington suggested the Board have Mr. Beaver run an investigation as to how many permits have been received to do work and what repairs have been made.

The Board members agreed with this and asked Mr. Beaver to reappear with his report as soon as possible and ask Mr. Arban, or some representative from the Knights of Columbus, to appear at the same time.

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The meeting adjourned at 3:35 P.M.

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By Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED December 18, 1974
DATE

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The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, November 20, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes; and Charles Runyon. Mr. Baker was absent.

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

Mr. Harvey Mitchell was present from the Staff.

10:00 - GLENN N. CRISPELL, appl. under Section 30-6.6 of the Zoning Ord. to permit carport to be constructed closer to front property line than allowed by Ord., (23' from line; 30' required), 2210 Loch Lomond Dr., 38-1((20))32, (15,400 sq. ft.), Centreville District, (RE-0.5C), V-171-74.

Mr. Crispell testified before the Board. His notices to property owners were in order. The contiguous owners were Lawrence Klenger, 2214 Loch Lomond Drive, Vienna, Virginia, and Kyle G. Kenyon, 9803 Clyde Court, Vienna, Virginia.

Mr. Crispell's justification for this variance was the fact that he is on a corner lot and therefore has two 30 foot setbacks which reduces the buildable area of his lot. The land configuration to the east as well as in the rear preclude the erection of a carport there. He stated that when he purchased his home, he purchased it with the understanding that a double carport would be built. He paid for a second parking slab and a double driveway. However, the builder could not produce on his agreement because of the existing setback requirements of Fairfax County. He was not told of them until the day he went to settlement. He further stated that a detached carport would not be acceptable to either he or the Architectural Control Committee of his community.

In answer to Mr. Kelley's question, Mr. Crispell stated that the present carport is 10'x20' and the proposed extension is 10'x20'. He is just moving the roof out to cover the already existing slab.

In answer to Mr. Barnes' question, Mr. Crispell stated that there are only four other houses in that area with double carports and they are in the second section of the subdivision. The houses were so situated on the lots that a variance wasn't necessary for those homes. None of the houses that have double carports are on a corner lot.

Mr. Smith stated that he felt Mr. Crispell's situation is similiar to all the other houses throughout the subdivision.

In answer to Mr. Kelley's question, if he could move the carport 7' farther back, he stated that he didn't know how it would look if he moved the carport 7' farther back. He stated that he has three cars and would like to cover as many as he could.

Mr. Kelley stated that he also has three cars and two of them stay outside. This is a personal reason. The Board must not consider personal reasons.

Mr. Crispell stated that it is a personal preference.

There was no one to speak in favor or in opposition to the application.

Mr. Kelley stated that he appreciated Mr. Crispell's position in what he wants to do, but it must be justified under the Code.

----------RESOLUTION----------

In application No. V-171-74, application by Glenn N. Crispell under Section 30-6.6 of the Zoning Ordinance to permit carport to be constructed closer to front property line than allowed by Ordinance on property located at 2210 Loch Lomond Drive, Centreville District, also known as tax map 38-1((20))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 20th day of November, 1974, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Glenn N. and Ann C. Crispell.
2. That the present zoning is RE-0.5 Cluster.
3. That the area of the lot is 15,400 square feet.

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/or 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 4 to 0. Mr. Baker absent.

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10:10 - ANGRET KUTHE AND SYLVIA DECLUE, appl. under Section 30-7.2.6.1.3 of the Zoning Ord. to permit day care center for 20 children, 7:00 A.M. to 6:00 P.M., 3518 Beverly Drive, 59-1((19))1, (2.0085 acres), Eisenlohrs Broadvale Subd., Providence District, (RE-1), S-172-74.

Mr. Kuthe, property owner, acted as agent for the applicants. He submitted notices to property owners and they were adequate, although not as complete as the Board prefers to have. The contiguous owners were G. Moorman, 3716 Beverly Drive, Annandale and Fairfax County Park Authority.

Mrs. Kuthe had obtained the signatures and came forward and certified that she had obtained the signatures and they were the signatures of the property owners nearby and contiguous to her property.

Mr. Kuthe stated that they have a lower level to their house and they would like to have a day care center for 20 children. There is an inspection report in the file indicating that they will have to make certain changes which they are prepared to do. They have two acres of property which backs up to the Park Authority. They will accept children from 2 to 6 years old. The hours of operation will be from 7:00 a.m. to 6:00 p.m., Monday through Friday. At least two attendants will supervise the children's activities at all times. Mrs. DeClue has been trained as a Kindergarten teacher in Vienna, Austria and also trained as a nurse in that country. She presently helps out in the library at Pine Ridge School. Mrs. Kuthe has been serving lunch and teaching German to the pupils at Pine Ridge School for several years. They do not plan to pick up the children to be cared for and will expect the parents to drop the children off and pick them up at different intervals. They will serve the Fairfax Hospital area. They only need parking spaces for two attendants. They do not have a turn around area now that the staff indicated they needed, but they will put one in if the Board feels they should.

Mr. Kelley stated that the Board needs the turn around area shown on the plats.

Mr. James Eisenlohr, Lot 2 of this subdivision, spoke in opposition. He stated that he developed this subdivision. He stated that he objected to this use as he feels this is a commercial endeavor in a quiet residential neighborhood. There are a number of churches that have large mortgages and plenty of parking spaces which could be utilized. He stated that he also questions the amount of traffic these 20 students will cause as there will be 20 trips in and 20 out. He stated that he did not know of anyone in the area who has requested these people to open a day care facility.

Mr. Kuthe spoke in rebuttal. He stated that the lady next door will probably use their facility. In answer to Mr. Smith's question, he stated that Mrs. Kuthe does not take care of any children now.

Mrs. DeClue spoke before the Board to state that she was a certified Kindergarten teacher in Vienna, Austria, but she has not operated a Kindergarten in the United States.

Mr. Kelley stated that he agreed with Mr. Eisenlor concerning a commercial venture in this residential neighborhood. This is not the place for a school and, as Mr. Eisenlor pointed out, there is no need for it.

Mr. Barnes stated that this house is on two acres of land and is next to a park.

Mr. Kelley stated that this is a residential neighborhood.

Mr. Smith stated that these day care centers are basically to serve the immediate area, but there is no indication that there is any need for it at this time.

There was no one else to speak in favor or in opposition to this application.

----------RESOLUTION----------

In application No. S-172-74, application by Angret Kuthe and Sylvia DeClue, under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit day care center for 20 children on property located at 3518 Beverly Drive, also known as tax map 59-1((19))1, County of Fairfax, Mr. Runyon 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 November, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Ernst W. and Angret G. Kuthe.
2. That the present zoning is RE-1.
3. That the area of the lot is 2.0085 acres.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusion 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

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

Mr. Kelley seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

10:30 - ROBERT & KATHLEEN JORTBERG, appl. under Section 30-6.6 of the Zoning Ordinance to permit addition closer to side property line than allowed by Ordinance, (within 10' of side line; 12' required), 4955 Regina Drive, Ravensworth Park, Section 2, (10,500 square feet), 70-4 ((6))126, Annandale District, (R-12.5), V-173-74.

Mr. Jortberg represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Mr. Pinto, 4957 Regina Drive, and Donald Marko, 4953 Regina Drive.

Mr. Jortberg's justification was that his lot was extremely narrow and he has a slope in the rear of the yard.

There was no one to speak in favor or in opposition to this application.

---------- RESOLUTION----------

In application No. V-173-74, application by Robert and Kathleen Jortberg, 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 4955 Regina Drive, Ravensworth Subdivision, also known as tax map 70-4((6))126, Annandale District, 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 20th day of November, 1974, 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 10,500 square feet.
4. That 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/or 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 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 used in proposed addition 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 responsible for fulfilling his obligation to obtain building permits, residential use permit and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

10:40 - TRUSTEES, ST. JOHNS EPISCOPAL CHURCH, appl. under Section 30-7.2.6.1.11 of Ord. to permit use of trailer for church school purposes for existing church, 9220 Georgetown Pike, 13-2((1))8, (7 acres), Dranesville District, (RE-2), S-174-74.

10:40 - TRUSTEES, ST. JOHNS EPISCOPAL CHURCH, appl. under Section 30-6.6 of the Ord. to permit trailer closer to side property line than allowed by Ord., (2.4' from side line, 17.6' variance), 9220 Georgetown Pike, 13-2((1))8, (7 acres), Dranesville District, (RE-2), V-175-74.

Mr. Henry Mackall, attorney for the applicant, 4031 Chain Bridge Road, Fairfax, Virginia, stated that they do not have proper notices and would like these two cases deferred until the next meeting.

There was one man in the room in favor of this application and he did not object to the deferral.

Mr. Kelley moved that the cases be deferred until December 4, 1974, and they should renotify the property owners.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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11:00 - CENTREVILLE UNITED METHODIST CHURCH, appl. under Section 30-7.2.6.1.11 of Ord. to permit use of trailer for Sunday school classes for existing church, 14040 Braddock Road, 54-4((1))3A, (6.8841 acres), Centreville District, (RE-1), S-176-74.

Mr. Kurt Mariner represented the applicant before the Board.

Mr. Kelley moved that the case be heard under Section 30-7.2.6.1.11 of the Zoning Ordinance instead of Section 30-7.6.2.1.11 as it was advertised.

Mr. Barnes seconded the motion and the motion passed unanimously.

Notices to property owners were in order. The contiguous owners were Richard Riedel, 14027 Braddock Road, Centreville, Virginia and Harold Hunsberger, 5619 Wharton Lane, Centreville..

Mr. Mariner stated that this trailer is 47' long and has two classrooms. The existing trailer has one classroom. These trailers will be used for Sunday school classrooms during their regular church program.

Mr. Smith discussed with Mr. Mariner whether or not these trailers would be temporary. Mr. Smith felt that the Board only had the authority to grant a temporary use for two years.

Mr. Knowlton stated that under the Ordinance, the Board has the right to grant

any time period that it wishes.

The Staff Report indicated that the granting of this application would bring the entire church property under special use permit for the first time. The applicant's engineer has indicated that the church contains 300 seats, so that the 62 parking spaces outlined on the plat would be 2 more than the minimum required. Approximately 4 parking spaces on the driveway accesses to the parking lot appear to be in the front setback area, which would make them non-conforming as to the specific requirement for Group VI special permit uses.

There was no one to speak in favor or in opposition to this application.

Mr. Mariner stated that this church has been in existence for a long time. It was moved to this particular property in May of 1973.

----------RESOLUTION----------

In application No. S-176-74, application by Centreville United Methodist Church under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit use of trailer for Sunday school classes for existing church, on property located at 14040 Braddock Road, Centreville District, also known as tax map 54-4 ((1))3A, County of Fairfax, Mr. Runyon 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.

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 November, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Trustees of Centreville Methodist Church.
2. That the present zoning is RE-1.
3. That the area of the lot is 6.8841 acres.
4. That compliance with 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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The Resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

11:20 - ANTON SCHEFER, T/A SCHEFER SCHOOLS, appl. under Section 30-7.2.6.1.3.2 of the Zoning Ordinance to permit use of church facilities for general education school of 45 children, 8991 Brook Road, 28-2((1))12, (6.201 acres), Dranesville District, (RE-1), S-179-74, OTH.

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Mr. Schefer represented himself before the Board.

Mr. Schefer had notified five property owners, two of which were contiguous. The two contiguous property owners were Bullock and Christie. However, these property owners were notified on November 12, 1974, which is not a full ten days prior to this date of the hearing. Therefore, Mr. Kelley moved that this case be deferred until the property owners are properly notified at least ten days prior to December 4, 1974 of the time, date, and place of this public hearing on this case.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

There were three gentlemen in the audience who indicated that they were present to speak in support of this application.

// DEFERRED CASES:

NATIONAL BANK OF FAIRFAX & OAKTON LIMITED PARTNERSHIP, Approval of sign.

Mr. Tom Lawson, attorney for the applicants, presented a sketch and rendering of the proposed sign for the bank at the Oakton Building, 2928 Chain Bridge Road, 47-2((1))99. Mr. Lawson stated that they were using the same type and color brick for the base of the sign as in the Oakton Building. The background of the sign will be embossed with the shake siding to give the same effect as the other Oakton Center sign. The color scheme will be the same as the material used to trim the Oakton Building which is a shade of brown. The location of the sign will be the same as indicated on the site plan submitted to the Board last week, November 13, 1974.

Mr. Runyon moved that the Board approve the design of the sign as presented to the Board today. He asked Mr. Lawson to come forward and sign the design submission and he would then initial it.

Mr. Lawson did so and Mr. Runyon initialed it.

Mr. Barnes seconded Mr. Runyon's motion.

The motion passed 3 to 0 with Mr. Smith abstaining.

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11:40 - WILLA F. ECKLES T/A PETER PIPER SCHOOL, appl. under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit continued operation of nursery school with maximum of 25 children each day, 1351 Scotts Run Road, 30-1((9))1, Dranesville District, (2.3843 acres), (RE-1), S-131-74, (Deferred from October 16, 1974, for proper notices). FULL HEARING.

Mr. Eckles presented notices to the Board which were in order. The contiguous property owners were Mr. Metzger, 1358 Wendy Hill Road, and Mrs. Sabrine, 1343 Scotts Run Road. Mrs. Eckles came forward and certified that she had obtained the signatures of these people.

Mr. Eckles stated that this application is for the continued operation of their school. They had a Special Use Permit previously and it expired. They plan to operate through the balance of this school year. They have entered into a contract of sale to Mr. and Mrs. O'Bryan who will then come before this Board and apply for their Special Use Permit to continue to operate this school.

Mr. Smith stated that the O'Bryan's would have to make a new application before they take over the school. The Board cannot consider them at this point.

Mr. Smith stated that this school is under violation for not having a Special Use Permit or Non-Residential Use Permit. They have not complied with the Site Plan requirements.

Mr. Eckles stated that at this point, they are trying to comply with the Site Plan requirements. They have put up the required $2500 in escrow for the future road widening of Lewinsville Road. The check has been sent to Mr. James White of the Division of Design Review. Mr. Horace Jarrett surveyed the property on October 24th to prepare a plat to record the dedication of land to 30 feet from the center of Lewinsville Road. Mr. Stephen Pournaras,

their attorney, will prepare the paper for recording the dedication.

Mr. Smith stated that if this is not cleared up promptly, they will be out of business. He reminded Mr. Eckles that they are in violation and are subject to a fine. The Board doesn't want to interrupt the school, but he wanted the Eckles to realize that they must make prompt progress, or there will certainly be some interruption.

Mr. Kelley stated that the Staff Report indicates that another condition of the site plan waiver was that the owner pave the parking area with a dustless surface to provide for a minimum of 15 parking spaces as per BZA requirement. On October 15, 1972, condition (3) regarding the paving was waived on condition that the operation of the school would terminate at this location no later than June, 1974. Therefore, this school has been in violation since it began.

Mr. Smith stated that the only reason he could see that the 15 parking spaces were required by the Board was because that was what was on the plats at the hearing in 1970. He stated that he did not think they would need 15 spaces when they can only have 25 students. The applicant's statement indicates that the transportation will be provided by carpools. He stated that he felt eight spaces would be sufficient.

Mr. Sammie Sooksanguan, engineer from Preliminary Engineering, spoke before the Board to confirm that Mr. and Mrs. Eckles have put $2500 in a cash escrow three weeks ago. He stated that he has spoken with Mr. Eckles about the paving of the parking lot. Mr. Eckles has indicated that the paving of the lot will cause them to loose one or two nice trees and he has also indicated that he doesn't need to have fifteen spaces. The Site Plan Ordinance does require dustless surfaced parking areas unless this Board waives that requirement.

Mr. Smith stated that he felt the Board should require a two shot surface treatment as this is going to be a permanent use.

Mr. Eckles stated that Mr. Sooksanguan has been very fair in reflecting his feelings on this parking lot. He stated that he does not feel paving of that lot is the best thing to do as this area is in the front of the house and they wish to keep this residential character. In addition, he stated that he feels this paving will damage the trees that are there. There is also a creek along the area where the spaces will be located.

Mr. Kelley moved that this case be deferred until December 18, 1974, to allow the applicant additional time to complete the necessary plats and papers for dedication and to show eight proposed paved parking spaces.

Mr. Barnes seconded the motion. The motion passed 4 to 0. Mr. Baker was absent.

There was no one to speak in favor or in opposition to this application. Mr. Smith stated that if this is not done by the 18th, they may be out of business.
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B. P. OIL, INC., appl. under Section 30-6.6 of Ord. to permit variances to front setback requirements for canopy, pump island and building, 1958 Chain Bridge Road, 29-4((1))16, (23,978 square feet), Dranesville District, (C-G),

Mr. Tim McPherson had submitted new plats showing a lesser variance request on November 12, 1974. The plats were revised October 31, 1974. As a consequence of the changes that were made, the following variances are now requested.

1. Canopy Variance - To permit the westerly third of the rear canopy to come within 19.1' of Old Route 123; 22 feet required.

2. Building Variance - To permit the new building, or kiosk, to be within 56' of Chain Bridge Road and within 52' of Old Route 123' 75 feet required.

Mr. Smith asked if the rendering that is in the file is what they plan to construct.

Mr. McPherson answered that it would be similiar to that.

Mr. Kelley stated that it is not a rendering, just a photograph, he felt. He stated that they have large trees in the background that they cannot possibly put in this location.

Mr. Smith stated that the new building should look as good as the one there now. He stated that he certainly would not vote for three variances if they were going to put in this type of lighted canopy. All the other oil companies are going to a more desirable design and B.P. is getting away from the more

desirable design. Mr. Kelley agreed.

Mr. Smith told Mr. McPherson that there are only four Board members present and there is an indication that at least two of the Board members would not support that type of development. He stated that they should come back with a true picture of what they plan to put there. He stated that he feels they are expanding this use beyond the reasonable use of the land. He stated that he would not support a lighted canopy. It should have a mansard roof similar to the building that is there now.

Mr. Runyon made a motion to grant. In that motion he stipulated that they should build a building with a mansard roof and no signs on that building or canopy.

Mr. Smith stated that he wanted the drawing in the file.

Mr. Kelley inquired if they could cut off the last aisle and eliminate the need for part of the variance. He stated that one-half of the stations that you go to these days have some of the pump aisles blocked off anyway.

Mr. Smith asked Mr. McPherson how soon they could come back with a rendering showing a mansard roof with no signs on the building or the canopy. Mr. McPherson indicated he could get the rendering by December 18th, 1974.
Mr. Runyon withdrew his motion and moved that the case be deferred until December 18 for final disposition upon receipt of the architectural information the Board has discussed on the canopy.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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BARBARA T. DEVINE & DIANE M. RAUCH, request to permit continuation of nursery school in existing building, 1703 Collingwood Road, 102-4((1))30A, (R-12.5), Mt. Vernon District, S-170-74 (Deferred from November 13, 1974, for new plats showing setback from property lines for parking to conform with the specific requirement to the Group VI uses)
The new plats were in the file.

Mr. Rosenberger represented the applicants before the Board. He stated that he had submitted the plats to Mr. Covington. Mr. Covington had told him that if they were fronting on a public highway, they would have been required to setback 40' for the parking in the front yard. They are 204' removed from the public highway. However, from the point at which the existing right-of-way enters the property, there is a 40' radius where there is no parking shown on the plats. The parking is 25' from all other property lines. According to the direction of the Board, they have shown 10 parking spaces.

Mr. Runyon stated that he felt it is a shame to clear out so much area just for the parking when it is really no where near the street. Actually,it is about 60' to the first parking space from that right-of-way. Actually, it could be shifted over to save some more of the trees.

Mr. Rosenberger stated that if they shift it over, they will not have adequate turn around area for the cars to come in and drop off the children.

----------RESOLUTION----------

In application No. S-170-74, application by Barbara Devine and Diane Rauch, under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit change of owner for nursery school, on property located at 1703 Collingwood Road, also known as tax map 102-4((1))30A, County of Fairfax, Mr. Runyon 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 November, 1974 and continued to November 20, 1974,

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is William A and Angelin L. Kimmering. The applicants are the contract purchasers.
2. That the present zoning is R-12.5.
3. That the area of the lot is 1.0 acre.

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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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Hours of operation shall be from 7:00 a.m. to 6:00 p.m., 5 days per week, 12 months per year.
7. The number of students not not exceed 50 with the ages being from 2 to 6.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

AFTER AGENDA ITEMS:

CHARLES G. NEIL, V-256-73, Variance Granted January 16, 1974 to permit division of lots with less frontage at the building setback lines, 8600 Dixie Place, 20-3((5))26A & 26B proposed, Dranesville District, Re-1, Request for Extension.

Mr. Runyon moved that Item No. 2 of the Limitations be changed to read:

2. This permit shall expire unless construction or operation has started or unless renewed by action of this Board prior to expiration upon whichever of the following events shall last occur:
   (a) Twelve (12) months from this date.
   (b) Three (3) months after Fairfax County permits connection with the existing sewerage facilities thereon.
   (c) Six (6) months after Fairfax County permits a site plan to be filed thereon.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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POOR SISTERS OF ST. JOSEPH, S-196-73. The applicant sent a letter to the Board requesting the Board to extend the Special Use Permit as they had not been able to begin operation because of the sewer hookup problem and various other problems.

The Board stated that it had no jurisdiction to act as the permit had already expired. It would be necessary for Poor Sisters of St. Joseph to file a new application. The Board asked the Clerk to so notify the applicant.

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LANGLEY SCHOOL

Mr. Kelley moved to correct the Resolution granting this application to reflect the correct number of students as 268 instead of the 200 as indicated.

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Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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BROWNING-FERRIS INDUSTRIES OF VIRGINIA, INC. Deferred from 11-13-74 for the Staff to study.

Mr. Kelley stated that he had viewed the property and felt it would help the members of the Board in the decision if they also viewed it. He stated that they do have a 6' fence right next to it and there is no way a 6' fence would hurt anything in that area. He stated that he did not know how those people down below this property got their 6' fence.

Mr. Smith asked Mr. Mitchell to find this out.

Mr. Smith stated that he still does not understand why the applicant can't go back 50' and erect the fence. He cannot store any vehicles or equipment in that 50' area anyway.

Mr. Kelley stated that it is not 50' from the street to the building.

Mr. Runyon, who had prepared the plats for the applicant and abstained from the hearing, explained that the applicant had given some property for an easement and was allowed to reduce his setback by 10 percent.

Mr. Kelley suggested that the Board members also look at what Mr. Johnson, the property owner next door, has done.

Mr. Smith stated that he felt the Ordinance should be changed to allow a 6' fence in these industrial areas.

The other Board members agreed.

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The hearing adjourned at 12:52 P.M.

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By Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED: December 18, 1974
(DATE)

The Regular Meeting of the Board of Zoning Appeals Was Held On Wednesday, December 4, 1974, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Charles Runyon, Joseph Baker and George Barnes. Mr. Mitchell and Mr. Knowlton were present from the staff.

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

10:00 - AUSTIN T. WILLIAMS, M. D., ALFONSO I. VERGERA, M. D. AND WOODLAKE TOWERS, INC., appl. under Section 30-6.5 of Ord. to appeal Zoning Administrator's decision that the Board of Zoning Appeals does not have the authority to grant a Special Use Permit for a medical facility in RM-2M zone, 6001 Arlington Blvd., Woodlake Towers Building #II, 51-4((1))part of 14, Mason District, (RM-2M), V-177-74

Mr. Stephen L. Best, 4069 Chain Bridge Road, Fairfax, Virginia, attorney for the applicant, testified before the Board.

Mr. Best stated that in 1969 when Building No. 1 was constructed, they came before this Board requesting some commercial space on the 1st floor and requesting a Special Use Permit for those uses allowed under the Code. They also requested a Special Use Permit for doctors and dentists to be in that building and at a hearing on August 1, 1969, the application was granted. Also it was indicated in the minutes that the Board had granted such an application for doctors and dentists to be located in the Calvalier Club Apartments which is zoned RM-2M. It was stated in the minutes in the Woodlake Towers case that there could be doctors and dentists located in this commercial space provided they came back to the Board to allow the Board to determine whether there would be any x-ray equipment. In September, 1970, there was a hearing by this Board considering the request by Woodlake Towers for medical offices. It was stated that there would be no x-ray equipment or any equipment with similar hazards. This permit was granted. Although there were no full time doctors in this medical facility, there were doctors there from time to time.

Based on the belief that doctors and dentists could be located within this apartment complex under a Special Use Permit, additional commercial space was constructed in Woodlake Towers Building No. 2. Subsequently, they came back to this Board for a blanket Special Use Permit for those commercial areas and the Board said they had to make individual applications for each use. Now, they have a doctor who wants to locate in Building No. 2. Mr. Woodson was the Zoning Administrator in 1969 and he interpreted the Ordinance that doctors and dentists were permitted in an RM-2M zone and the application came before this Board and was granted. Mr. Knowlton, the present Zoning Administrator now interprets the Ordinance to say that doctors and dentists would not be allowed in an RM-2M zone. He stated that he could certainly acknowledge under a literal interpretation of the Code that doctors and dentists are not allowed in an RM-2M district unless one could build a building that looks like a single family dwelling. He stated that he did not feel the Code would be restrictive to the appearance of a single family dwelling in an RM-2M zone because in RM-2M you are not permitted to build a structure that looks like a single family dwelling.

Mr. Best further stated that they constructed commercial space in Building No. 2 on the belief that they could have commercial offices as allowed in the Code including doctors and dentists offices because they were permitted in Building No. 1 by this Board.

Mr. Smith stated that he remembered the Cavalier application and there was considerable discussion as to whether or not it would be permitted. The Zoning Administrator indicated at that time that since it had a separate outside entrance it would have the appearance of a single family dwelling. He stated that there are many uses that can be made of this commercial space in this RM-2M district without having doctors and dentists offices. He stated that he could think of several reasons why doctors and dentists offices should not be allowed in this multi-family apartment, such as the danger of the x-ray equipment, the diseases people might have that would contaminate the apartment dwelling residents as the sick people went to and from the doctors' offices and the additional impact that these offices have.

Mr. Best stated that this is a large complex and the doctors' offices would be to serve primarily the residents of this complex.

Mr. Knowlton gave his reasons for denying the acceptance of the application for a doctors office in this RM-2M district as outlined in his letter to the Board dated November 21, 1974.

Mr. Kelley stated that he agreed with Mr. Knowlton. He stated that the wording in Section 30-7.2.6.1.10 of the Ordinance uses the word "shall". It doesn't say "should". He stated that he did not feel the Ordinance gives the Board an

alternative.

Mr. Best stated that if you read that section alone, that is correct, but in other sections of the Code, it says you can have doctors and dentists offices in an RM-2M district.

Mr. Runyon asked him where in the Ordinance does it say they are permitted.

Mr. Best stated that under RM-2M Districts, the Ordinance says Group VI uses are permitted and one of the uses of the Group VI category is medical offices. It says a doctor or dentist's office must have the appearance of a single family structure, but you can't put a single family structure in the RM-2M district.

Mr. Best restated that his client acted on the belief that they could have this type use and they have built the facilities for that use.

Mr. Smith stated that they have built a commercial type facility, but not necessarily for a doctor or dentist, and there are many uses they could put in that space.

There was no one else present to speak in favor or in opposition to this application.

----------RESOLUTION----------

In application No. V-177-74, application by Austin T. Williams, M.D., Alfonso I. Vergera, M.D. and Woodlake Towers, Inc., under Section 30-6.5 of the Zoning Ordinance to permit a medical facility in RM-2M zone (to appeal Zoning Administrator's decision that the Board of Zoning Appeals does not have the authority to grant a Special Use Permit for a medical facility in RM-2M zone, 6001 Arlington Boulevard, also known as tax map 51-4((1))part of 14, Mason 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 and a public hearing by the Board of Zoning Appeals held on the 4th day of December, 1974, and

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

1. That the applicant has not satisfied the Board that 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 denied and the decision of the Zoning Administrator is hereby upheld.

Mr. Barnes seconded the motion.

Mr. Smith stated that the wording "shall have the appearance of a single family home" is a little confusing to say the least, but he agreed with Mr. Kelley.

Mr. Knowlton stated that he didn't think the Board could assume that because something is in a list of items that can be approved under Special Use Permit, that it can automatically be approved. He stated that nursing homes is another thing on that list in that group, but if the size of the zoning district is not large enough to allow the nursing home, it can't even be considered. ("...No facility having a capacity of over fifty beds shall be permitted in any district of less density than the RT-10 District...")

Mr. Smith inquired of Mr. Knowlton if condominiums were now considered to be single family homes.

Mr. Knowlton stated that they were.

Mr. Smith suggested that maybe the wording of the Code should be changed.

Mr. Kelley's motion passed unanimously with all members present.

10:20 - OX HILL BAPTIST CHURCH, appl. under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit use of trailer for additional Sunday School classes, 4101 Elmwood Street, 34((6))71, 72, 46, 47, & 48, Rockland Village Subd., (3.2385 acres), Centreville District, (RE-1), S-178-74

Mr. Walter Farrar, Pastor of the Church, testified before the Board.

Notices to property owners were in order. The contiguous owners were John Grandy, 13919 West More Street, Chantilly, Virginia and Pinewood Development Corporation, Mt. Vernon, Virginia.

Rev. Farrar stated that they have outgrown the present facilities. The trailer will be used for classrooms approximately four hours per week. The Board has been furnished with a sketch of the type of trailer they propose to use if this permit is granted.

The Board discussed the parking spaces for this church. Mr. Jack Rinker, engineer, stated that when the site plan was originally prepared, they were in compliance with the setback requirements of the Ordinance. Now they are requesting this addition to the existing use which comes under the Group VI category and their existing parking does not comply with the setback requirement under that Group.

Mr. Smith inquired when this church was constructed and if the parking lot is asphalted.

Mr. Rinker stated that the church was constructed in 1970 and is asphalted.

Mr. Smith stated that the parking lot is non-conforming and can't be changed at this point if it is now complete.

Mr. Knowlton confirmed this. He stated that there are 19 parking spaces within that setback requirement area.

Mr. Kelley inquired if this trailer is going to be set on cinderblocks.

Mr. Gould, a member of the church, stated that it will be set on some blocks with a skirt completely around it. The trailer will be anchored. This will be a temporary use.
There was no one to speak in favor or in opposition to this application.

----------RESOLUTION----------

In application No. S-178-74, application by Ox Hill Baptist Church under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit trailer for education facilities and meetings on property located at 4101 Elmwood Street, also known as tax map 34((6))71, 72, 46, 47 and 48, County of Fairfax, Mr. Runyon 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 4th day of December, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Trustees, Ox Hill Baptist Church.
2. That the present zoning is RE-1.
3. That the area of the lot is 3.2385 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 for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

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 the plans submitted with this application. Any additional structures of any kind,

changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.

4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

Mr. Baker seconded the motion. The motion passed 5 to 0.

10:40 - CASA CUBA, a non-profit corporation, appl. under Section 30-7.2.6.1.1 and 30-7.2.6.1.3.4 of the Zoning Ordinance to permit school of special education and community recreation facility, 6400 Springlake Drive, 88-1((2))6, Springlake Farms, (5.273 acres), Springfield District, (RE-1), S-180-74.

Mr. Michael Houliston, 5881 Leesburg Pike, Bailey's Crossroads, Virginia, attorney for the applicant, testified before the Board. He stated that he had written a letter to the Chairman setting forth the reasons why they did not have proper notices. He requested the Board to defer this case until they have sent out proper notices.

Mr. Smith stated that perhaps they should clear up the question raised by the Health Department. Mr. Smith read that letter stating that before any approval for this use can be given by the Health Department, the applicant will have to submit to them a more detailed breakdown of water usage for the entire proposed facility.

Mr. Houliston stated that they are in the process of preparing this.

Mr. Smith stated that it would be helpful to have this prior to the hearing.

Mr. Houliston stated that they would try to have it by January 8, 1975.

Mr. Baker moved that this case be deferred for proper notices and full hearing until January 8, 1975.

Mr. Runyon seconded the motion.

The motion passed 5 to 0.

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11:00 - CHARLES S. & LYNDA J. ROBB, appl. under Section 30-6.6 of the Zoning Ord. to permit accessory use (tennis court) in front setback and to permit construction of a 10' chain link fence around a tennis court closer to front and side property line than allowed by Ord., (28' from front; 50' required; and 7' from side; 20' required), 612 Chain Bridge Road, 32-1((1))8 & 9, (3.92 acres), Dranesville District, (RE-1), V-181-74

Mr. Charles Robb testified before the Board. He gave his address as 1118 Seville Lane. He presented notices to the Board which were in order. The contiguous property owners were Mr. and Mrs. Torrence MacDonald, 622 Chain Bridge Road, McLean, Virginia and Mr. and Mrs. Marden, 600 Chain Bridge Road, McLean, Virginia.

Mr. Robb stated that the subject property at 612 Chain Bridge Road will be their address later in the spring. He stated that this property was purchased in April of 1972. They had intended to construct both a residence and tennis courts on the property and assumed that they had complied with all the requirements. They had the land cleared and then they asked their general contractor to double check to see if there were any problems. Upon further checking, they found that they did have a setback problem for the tennis court. They stopped construction in May and proceeded to submit this application.

Mr. Robb stated that the property is very unusual in that it falls off from the high point 170' down to the river level, which makes the entire northeast

section of the property unbuildable for a structure as large as a tennis court. On the left side of the house they have numerous seepage pits which makes that entire area unbuildable. They had to relocate the driveway for safety reasons because of the irregular topography of the land. The placement of the proposed tennis court is 20' above the road level. The long axis of the tennis court must run very close to north-south in order to make the court playable from sunrise until mid-morning and from mid-afternoon until sunset, otherwise the sun would shine directly into the eyes of players on one side of the court.

Mr. Robb stated that when the tennis court is completed, it will be completely surrounded by trees and existing natural foliage. It is their intention that the court not be noticeable from Chain Bridge Road or adjoining property. In the event this objective is not achieved naturally, additional evergreens will be planted to provide the desired screening and privacy. The only adjoining property owner directly affected would be Mrs. Louis Marsden, Mr. Robb stated. He said he had discussed this with her and neither she nor her husband have any objection to this tennis court or its location.

Mr. Robb came forward to indicate to the Chairman on the plats that he had submitted the problems they have with this property and why they could not place the court in any other location. He had submitted several photographs which showed the topography of the land and also a plat showing the topography.

Mr. Robb stated that there are tennis courts in the area that have been constructed as close to the property line as this one is proposed.

Mr. Kelley stated that should the highway department decide to widen that road, they would be forced to build quite a retaining wall there.

Mr. Robb stated that it is his understanding that a piece of property has been purchased up the road so that the road can be straightened out, but it is on the other side of the road. He stated that even though they have 3.92 acres, there is only about 1 1/2 acre that is usable. Their property extends out into the Potomac River about ten feet.

In answer to Mr. Barnes question, Mr. Robb stated that this court will not be near the contiguous neighbor's house. The Marsden's house sits quite a ways back and this court cannot be seen from their house. The Marsden house is right up to the property line.

Mr. Robb submitted two letters indicating that they have no objection to this tennis court location. One of the letters was from Mr. MacDonald, 622 Chain Bridge Road, one of the contiguous property owners and the other letter was from Robert Mellefont, 627 Chain Bridge Road, McLean, Virginia. The Marsdens are planning to dedicate their house to a historic trust when they die. That house was designed by Frank Lloyd Wright.

Mr. Smith stated that this use is a recreational use and the only reason they need the variance is because of the tennis court fence. There is no building involved. If this was a permanent structure, Mr. Smith stated that he would feel differently about it, but since it is only a fence in the yard for recreational purposes, he could not see the problem.

Mr. Robert Calvis, Chairman of the Architectural Control Committee of the Chain Bridge Forest Association consisting of 200 homes along the Fairfax Arlington County line, spoke in opposition to this application. In answer to Mr. Baker's question, Mr. Calvis stated that he did not have a Petition from the neighbors or members of that association, or a letter from the association directing him to speak. He gave three main reasons for his objection. They were the appearance of the chain link fence, the runoff the paving of the court would cause would intensify the erosion problem problem that already exists on that bank and should the road have to be widened, the State would have to either pay for the removal of the court or put in a retaining wall which would be a great expense to the taxpayers. Mr. Calvis stated that there were several alternative locations for this court.

Mr. Smith asked Mr. Calvis to come forward and indicate where this location might be.

Mr. Calvis came forward and indicated the area in front of the house where the driveway is proposed, which would be immediately in front of the house. He suggested the Board view this property and see for themselves if there is an alternative location.

Mr. Smith stated that the driveway must be o.k.ed by the State and County and it was placed at this location at the State's suggestion for safety reasons as Mr. Robb stated earlier.

Mr. Smith stated that the concerns about the erosion problem will be taken care of by Design Review. He stated that the Board could, if the variance is granted, require the owner of the property to remove the court at his own expense should the State need to take part of that portion of the property for road widening.

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Mr. Robb in rebuttal stated that he shares the desire of Mr. Calvis for the road to be widened. As far as the runoff problem, this house and tennis court has been in the planning stages for two and one-half years and this has not been considered lightly. They already have catch basins on the property to control the erosion. In the other direction of the tennis court, they have a 6' graded slope. They will be happy to sign a waiver so in the event the State does need to take some of their property there would be no expense for removing the court to the taxpayer. They would be asking only for the value of the property without any reference to the fact that there is a tennis court on it. The fence that Mr. Calvis feels is offensive will be green vinyl. The fence will not be visible from Chain Bridge Road. They have graded down 4' there and they will place additional plantings if the natural growth does not take care of screening the court entirely. They have revised the location of the house twenty times in the last two years to meet the requirements of the County. They wish to save as many trees as possible. The area where the tennis court is to go is already graded. The trees were taken down some time ago. He stated that it is their desire to do everything possible to enhance the area. He stated that they would move the court back as much as they could. He invited the Board members to come out and view the property.

Mr. Kelley stated that Mr. Robb has agreed to do what he can to reduce the variance and he would like to see the Board work with him to accomplish this.

Mr. Runyon moved that the Board defer this case until December 11, 1974, in order that he and perhaps other of the Board members could view the property He stated that he would like to meet with the contractor or Mr. Robb and stake out this tennis court and see exactly how it would fit into the landscaping. He stated that he feels where the court is proposed would cause the least amount of cut and fill.

Mr. Baker seconded the motion.

Mr. Robb stated that the variance would be required for only a small portion of the fence.

Mr. Smith stated that if the Board finds that it can be moved back, he would like to have corrected plats for the file.

Mr. Smith told Mr. Robb that it would not be necessary that he appear on December 11, 1974. This completes the public hearing and the case is deferred for decision only.

The motion passed 5 to 0.

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11:20 - BOBBY LINWOOD LAWHORN, appl. under Section 30-7.2.10.5.4 of the Zoning Ordinance to permit the operation of outside display of rental trucks and trailers in conjunction with service station on adjoining property, between 7413 Little River Turnpike and Markham Street, 71-1((1))part of 5, (9,453 square feet), Annandale District, (C-G), S-182-74

Mr. Grayson Hanes, attorney in Fairfax, represented the applicant before the Board.

Notices to the property owners were in order. The contiguous owners were William Allan Turner, 2801 Chain Bridge Road and Jack Stevens, 9312 Maybrook Square, Alexandria, Virginia.

Mr. Hanes stated that the applicant has been the tenant and has been operating the Shell station on the contiguous property for six years. The property is owned by an individual by the name of Pinto and he leases it to Shell who in turn leases it to Mr. Lawhorn. This application comes about because of a violation issued by the County to Mr. Lawhorn for leasing and renting trucks, etc. from this property. Mr. Lawhorn was not aware that he had to get a Special Use Permit to do this. He is now requesting that he be allowed to continue to do what he has been doing for four years.

Mr. Smith checked the letter from Mr. Pinto certifying that he was renting "...a parcel of land on Markham Lane in Annandale, Va., to: Bob Lawhorn..." Mr. Smith stated that this certainly is vague and he would like to have something from Shell stating that they have no objection to this use going

on this property.

There was no opposition to this application. There was no one to speak in favor of this application.

Mr. Baker moved that this case be deferred until December 18, 1974 to give the applicant sufficient time to get the additional information.

Mr. Runyon seconded the motion.

The motion passed unanimously. All members present.

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DEFERRED CASES:

11:40 - DANIEL F. & GEORGIA RITA RUSKIN, appl. under Section 30-6.6 of the Zoning Ordinance to permit 6 foot stockade fence in front setback (4' maximum allowed), 1449 Woodacre Drive, 31-2((6))7, (18,280 sq.ft.) Dranesville District, Briggs and Hooper addition to Chesterbrook Woods, (R-17), V-136-74 (Deferred from 10-16-74 at applicant's request, FULL HEARING)

Mr. Ruskin testified before the Board. The notices he presented to the Board were in order. The contiguous owners were William Zook, 1447 Woodacre Drive, McLean and Mr. and Mrs. William E. Moss, 1445 Highwood Drive, McLean.

Mr. Ruskin gave as his reasons for needing this variance,(1.) the physical location of the lot as being unusual in relation to the other lots in the area. He stated that the front of the lot is approximately five feet below street level and approximately 15 feet below the lot/house level of the residences to the west and southwest across and up Woodacre Drive. The rear is approximately 15-20 feet below the residences clustered on Basswood Court to the east. The houses across Laburnum to the south and southeast rise increasingly above the property as Laburnum approaches Highwood Drive to the east. In short, he stated that the property sits in a swale, is bordered by two public thoroughfares and is virtually surrounded by land and homes which peer down over it. The second reason was that the lack of a fence and/or screening deprives the owners of the reasonable use of their property and creates a hardship on them because this causes lack of security and lack of privacy.

Mr. Ruskin stated that there are a large number of 6 foot stockade fences providing screening and security for home owners in the vicinity. It does not hinder the public use of either Laburnum Drive or the use of the county land along the curb, he stated.

Mr. Ruskin stated that he constructed the fence himself. There was no contractor involved. He stated that he built part of the fence before one of the County inspectors came by and told him it was in violation. He then stopped. He has 16' more to go.

Mr. Runyon inquired if he had permission from the Virginia Highway Department to build this fence within the 5' easement.

Mr. Ruskin stated that he did not.

Mr. Runyon stated that this fence also goes across the storm sewer easement and inquired if he had permission from the proper authorities to put the fence in that location.

Mr. Ruskin stated that he did not.

Mr. Sneider, 1516 Laburnum Street, McLean, spoke in opposition to this application. He stated that the party who purchases the house next to this from the owner, Mr. Moss, will have no opportunity to express his opinion.

Mr. Smith stated that the owner, Mr. Moss, could have come and expressed his opinion, but he has not, nor has he written a letter to the Board expressing his opinion. Mr. Smith stated that Mr. Moss was notified.

Mr. Ruskin in rebuttal stated that Mr. Pennington, the neighbor across the street, would be the neighbor most affected, as he can see the fence. He stated that he spoke with Mr. Pennington and with Mr. Moss and neither have expressed any objection. Neither of them are present nor did they give him a letter expressing themselves, he stated. He also stated that he did not request such a letter or that they be present. Mr. Ruskin also stated that he would remove the fence at his own expense anytime it poses a problem to the highway department.

Mr. Kelley stated that his feeling is that the applicant should cut the fence down to a 4' fence and also get permission to have the fence from the highway department. He moved that the case be deferred until the applicant can get permission to have the fence from the State Highway Department.

Mr. Barnes seconded the motion.

The motion passed 5 to 0. The deferral date was set for January 15, 1975.

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12:00 - BELLE HAVEN COUNTRY CLUB, INC., appl. under Section 30-7.2.5.1.4 of the Zoning Ordinance to permit addition to clubhouse in existing country club facility, 6023 Fort Hunt Road, 83-4((1))5, 6 and 13, Mount Vernon District, (127.8181 acres), (R-12.5), S-145-74 (Deferred from 10-23-74 at applicant's request, FULL HEARING)

Mr. John T. Hazel, attorney for the applicant, testified before the Board.

Notices had been previously filed with the Board and were in order. There was no one present at the previous hearing in opposition to the application. There were several people present in favor of it.

Mr. Hazel stated that this application is for an addition to the existing country club structure. The addition is to be on the river side away from Fort Hunt Road. He stated that the existing Belle Haven Country Club is a non-conforming use that dates back many years. In 1970, there was a hearing and permission granted for a new building to be constructed, after which the existing building was to be demolished. That building was never constructed because of financing, inflation and a dispute about the land. In 1972, in response to a health and safety problem, a small junior pool was constructed. The present proposal is designed simply to expand the existing facility so that it will be more usable for the current membership of 525. There is no plan to expand the membership in any way. The present facility is inadequate in size and quality. In answer to Mr. Barnes question, Mr. Hazel stated that the proposed construction will be of compatible materials and design with the existing structure.

Mr. Hazel stated that they plan to improve the traffic pattern by making a complete circle within the parking lot so traffic does not have to go out onto Fort Hunt Road and come back in to get in front of the building, and by making a deceleration lane and acceleration lane coming in and out of Fort Hunt Road. There will be one entrance in front of the building onto Fort Hunt Road and one down at the far end of the parking lot. He stated that they also plan to expand the parking lot. He submitted new plats showing this expansion, however, the Chairman told him that some of those spaces were in the front setback area and could not be permitted. This Board has no authority to waive that requirement.

There was no one to speak in favor or in opposition to this application. There were four gentlemen from the Club who were present in support of the application.

Mr. Kelley stated that he had viewed the site and he feels that there is sufficient room to expand the parking to whatever is needed, but he had never seen the time when all the parking spaces were used.

Mr. Smith stated that then ~~He had~~ 'he' meaning Mr. Kelley not been down there during a political gathering or a party.

Mr. Runyon suggested the Staff review the parking on the site plan. He stated that it looked to him like there is plenty of parking there also.

Mr. Hazel stated that they have 134 spaces now and are expanding them to 175.

Mr. Smith stated that he would like to have new plats, but the Board could grant the use with the provision that the Board be presented with the Site Plan at the time it is to be approved. The Board will then review the final site plans and approve them.

Mr. Hazel stated that the expanded parking spaces would meet the required setback.

BELLE HAVEN COUNTRY CLUB, INC. (continued)

RESOLUTION

In application No. S-145-74, application by Belle Haven Country Club, Inc. under Section 30-7.2.5.1.4 of the Zoning Ordinance to permit addition to clubhouse in existing club facility, on property located at 6023 Fort Hunt Road, Mt. Vernon District, also known as tax map 83-4((1))5, 6 & 13, 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 4th day of December, 1974, deferred from 10-23-74.

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 127.8181 acres.
4. That compliance with all applicable 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 R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The present membership is 525.
7. A minimum of 170 parking spaces is to be provided.

Mr. Barnes seconded the motion. The motion passed 5 to 0.

The attorney had submitted for the file a statement of justification indicating that this is an eighteen hole golf course, eight tennis courts, swimming pool and social activities. The hours of operation for the clubhouse are 7:00 a.m. to 11:00 p.m. Tuesday through Sunday and holidays and 9:00 a.m. to 5:00 p.m. Mondays and Tuesdays only following a holiday. The average number of employees are 80, May - September, and 50, October - April.

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12:20 - TRUSTEES, ST. JOHNS EPISCOPAL CHURCH, appl. under Section 30-7.2.6.1.11 of Ord. to permit use of trailer for church school purposes for existing church, 9220 Georgetown Pike, 13-2((1))8, (7 acres), Dranesville District, (RE-2), S-174-74 (Deferred from 11-20-74 for proper notices)

12:20 - TRUSTEES, ST. JOHNS EPISCOPAL CHURCH, appl. under Section 30-6.6 of Ord. to permit trailer closer to side property line than allowed by Ord., (2.4' from side line, 17.6' variance), 9220 Georgetown Pike, 13-2((1))8, (7 acres), Dranesville District, (RE-2), V-175-74 (Deferred from 11-20-74 for proper notices)

Mr. Henry Mackall, attorney for the applicant, testified before the Board.

Notices to property owners were in order. The contiguous owners were Richard Shands, 644 River Bend Road, Great Falls, Virginia and E. S. DiBana, 9306 Georgetown Pike, Great Falls, Virginia.

Mr. Mackall stated that the proposed trailer is 10' x 50' with 3 rooms. It is intended for church school use on Sunday mornings only. Each room will accommodate one teacher and 10 small students. Classes will be in conjunction with regular church services. The trailer proposed will be similar to that shown on the sketch that is in the file. The proposed location is well back from the road and the owner of the adjoining land has consented to the use of the trailer in the proposed location. The location of the trailer is dictated by the location of the existing church building with its attendant facilities and by the topography of the property which precludes location of the trailer on the other side of the existing building. Such a location would be impractical and too far from the existing building for the proposed use without serious problems for the children who are using the facilities. This church building is many years old and it used to be a barn and then a dog kennel. The church started in 1966 approximately. At that time they remodeled the building and applied for a variance for a trailer in precisely the same spot. That variance was good for three years. It was subsequently removed. There is no room for Sunday School classes in the existing building. That building is only one room with a small kitchen and small vestibule and restroom facilities. There is a two story frame house on the premises that is intended to be used by the minister of the church. This church has been without a minister for some time and the house has been rented, but the church now has recently obtained a minister and he will be living in that house.

Mr. Mackall stated that this is a temporary use as they hope to build a new church sometime in the near future.

Mr. Kelley stated that with seven acres of land, he could not understand why they need a variance.

Mr. Mackall explained that the trailer must be located near the church in order for the small children to use the bathroom facilities. The trailer can't be put on the other side of the existing church because there is a steep hill on that side towards the parking lot.

Mr. Kelley stated that he didn't think this is a hardship. He asked why the trailer could not be moved forward away from the property line in this location on this side of the church.

Mr. Mackall stated that if it was moved forward, it would be over the pump house. In addition to the other reasons for putting the trailer in this location rather than another location, there is an area where a silo used to be which has been filled and they cannot place it there, in front of the pump house is a concrete driveway and they cannot place it there, from that point there is a wall that is about 4 or 5 feet high and some of that wall has fallen in and has had to be graded up toward the parking lot, so none of these areas are suitable to put this kind of trailer. They just would not be able to use it.

Mr. Runyon stated that his firm prepared the plats for this application. He stated that the property line is not defined in the field. This property was cut out of Mr. Shands' property. If you go there, you would not be able to see that the property line is there. This trailer is just something to facilitate the use until they can get a permanent structure started. This is exactly the location the previous trailer was in. There is quite a bit of topography change between the building and the parking area.

There was no one present to speak in favor or in opposition to this application.

Mr. Smith stated that he agreed with Mr. Kelley that the Board will have to determine whether there is an unusual situation here before it can grant the variance. He stated that the fact that the contiguous property owner has no objection and the fact that the church property was cut out of Mr. Shands' property is unusual. Apparently, the previous Board in 1966 found topography reasons sufficient to grant this variance.

ST. JOHNS EPISCOPAL CHURCH (continued)

Mr. Kelley moved that applications S-174-74 and V-175-74 be deferred for final decision until December 11, 1974, in order for the Board members to view the property.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker left the meeting at 1:10 P.M.

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12:30 - ANTON SCHEFER T/A SCHEFER SCHOOLS, INC., appl. under Section 30-7.2.6.1.3.2 of the Zoning Ordinance to permit use of church facilities for general education school of 45 children, 8991 Brook Road, 28-2((1))12, (6.201 acres) Dranesville District, (RE-1), S-179-74, OTH (Deferred from 11-20-74 for proper notices).

Mr. Anton Schefer testified before the Board. He presented notices to the Board which were in order. The contiguous property owners were Pno Bu Quan, Nguyen Lilhark Quan, 8983 Brook Road, McLean and Lee and Lois Roper, 421 W. Hamilton Road, Fort Sill, Oklahoma.

Mr. Schefer stated that his school has been operating since 1968 in the Lewinsville Church in McLean. However, Lewinsville Church wishes to expand their activities and they have been asked to move. There were two schools in the church which they propose to move into, the St. Thomas Episcopal Church. Those schools were a school for mentally retarded children which merged with Fairfax County's special education program and Accotink Academy which no longer is located there. The Church has given them a one year lease with a two year option. They would like to have 45 children in their school whose ages will be from 6 to 15. This is a school of special instruction wherein they try to catch the children up with the public school. This sometimes takes two to three years. This is a State tuition program. The children have to be mildly educationally handicapped. The particular county or city does not have a class available to these children. They are trying to complement the public school program in Fairfax County. They presently have about 40 children. This is a corporation and the Certificate of Good Standing has been filed.

Mr. Smith stated that the Board would need to amend the application to read Schefer Schools, Inc.

There was no one present to speak in favor or in opposition to this application.

----------RESOLUTION----------

In application No. S-179-74, application by Schefer Schools, Inc. under Section 30-7.2.6.1.3.2 of the Zoning Ordinance to permit use of school for general education on property located at 8991 Brook Road, also known as tax map 28-2((1))12, County of Fairfax, Mr. Runyon 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 November, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Trustees of St. Thomas Episcopal Church. The applicant is the Lessee.
2. That the present zoning is RE-1.
3. That the area of the lot is 6.201 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 for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

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.

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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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The number of students is 45 with ages 5 years to 15 years.

Mr. Barnes seconded the motion.

In answer to Mr. Smith's question, Mr. Schefer stated that they do not use buses in this operation.

Mr. Smith stated that he was sure the Board noted that the church parking lot is not paved and it is the Board's intent that this lot be allowed to be used as it now in existence and the applicant does not have to pave it since this use does not put a greater impact on the church itself other than additional day time use of the building. The Board should clarify the point that the parking lot be allowed to be used as it now exists.

The Board members agreed.

The motion passed unanimously, 4 to 0. Mr. Baker left the meeting earlier.

(Hearing began about 2:30 P.M.)
12:40 - FITZGERALD KNIGHTS OF COLUMBUS HOME ASSOC., INC., appl. under Section 30-6.6 of Ord. to permit waiver of paved parking lot requirement, 7155 Telegraph Road, 91-4((1))42, (4 acres), Lee District, (RE-1), V-84-74 - (Deferred to allow applicant to get final inspections on building from 7-24-74 and subsequent dates)

Mr. Pete Arban, attorney for the applicant, represented the applicant before the Board.

Mr. Don Beaver, Zoning Inspector, reported that he had made a recheck on the status of the inspections and the Fire Marshall's office indicated that an inspection was requested August 2, 1974. When that inspection was made, five deficiencies were found. Counsel was notified. The Fire Marshall's office indicated this morning that they have not yet been requested to reinspect.

Mr. Smith questioned Mr. Arban as to why they have not complied with the inspection request.

Mr. Arban stated that they furnished the Fire Marshall's office with samples of the rugs and curtains. They put up the exit signs and some other things and as far as he knew everything had been completed. They did request a final inspection the day after they were here the last time in September.

In answer to Mr. Smith's question, Mr. Arban stated that they are new using the property.

In answer to Mr. Smith's question, if the applicant started these corrections or alterations prior to the end of the first year after the Special Use Permit was granted, Mr. Beaver stated that the only thing that he could determine was that they did not start until after the notice of violation on March 21, 1974. At that point, no inspection had been made. There have been two departments that have signed off on their inspections, Plumbing and Electrical. Both were signed in May of this year. The Mechanical Inspection has not been finaled. When the team inspection was made, there was some mechanical work to be done which would require a permit. There had been some work done on the furnace room.

In answer to Mr. Smith's question, Mr. Arban stated that he did not know whether they got a permit for the work that had been done or not.

Mr. Smith stated that this is highly irregular. The Board needs someone knowledgeable as to what is happening and what has been done.

Mr. Beaver stated that the Building Inspection Department tells him they have no request for an inspection nor has a building permit been issued and there was some building deficiencies on the team inspection.

Mr. Arban stated that most of those deficiencies have been corrected. They had to add a hand rail around the patio and the stair rail. They have a Chairman who is supposed to be getting the work done. The Association is doing the work itself. He stated that they do have one of the members who lives nearby standby on the days the County Inspectors are supposed to come to inspect.

Mr. Smith stated that first of all, they do not have a Special Use Permit until they get an occupancy permit, or Non-Residential Use Permit, and they have been using the property in violation of the County Codes which puts the organization and the County in jeopardy.

Mr. Kelley stated that he could not understand why when they have a list of things to do, why they cannot get them done. He stated that he and Mr. Covington visited this property and from the looks of it, it looks as though no one is ever around there. He said that the Chairman had questioned him on several things and he did not even know the answer. He stated that this place should be closed down until such time as the deficiencies have been corrected. This case has been deferred from July 24, August 2, September 9 and September 18 and other dates and he stated that he did not recall the applicant or any other person from this organization being present at any of these deferral dates. Mr. Kelley stated that he wanted to know how to stop the use of this building until they have complied with the Code.

Mr. Runyon stated that the Zoning Administrator can make them stop using it.

Mr. Beaver stated that all this started when they inspected the site and found that they did not have the parking spaces paved. Then, they realized that the applicant did not have a Non-Residential Use Permit. Mr. Paul Kelly was president of the Counsel at that time. On the 21st of March, 1974, they were told that they did not have a Non-RUP. He stated that he attempted to give the violation notice to Mr. Arban, but he said he was just the agent and to give it to Mr. Kelly.

Mr. Smith asked why he would not accept it as he was acting in the capacity of attorney. He told Mr. Arban that the inspectors are only trying to do their job. The Board does not require applicants to file a list of all the officers.

Mr. Barnes moved that the Board defer action of the Special Use Permit status for 30 days to allow them to comply with the Fairfax County Codes and get the proper inspections finalized.

Mr. Runyon seconded the motion.

Mr. Smith inquired if the Board wanted to waive the paved parking lot requirement and lessen the number of spaces.

Mr. Kelley indicated that he did not feel the Board should do this. Mr. Barnes withdrew his motion for a deferral and Mr. Runyon withdrew his second.

In application No. V-84-74, application by Fitzgerald Knights of Columbus Homes Assoc., Inc., under Section 30-6.6 of the Zoning to permit waiver of paved parking lot requirement on property located at 7155 Telegraph Rd., also known as tax map 91-4((1))42, County of Fairfax, Virginia, Mr. Runyon 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 24th day of July, 1974, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Fitzgerald Knights of Columbus Home Assoc., Inc. of Alexandria, Va.
2. That the present zoning is RE-1.
3. That the area of the lot is 4.0 acres.

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

Mr. Kelley seconded the motion. The motion passed 4 to 0. Mr. Baker left the meeting earlier.

Mr. Runyon stated that that would clear the record. Now, the applicant need to clean up this mess and request a change in the Special Use Permit for a lesser number of parking spaces. They have a membership of 50, therefore, they certainly don't need 70 parking spaces.

Mr. Smith stated that he felt the Board could do this by amending the original Special Use permit, if there is one in effect at this time, if they get all the inspections finalized.

Mr. Runyon stated that if the applicant will make that request in writing, the Board would move on it after they get all the other items taken care of.

Mr. Smith stated that they could not use the property or occupy the building or use it for any reason until they have complied with the requirements of the original Special Use Permit.

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AFTER AGENDA ITEMS:

COMMUNITY COVENANT CHURCH OF SPRINGFIELD OF THE EAST COAST CONFERENCE OF THE EVANGELICAL COVENANT CHURCH OF AMERICA, INC., S-49-74, granted 6-19-74.

Preliminary Engineering brought a plat for the Board to review which had several changes which they felt the Board should decide whether or not were acceptable. They were: (1) Site plan only shows half of the structure being constructed; (2) front setbacks are greater on the site plan (56' instead of 40'); (3) and site plan shows 22 parking spaces being provided instead of 20.

Mr. Runyon stated that actually the site plan shows only one pod of the building instead of the two they had originally proposed, which is less.

Mr. Smith stated that he felt that the changes were all right, as long as it was less.

Mr. Runyon stated that the question the Site Plan people raised is, will the applicants have to submit a new application before they can build the second pod of that building later on.

Mr. Smith stated that they would.

The other Board members agreed.

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Mr. Kelley moved that the minutes for November 6, 1974 be approved as submitted.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was not present.

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The Board adjourned for a meeting with the County Attorney to take up several matters.

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By Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN
Date Approved: January 8, 1975

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Wednesday, December 11, 1974. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; and Charles Runyon. Mr. George Barnes and Mr. Joseph Baker was absent. Mr. Wallace Covington and Mr. Harvey Mitchell were present from the staff.

The meeting was opened with a prayer by Mr. Wallace Covington.

10:00 - JANE C. BURSENOS, appl. under Section 30-6.6.5 of the Zoning Ordinance to permit 6' fence to remain closer to front property line than allowed by Ordinance (must be setback 60' from center line of street to be more than 4' high), 7830 Godolphin Drive, 98-4((6))152, Springfield District, (23,713 sq. ft.), (PDH 2.5), V-183-74.

Notices to property owners were in order. The contiguous property owners are Luke Lamb, 7832 Godolphin Drive, and James McCracken, 8304 Cushing Court.

Mrs. Marinakas, daughter of the applicant, testified before the Board on behalf of the applicant. She stated that this is a corner lot, therefore, they have two fronts and have to setback the full front setback on both streets. The property is very narrow. In back of their property they have a road which is used by VEPCO and is also used by motorcyclists who then cut across their yard. This fence has been approved by the homeowners association's architectural review committee. A letter is in the file from the president of their Association to that effect. They were not aware of the 4' limit when they erected the fence. It did not occur to them to check with the County authorities and they thought that approval by the architectural committee of their community would be satisfactory. They did have a contract with Hechingers to do this work.

Mr. Smith stated that Hechingers would be responsible for putting the fence in in accordance with the law. He inquired if they directed Hechinger to build it.

Mrs. Marinakas stated that they did.

Mr. Smith stated that he would like to have a copy of the contract.

Mr. Kelley read an excerpt from the State Code relating to the power of the Board of Zoning Appeals to grant a variance.

Mrs. Marinakas stated that the fence is placed in this location for a number of reasons. This particular corner lot is peculiar in that it is not only an irregular shape but it abuts a VEPCO easement which has been deeded to the Fairfax County Park Authority and will not be utilized as a residential area. The fence, as constructed, screens the vacant easement from their view and also from the public view and also provides privacy for the owner from the children that are playing in the park area. The fence alleviates the noise, dust and traffic that was very offensive.

Mr. Kelley asked Mrs. Marinakas if they had read the report from Preliminary Engineering which states that the fence should be relocated to 15' from the right of way on Northumberland Road to provide for a maximum of sight distance to the north from the intersection of Godolphin Drive and Northumberland Road."

Mrs. Marinakas stated that they had read it and they felt that the fence actually helped the problem at that intersection. The cars never stopped at that intersection until they put up the fence. Now, the cars stop for the stop sign.

There was no one present to speak in favor of the application.

Barbara Curk, 8320 Cushing Court, Newington Station Subdivision, Springfield, spoke in opposition to the application. She opposed this application because she felt that this fence does create a site distance problem.

There were three other ladies in the audience who indicated that they opposed the fence for the same reason.

Mr. Smith stated that he didn't think there was any doubt that the fence is creating a site distance problem and certainly it would not be allowed to remain there.

Mrs. Marinakas stated that she did not agree that the 15' would alleviate the site distance problem for automobiles or children. In answer to Mr. Smith's question, she stated that the fence has been up about six months.

Mr. Covington indicated that there was a violation notice issued on September, 20th, 1974.

Mr. Kelley moved that in application V-183-74 by Jane C. Bursenos that this case be deferred for a maximum of 30 days to allow the applicant to contact the Hechinger Company with regard to the ordinance violation and to give the applicant time to work out the sight distance problem.

Mr. Runyon seconded the motion.

The motion passed 3 to 0. Messrs. Baker and Barnes absent.

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10:10 - AMERICAN OIL CO., A CORPORATION, appl. under Section 30-7.2.10.3.1 of the Zoning Ordinance to permit enlargement of existing gas pump islands from 14' to 30' and add two additional pumps to each island, 71-1((1))101, 7101 Columbia Pike, (25,853 sq. ft.), Annandale Dist., (C-D), S-184-74

The applicants did not have all the proper notices in hand and the Board deferred this case until later in the day when they had obtained the proper notices from the engineering firm that had sent them out to the property owners.

The case was heard at 2:30 P.M. after the lunch recess.

Notices to the property owners were in order. The contiguous owners were Citco and Michael Development Corporation.

Mr. Robert Dubin, President of the Petro Services, Inc., the contractor who will be making the changes, represented the applicant before the Board. Mr. James Hoffman was present from American Oil Company.

Mr. Dubin stated that American Oil wishes to enlarge the pump islands and add two additional pumps to each island to better facilitate the pumping of gasoline and expedite service to the customers. There would be no other changes.

There was no one to speak in favor or in opposition to the application.

----------RESOLUTION----------

In application No. S-184-74, application by American Oil Company, a Corporation, under Section 30-7.2.10.3.1 of the Zoning Ordinance to permit enlargement of existing island and the addition of two additional pumps on each island on property located at 7101 Columbia pike, also known as tax map 71-1((1))101, County of Fairfax, Mr. Runyon 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 December, 1974.

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 25,853 square feet.
4. That compliance with the Site Plan ordinance is required.
5. That the property is presently operating under SUP S-75-65 granted April 13, 1965.

AND, WHEREAS, the Board of Zoning Appeals had 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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. There shall be no storage, rental, sales or leasing of automobiles, trucks, recreational equipment or trailers on the premises.
7. All other provisions of the existing Special Use Permit shall remain in effect.

Mr. Kelley seconded the motion.

The motion passed 3 to 0. Messrs. Baker and Barnes absent.

10:30 - ST. AMBROSE CHURCH, appl. under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit addition of 61± 1 parking spaces to existing parking area of existing church, 3901 Woodburn Road, 59-3((1))11A & 17A, (14.1990 acres), Providence District, (RE-1 & RE-0.5), S-185-74.

Mr. R. D. Gentry, 3803 Woodburn Road, Annandale, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Fairfax County School Board and Mr. and Mrs. R. D. Gentry.

Mr. Gentry stated that the existing parking lot is not large enough to accommodate all the cars for Sunday services. The parking has spilled out onto the road. This was called to the attention of the church by the Fairfax County Police. The seating capacity of the church is 600 and after they have constructed the proposed parking spaces, they will have 199 parking spaces. In answer to Mr. Smith's question, Mr. Gentry stated that the private school that was granted by this Board several years ago is no longer in existence here.

Rev. Robert C. Brooks, Pastor of the Church, spoke in favor of the application. He stated that on several occasions, there has been parking on both sides of the road which is hazardous since Woodburn Road is sometimes used as an access to Fairfax Hospital.

There was no one to speak in opposition to this application.

----------RESOLUTION----------

In application No. S-185-74, application by St. Ambrose Church under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit addition of 61± 1 parking spaces to existing parking area of existing church on property located at 3901 Woodburn Road, Providence District, also known as tax map 59-3((1)) 11A & 17A, 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 11th day of December, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Catholic Church, Bishop of Richmond.
2. That the present zoning is RE-1 and RE-0.5.
3. That the area of the lot is 14.1990 acres.

4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable County Codes is required.
6. That the applicant was granted a Special Use Permit No. S-601-67, on May 23, 1967, for the operation of a private school at this location. Applicant states that this school no longer is in existence.

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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening to be provided to the satisfaction of the Director of Environmental Management.
7. The minimum number of parking spaces shall be 199.

Mr. Runyon seconded the motion. The motion passed 3 to 0. Messrs. Baker and Barnes absent.

10:50 - MR. & MRS. JOHN SCHELLENG, appl. under Section 30-6.6 of the Zoning Ordinance to permit room addition closer to side property line than allowed by Ord., (12.0' required, 11.2' from side line), 2000 Jamestown Road, 102-1((9))(9)17, (11,809 sq. ft.), Mt. Vernon Dist., (R-12.5), V-186-74.

Mr. Schelleng represented himself before the Board.

Notices to property owners were in order. Two of the contiguous property owners were George Hernholm, 1912 Jamestown Road, Alexandria, and William Read, 2002 Jamestown Road, Alexandria.

Mr. Schelleng stated that his house was constructed 18 years ago, or prior to the existing Ordinance passed in 1959. The present ordinance requires a minimum lot width of 80'and his lot is only 70', therefore, his lot is too narrow to add this addition without a variance from this Board.

Mr. Runyon stated that he felt this was sufficient justification.

There was no one to speak in favor or in opposition to this application.

Mr. Schelleng stated that the addition would be of a design and of materials that would be compatible with the existing house.

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RESOLUTION

In application No. V-186-74, application by John H. and Jeannie A. Schelleng under Section 30-6.6 of the Zoning Ordinance to permit reduction of the side yard requirement from 12' to 11.2' (0.8' variance), on property located at 2000 Jamestown Road, also known as tax map 102-1((9))(9)17, County of Fairfax, Virginia, Mr. Runyon 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 December, 1974, 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 R-12.5.
3. That the area of the lot is 11,809 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, 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. Architectural detail shall conform to that of the existing structure.

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, residential use permit and the like through the established procedures.

Mr. Kelley seconded the motion.

The motion passed 3 to 0. Messrs. Barnes and Baker absent.

11:00 - WALTER P. RUDOLPH, JR., appl. under Section 30-6.6 of Ord. to permit room addition closer to side property line than allowed by Ord., (12' required, 9' from line), 9205 Santayana Drive, 58-2((10))272, (11,774 square feet), Providence District, (R-12.5), V-187-74.

Mr. Rudolph represented himself before the Board.

The Board ruled that the notices were satisfactory. The contiguous owners were Mr. Tuklitner, 3302 Midland Road and Mr. McClenning, 3301 Rocky Mount Road. Both Mr. McClenning and Mr. Tuklitner were present.

Mr. Rudolph stated that the reason they need the variance is because of the angle at which the house is placed on the lot. In addition, the lot is very irregular. They are requesting a 3' variance which is a minimum variance.

Mr. Rudolph showed the Board a sketch of the roof line and the addition to show the Board what the house would look like after the addition is constructed.

Mrs. Benjamin, 3324 Parkside Terrace, around the corner from the subject property, spoke in support of the application. She stated that she felt this addition would enhance the property.

Mr. McClenning, 3301 Rocky Mount Road, spoke in opposition to the application. He stated that he is the contiguous property owner that would be most affected by this addition.

Mr. Smith read his statement of opposition into the record. His main reasons

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for objection were that Mr. Rudolph had not complied with the restrictive covenant to his deed by securing approval of the architectural control committee. He stated that the addition would form an alley between their houses and would completely close him in on that side and seriously detract from the aesthetic qualities of all their backyards, destroy all spaciousness to his patio and view from his dining room. He submitted pictures showing their view from the end of the patio opposite the Rudolph's wall and roof. His other reason was that the area adjacent to Mr. Rudolph's house on that side is the natural drainage channel for all the water off the backs of lots 294 and 273 which are very steep. He stated that by extending the house into this area, he is going to narrow this drainage channel which will either force the water over onto his ground or back it up onto lots 294 and 273. He stated that this area was originally a small creek bed.

Mr. Tuklitner, 3302 Midland Road, spoke in opposition stating that this addition will move the nerve center of the home too close to the property line.

Mr. Runyon stated that Mr. Rudolph could still build without this variance if he cut the addition off by 3 feet. He asked how this would affect them.

Mr. Tuklitner stated that it would still create a problem.

Mr. Smith stated that he had heard no real strong justification.

Mr. Runyon stated that his house is the only one of that four that is skewed on the lot.

Mr. Kelley stated that a lot of corner lots are skewed on the lot.

Mr. Runyon stated that according to the sketch in the file, all the other lots on that corner are squarely placed on the lots.

Mr. Rudolph stated in rebuttal that as far as their lot causing drainage problems, that is impossible as their lot is the lowest lot and all the other lots drain onto theirs. They did not obtain approval from the Architectural Review Committee as they were told it was not necessary. Other people in their development have built additions without going to that Committee. They do not have a covenant to their deed which precludes this construction. One of the reasons they cannot cut their addition by 3 feet is the fact that it will not blend in with the existing house and the existing roof line. It would look tacked on. They want to make this addition pleasing to the rest of the neighbors. In addition, they would have to remove a large tree.

Mr. Runyon stated that based on the placement of the house on the lot,and the architectural design of the existing house, this is the only place Mr. Rudolph could place this addition. If he moved the addition over 3' or cut it off, the objections would be the same. The objectors are objecting not because of the variance, but because of the addition itself.

There was a letter in the file from Dale H. Stouder, 3303 Rocky Mount Road, objecting to the application and stating that they would not approve any change in the elevation of their lot as it would directly affect their property.

----------RESOLUTION----------

In application No. V-187-74, application by Walter P. Rudolph, Jr. under Section 30-6.6 of the Zoning Ordinance to permit room addition closer to side property line than allowed by Ordinance (9' requested, 3' variance) on property located at 9205 Santayana Drive, Providence District, also known as tax map 58-2((10))272, 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 December, 1974, and

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

1. That the owner of the subject property is Walter P. Jr. and Leila O. Rudolph.
2. That the present zoning is R-12.5.
3. That the area of the lot is 11,774 square feet.

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

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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/or buildings involved.

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

Mr. Runyon seconded the motion.

The motion passed 2 to 1, with Mr. Runyon voting No.

Mr. Smith told the applicants that they would have the right to come back and ask for a rehearing when there is a full Board if they so desire.

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11:10 - SLEEPY HOLLOW RECREATION ASSOC., INC., appl. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit installation of 4 additional tennis courts to existing recreational facility, 3540 Sleepy Hollow Road, 60-4((1))1, (5.5556 acres), Mason District, (RE-0.5), S-188-74.

Mr. Lorenzo, 3126 Kayland Drive, Falls Church, Sleepy Hollow Manor Subd., represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Fairfax County Park Authority and H. G. Fitz, Jr., 6716 Fern Lane, Annandale, Virginia.

The applicant has been operating a community recreational facility on this property since 1958, Mr. Lorenzo stated. They wish to add four more tennis courts. The fence surrounding these courts will be located 5 feet closer to the side lot line and 15 feet closer to the rear lot line than is allowed under the Code. They are leaving 15' to the north to take care of an easement which is on the property in the title to the land. They have two courts now which are totally inadequate as far as capacity. The proposed courts will be in flood plain and they understand they must go to the Board of Supervisors for permission to build in the flood plain, but that this is the first step they must take.

11:10 - SLEEPY HOLLOW RECREATION ASSOC., INC., appl. under Section 30-6.6 of the Zoning Ordinance to permit installation of tennis courts closer to side and rear property line than allowed by Ord., (15' from side, 20' required; 10' from rear, 25' required), 3540 Sleepy Hollow Road, 60-4((1))1, (5.5556 acres), Mason District, (RE-0.5), V-189-74.

Mr. Lorenza stated that the reasons they need these variances are due to the irregular shape of this piece of property and having approximately 1.7 acres of flood plain out of a total of 5.556 acres. By placing the courts in this location it will also preserve nearly all of the large trees and therefore have a minimum impact on the ecology.

Mr. Smith read a letter from the Fairfax County Park Authority stating they have no objection as long as the contractor stays within the property line. The memo further stated that on the Fairfax County Park Authority's adopted master plan for Holmes Run I, a trail system is shown along Holmes Run. In order to continue that trail system east to Sleepy Hollow Road, the Fairfax County Park Authority staff requests a public access easement along the existing drive and proposed relocated drive from the common property line east to Sleepy Hollow Road. In addition, they requested that an attempt be made to keep at least a fifty (50) foot buffer from adjacent property owners.

Mrs. Margaret L. VanEvers spoke in opposition to this application. She stated that these tennis courts will destroy several large trees and a bird sanctuary to accommodate a small portion of the membership. She also objected because it abuts her property and there is not enough buffer there and inquired about what they plan to do to the easement on that property.

Mr. Lorenzo stated that they will protect nature as much as possible and they are saving the majority of the big trees in the present program. Part of Mrs. VanEvers 15' easement lane will be moved. He stated that he does not know how far it will be moved until Mr. Hunsberger comes up with a site plan. Some of the trees will have to be cut.

Mr. Kelley inquired why they do not move the courts toward the pool.

Mr. Lorenzo stated that they would still have a relocation problem with the road and it would destroy all the big trees. All the big trees are between the proposed tennis courts and the pool.

Mr. Kelley stated that this concerns him. The Park Authority says that an attempt should be made to keep a 15' buffer between the courts and the property line.

Mrs. Van Evers stated that at the meeting of the Association where the courts were voted on, they only announced that there was going to be three courts.

----------RESOLUTION----------

In application No. S-188-74, application by Sleepy Hollow Recreation Assoc., Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit installation of four additional tennis courts to the existing facility on property located at 3540 Sleepy Hollow Road, also known as tax map 60-4((1))1, County of Fairfax, Mr. Runyon 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 December, 1974.

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 5.5556 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 for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Hours of operation are 8:00 a.m. to dark.
7. All other items of the existing Special Use Permit are to remain in effect.
8. Revised plats are to be submitted to the Zoning Administrator.

Mr. Kelley seconded the motion. The motion passed 3 to 0. Messrs. Barnes and Baker absent.

Please note that any after hours parties must first have the permission of the Zoning Administrator. These are limited to 6 per year.

In application No. V-189-74, application by Sleepy Hollow Recreation Assoc., Inc., under Section 30-6.6 of the Zoning Ordinance, to permit tennis courts 15' from side line and 10' from rear line, on property located at 3540 Sleepy Hollow Road, also known as tax map 60-4((1))1, County of Fairfax, Virginia, Mr. Runyon 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 December, 1974, 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 5.5556 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,
(b) exceptionally narrow lot,
(c) 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 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 variance applies only to the side yard of 15' in lieu of 20'.

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, non-residential use permit and the like through the established procedures.

The rear yard variance is denied.

Mr. Kelley seconded the motion.

The motion passed 3 to 0. Messrs. Baker and Barnes absent.
Mr. Runyon stated they would have the option of removing one court or conforming to the setback requirements and moving the courts back.

11:30 - SUSAN LYNN SNYDER, REHEARING, appl. under Section 30-7.2.6.1.5 of the Zoning Ordinance to permit one chair beauty shop in home, 5917 Erving Street, 80-3((2))(16)16, Springfield Subd., (8,447 square feet), Springfield District, (R-10), S-166-74.

Mrs. Snyder appeared before the Board.

Mr. Smith explained that there were only three members of the Board present and there would have to be a unanimous vote in order for the application to be granted.

Mr. Kelley stated that he felt it would be only fair to suggest to the applicant that she request a deferral since he voted No at the last hearing.

Mrs. Snyder requested that the case be deferred one week for a full Board.

Mr. Runyon so moved that the case be deferred until December 18, 1974, at the applicant's request for a full Board.

Mr. Kelley seconded the motion.

The motion passed 3 to 0. Messrs. Baker and Barnes absent.

11:50 - EDC JOINT VENTURE & EDUCO, INC., appl. under Section 30-7.2.6.1.3.2 of the Ordinance to permit addition of elementary school building to existing school, 9525 Leesburg Pike, 19-1 & 19-3((1))19, (5.00 acres), Dranesville District, (RE-1), S-191-74, OTH.

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Mr. Tom Lawson, attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Yanka Bachvarov, 9601 Leesburg Pike, Vienna, Virginia and Robert L. and James Grave, P. O. Box 43, Paconian, Virginia.

Mr. Lawson stated that this is a request for an amendment to a Special Use Permit that was granted four years ago for a private school for 300 students. They are not planning to change the number of students, but they would like to build another building in order to accommodate these students. At the present time, they have 110 students even though they are authorized by the Health Department to have 120. They hope to have 100 students in the new building for a total of 220 students. This would still be 80 less than what they were granted originally. The new building is proposed to be 132' x 22' 7". There is a total number of 46 parking spaces which is in excess of what is normally required. The proposed building will be used the same as the existing building, between the hours of 7:00 a.m. and 6:00 p.m., 5 days a week, 12 months a year, nursery school through 6th grade. The building will be aluminum siding, gold in color with a mansard styled roof with shakes on the siding. It will be wooden shakes. This building will be harmonious with the existing building.

In answer to Mr. Smith's question, Mr. Lawson stated that they do have 3 vans that are painted yellow and 2 vans that are painted green that they use to transport the children to and from the school. They are not expanding the fleet. Mr. Cohen agrees with the concept that these busses should be marked and in conformity and he has agreed to either paint the existing busses or purchase new ones painted yellow when the old busses wear out.

The Board discussed this point at length.

Mr. Lawson conferred with Mr. Cohen and agreed that they would have the busses painted before the next school term and have the busses marked within a reasonable period of time.

Mr. Yanka Bachvarov, 9601 Leesburg Pike, next to the subject property, appeared in opposition to the application. He stated that he objects to this expansion of this facility as the children from this school plays down near his fence and are noisy and dump toys and trash over in his yard. He stated that he did not feel this is enough ground for an increase in this school. He stated that sometimes the children are playing outside late in the afternoon. The school's playground is right next to his property. The school has no fence and use his fence.

Mr. Lawson spoke in rebuttal. He stated that the other contiguous property owner is Mrs. Dore. She is on the other side of the school and she is in favor of the application. She would be most affected. This gentleman has two german shepards and his yard is fenced with a 6' fence. He stated that he was sure the dogs do bark when the children are out there.

In answer to Mr. Smith's question as to whether or not the school has a fence around the property, Mr. Lawson answered that the school has a fence around the playground.

In answer to Mr. Kelley's question, Mr. Lawson stated that the children are supervised at all times. The latest in the afternoon that the children are outside is 3:35 P.M.

Mr. Smith stated that that was reasonable.

Mr. Bachvarov stated that it is 6:30 P.M. sometimes when the parents come to pick up the children.

Mr. Kelley stated that he felt this complaint should be checked out by the Zoning Inspector.

Mr. Smith stated that the plats indicate that there is a fence around the play area.

Mr. Smith welcomed the students who had come to visit. He complemented them on their behavior. These children were students of this school.

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In application No. S-191-74, application by EDC Joint Venture and EDUCO, Inc. under Section 30-7.2.6.1.3.2 of the Zoning Ordinance to permit addition to elementary school building to existing school on property located at 9525 Leesburg Pike, Dranesville District, also known as tax map 19-1 & 19-3((1)) 19, 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 11th day of December, 1974.

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 5.00 acres.
4. That compliance with all applicable County and State Codes is required.
5. That the applicant has been operating, pursuant to Special Use Permit No. S-250-69, granted March 10, 1970, for 300 students from Nursery through Sixth Grade on said property.

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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The maximum number of students shall be 220, ages 3 to 13 years.
7. The hours of operation shall be 7:00 a.m. to 6:00 p.m., five days per week, 12 months per year.
8. The operation shall be subject to compliance with the inspection report, the requirements of the Fairfax County Health Department and the State Department of Welfare and Institutions.
9. Landscaping and screening to be provided to the satisfaction of the Director of Environmental Management.
10. All busses and/or vehicles used for transporting students to and from the school shall comply with County and State standards in color and light requirements as agreed to by the applicant.

Mr. Runyon seconded the motion.

The motion passed 3 to 0.

DEFERRED CASES:

CHARLES S. & LYNDA J. ROBB, appl. under Section 30-6.6 of Ord. to permit accessory use (tennis court) in front setback and to permit construction of a 10' chain link fence around a tennis court closer to front and side property line than allowed by Ord., (28' from front; 50' required and 7' from side; 10' required) 612 Chain Bridge Road, 32-1((1))8 & 9, (3.92 acres), Dranesville District, (RE-1), V-181-74 (Deferred from 12-4-74 for viewing) DECISION ONLY.

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Mr. Runyon stated that Mr. Kelley, Mr. Barnes and he visited the site on Thursday, December 5, 1974 and they met with Mr. Robb and the contractor. After an extensive discussion and viewing the property, they decided that this request is for the minimum variance possible under these circumstances. They went out with the intention of checking to see if the courts could possible be moved and they came to the consensus that they had put the courts just about the only place they could go. The Robbs have expressed the feeling that they would relocate the courts at their own expense if the Virginia Department of Highways wants the land for the widening of Chain Bridge Road.

Mr. Smith stated that the Board could make that a condition of the granting.

----------RESOLUTION----------

In application No. V-181-74, application by Charles S. and Lynda J. Robb under Section 30-6.6 of the Zoning Ordinance, to permit front and side yard variance for accessory use (tennis court) and 10' chain link fence around tennis court on property located at 612 Chain Bridge Road, also known as tax map 32-1((1))8 & 9, County of Fairfax, Virginia, Mr. Runyon 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 the 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 4th day of December, 1974 and deferred to the 11th day of December, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owners of the subject property are the applicants.
2. That the present zoning is RE-1.
3. That the area of the lot is 3.92 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 condition exists 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 with 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. This variance is further conditioned by the fact that if the Virginia Dept. of Highways requires additional right-of-way, no request for compensation will be made because of the court location and the fence and court will be moved at the owners' expense.

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, residential use permit and the like through the established procedures.

Mr. Kelley seconded the motion.

The motion passed 3 to 0. Mr. Baker and Mr. Barnes were absent.

Mr. Smith inquired of Mr. Covington if he wanted a bond on this to save the county harmless.

Mr. Covington answered "No".

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TRUSTEES, ST. JOHNS EPISCOPAL CHURCH, S-174-74 (Def. from 11-20-74 for proper notices and from 12-4-74 for viewing) DECISION ONLY.

TRUSTEES, ST. JOHNS EPISCOPAL CHURCH, V-175-74 (Def. as above, DECISION ONLY).

Mr. Runyon moved that this be deferred for a full Board until next week, December 18, 1974.

Mr. Kelley seconded the motion. The motion passed 3 to 0. Messrs. Baker and Barnes absent.

Mr. Runyon stated that he prepared the plats for this case and therefore would have to abstain.

Mr. Kelley stated that on the variance, they have already been given permission to move the trailer on the property and already have the underground wiring and it is near the pump.

Mr. Runyon stated that he knows that they are not using the trailer now, but they have it ready to use.

Mr. Kelley stated that they have all the material in the trailer that would be needed to use it.

Mr. Smith stated that he felt it should be allowed to remain.

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BROWNING-FERRIS INDUSTRIES OF VIRGINIA, INC., V-167-74 (Deferred from 11-13-74 for discussion with the Zoning Administrator for up to 30 days)

Mr. Runyon moved that the Board defer this case until December 18, 1974, or at least until four members are present. He stated that there is not a question of time on this case, as the site is under construction.

Mr. Kelley seconded the motion.

The motion passed unanimously.

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FAIRFAX BAPTIST TEMPLE, appl. under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit Sunday School and Church services in mobil classrooms, 9524 Braddock Road, 69-1 & 69-3((1))21, Annandale District, RE-1, S-83-74. (Deferred from 9-11-74 for proper notices and from 12-11-74 for clarification of existing use without a Non-Residential Use Permit).

A copy of the Non-Residential Use Permit that had just recently been issued was in the file. This was issued November 8, 1974.

The notices had been submitted at the originally scheduled date of 9-11-74 and were in order.

Rev. Calvert, pastor of the church, stated that they have run out of space in the church building and wished to have these two trailers, 12'x60', to use for classrooms.

There were several letters in the file from the Staff. One letter from Mr. Jack Maize, Inspector Specialist, regarded the sound level pressure readings at this location pertaining to the air conditioning units that had been installed earlier too closer to the property line and had caused complaints from the contiguous property owner. The Board had granted a variance on these units, but asked the county staff to keep them informed on the sound level to see whether or not the sound buffer they had prescribed would be sufficient.

Mr. Maize in his letter stated that the "background" noise is high at this location and the masonry wall constructed around the air conditioning equipment has been effective in reducing the sound pressure levels within acceptable limits. He further stated that when the background noises become more subdued (at night or early morning) the noise emanating from the air conditioning equipment will become more pronounced. He suggested turning off all or most of the equipment at night which would eliminate some of the nuisance experienced by Mr. C. B. Chase, the contiguous property owner.

The report from Preliminary Engineering stated that this use will be under Site Plan Control. It was also suggested that a report be obtained from the Department of Public Works regarding any possible increase in sewage flow that may be created by this additional use.

There was also a letter in the file from Mr. W. W. Smith, Jr., Assistant Branch Chief, Plan Review Branch, Division of Design Review, dated September 20, 1974, regarding the drainage problem on this property.

The letter stated:

"On September 4, 1974, a meeting was held at the Fairfax Baptist Temple to check the complaint of the adjacent property owners; Mr. James B. McRoberts, 9530 Braddock Road and Mr. Charles B. Chase, 9532 Braddock Road, of excessive run-off from the Church property onto their land, particularly Mr. McRoberts, both in front of and behind the house.

No major changes in the direction of run-off have been made as a result of the Church construction, but the percent of run-off has been increased by the parking lot paving and roof construction of the Church. The Church building is 20 feet from the property line and the ground level at the Church has been raised generally about 3 feet at the front and 1 foot at the rear causing increased velocities of flow. Installation of the heating and air condition equipment on a pad 10 feet from the property line at the front has aggravated the velocity problem. Soils in the area are predominantly silt loams with slow to medium internal drainage.

On September 6, a review of the situation was made by one of our engineers and a representative of the engineering firm, which designed the site work. A report of that investigation is attached.

Observation of the run-off patterns is planned for the next hard rain in the area, at which time a further report will be made to you."

There was no further report in the file. The letter or the report that was attached to the letter did not mention any objection to the additional trailers being placed on the property.

There was no one to speak in favor or in opposition to this application.

----------RESOLUTION----------

In application No. S-83-74, application by Fairfax Baptist Temple, under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit Sunday School and Church services in mobil classrooms on property located at 9524 Braddock Road, also known as tax map 69-1 & 69-3((1))21, County of Fairfax, Mr. Runyon 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 September, 1974 and continued to December 11, 1974.

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

1. That the owner of the subject property is Trustees of Central Church of Springfield.
2. That the present zoning is RE-1.
3. That the area of the lot is 5.000 acres.
4. That compliance with the 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

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 plats submitted 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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these

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additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.

4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

6. The permit shall run for three (3) years with the Zoning Administrator being empowered to grant two (2) one year extensions.

Mr. Kelley seconded the motion. The motion passed 3 to 0. Mr. Baker and Mr. Barnes absent.

AFTER AGENDA ITEMS:

DEEPWOOD HOMEOWNERS ASSOCIATION, S-225-74; Request for Extension.

Mr. Smith read a letter to the Board from the applicant requesting an extension due to financing problems.

Mr. Runyon moved that they be granted an extension for 180 days from the expiration date of December 12, 1974.

Mr. Kelley seconded the motion.

The motion passed 3 to 0 with Messrs. Barnes and Baker absent.

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KINGS HIGHWAY BAPTIST CHURCH, S-229-73; Request for Extension.

Mr. Smith read a request from the applicant requesting an extension because they have had problems on the site which have caused a delay in getting a building permit.

Mr. Kelley moved they be granted an extension of 180 days from December 12, 1974.

Mr. Runyon seconded the motion.

The motion passed 3 to 0 with Messrs. Barnes and Baker absent.

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The Board adjourned at 3:32 P.M. to meet with the County Attorney.

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By Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED January 22, 1975
(Date)

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The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Wednesday, December 18, 1974. Present: Daniel Smith, Chairman; Loy P. Kelley, Vice-Chairman; George Barnes; Joseph Baker, and Charles Runyon. Mr. Wallace Covington and Mr. Harvey Mitchell were present from the Staff.

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

10:10 - CALVARY ROAD BAPTIST CHURCH DAY CARE & KINDERGARTEN SCHOOL, appl. under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit operation of day care center, ages 2-6 years, 225 children, 7:30 to 5:30, 6811 Beulah Street, 91-1((1))61, (6.236 acres), Lee District, (RE-1), S-193-74.

Rev. Samuel Edwards, Pastor of the Church, spoke before the Board.

Notices to property owners were in order.

Rev. Edwards stated that this church building was just completed. They received their final inspection just yesterday. This building was designed for this type school from the very beginning. He went into the details of the operation of the school which he had also submitted in his statement of justification in the file. He stated that the day care portion of the operation will be 12 months a year. The hours would be from 6:00 a.m. to 5:30 p.m., 5 days per week. The ages of the children would be 2 through 6.

There was no one to speak in favor or in opposition to this application.

---------- RESOLUTION ----------

In application No. S-193-74, application by Calvary Road Baptist Church Day Care Center and Kindergarten School under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit operation of day care center and kindergarten, ages 2-6, 225 children, on property located at 6811 Beulah Street, Lee District, also known as tax map 91-1((1))61, 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 18th day of December, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Beulah Baptist Church.
2. That the present zoning is RE-1.
3. That the area of the lot is 6.236 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable 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 R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.

4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. That the maximum number of children shall be 225, ages 2 to 6 years.
7. That the hours of operation shall be 6:00 A.M. to 6:00 P.M., 5 days per week, Monday through Friday.
8. The operation shall be subject to compliance with the inspection report, the requirements of the Fairfax County Health Department and the State Department of Welfare and Institutions.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

10:30 - CENTREVILLE ASSEMBLY OF GOD, appl. under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of a church, 14821 Lee Highway, 64((1))34, (1.721 acres), Centreville District, (RE-1), S-194-74.

Rev. Mizelle, Pastor of the Church, Post Office Box 85, Centreville, Virginia, represented the Church before the Board.

Notices to property owners were in order.

Rev. Mizelle stated that they would like to build this Church with a seating capacity of 350. He submitted a rendering of the Church and stated that the construction would be of block and brick. The architectural facade would be brick and stone.

There was no one present to speak in favor or in opposition to this case.

---------- Resolution ----------

In application No. S-194-74, application by Centreville Assembly of God under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of new church building on property located at 14821 Lee Highway, also known as tax map 64((1))34, County of Fairfax, Mr. Runyon 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 December, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Assemblies of God Church, Centreville Pentecostal Tabernacle.
2. That the present zoning is RE-1.
3. That the area of the lot is 1.721 acres.
4. That compliance with the 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

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 the

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plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.

4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.

5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

The Board then took up the deferred case of

TRUSTEES, ST. JOHNS EPISCOPAL CHURCH, S-174-74 and V-175-74 deferred from 11-20-74 for proper notices, from 12-4-74 for viewing and 12-11-74 for full Board. This was for decision only.

Mr. Barnes stated that Mr. Runyon, Mr. Kelley and he viewed the property and the trailer is near a large open field. There is nothing near it. He stated that it looked all right to him as long as it was used only temporarily.

Mr. Baker stated that he would be in favor of it.

Mr. Kelley stated that he has no problem with this, but he could see no topographic reasons for granting this since they have seven acres. He stated that if it is allowed, it should be allowed only for two to three years.

Mr. Smith stated that there was a trailer here several years ago and it has since been removed. Since it was granted previously, he stated that he felt this should also be granted but only on a temporary basis.

There was no one to speak in favor or in opposition to this application. The public hearing was held December 4, 1974.

---------- RESOLUTION ----------

In application No. S-174-74, application by Trustees, St. Johns Episcopal Church under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit trailer for church school purposes on property located at 9220 Georgetown Pike, 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 4th day of December, 1974 and deferred to December 18, 1974 for final decision.

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

1. That the owner of the subject property is Trustees of St. Johns Episcopal Church.
2. That the present zoning is RE-2.
3. That the area of the lot is 7 acres.
4. That compliance with 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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening is to be provided to the satisfaction of the Director of Environmental Management.
7. This permit is granted for a period to run concurrently with Site Plan waiver.

Mr. Barnes seconded the motion. The motion passed unanimously, 4 to 0, with Mr. Runyon abstaining.

In application No. V-175-74, application by Trustees, St. Johns Episcopal Church, under Section 30-6.6 of the Zoning Ordinance, to permit trailer closer to side property line than allowed by Ord. (2.4' from side line), on property located at 9220 Georgetown Pike, Dranesville District, also known as tax map 13-2((1))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 4th day of December and deferred to the 18 of December, 1974, 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 7 acres.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has satisfied the Board that 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 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. This permit is granted for two years with the Zoning Administrator empowered to extend for two, 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 to obtain building permits, non-residential use permits and the like through the established procedures.

Mr. Barnes seconded the motion. The motion passed unanimously, 4 to 0, with Mr. Runyon abstaining.

10:50 THE C. HUGHES CO., appl. under Section 30-6.6 of Ord. to permit brick wall in front setback along Old Mt. Vernon Rd., and to allow 10' chain link fence around tennis court in front setback area to remain, 8815 Old Mt. Vernon Rd., 110-2((1))24, (5.4302 acres), Mt. Vernon District, (RE-0.5), V-195-74.

Mr. William Hansbarger, attorney for the applicant, testified before the Board.

Notices to property owners were in order. The contiguous owners were Anne T. West, 3609 Surrey Drive and Charles C. Wahl, Director of the Mount Vernon Ladies Association, Mount Vernon, Virginia.

Mr. Jack Ash, Zoning Inspector of this area, was present to answer questions regarding this application, as there are violations of the Zoning Ordinance involved.

Mr. Hansbarger explained that they would like to keep this wall that surrounds this development and also keep the fence that surrounds the tennis court. The tennis courts are lighted. He stated that he has been involved in this project and knows the confusion that has existed on the part of the applicant, and also on the part of the County because this is a condominium project with single family type homes. The Ordinance had not anticipated this type development. The County insisted that they prepare a subdivision plan to determine that they had the right lot areas, setbacks, etc. prior to the approval of the condominium. They dedicated 10' for the widening of Old Mount Vernon Road. There is considerable question as to whether or not Old Mount Vernon Road requires a front setback. There are unusual circumstances that make this property unlike any other in that it was the only condominium at that time that was proposed in Fairfax County. They started out with 12 lots under an old subdivision plat and ended up with 11 building lots under a new plat that conforms to the subdivision ordinance. This land will be owned jointly by the 11 different homeowners. He said that under the definition of lot frontage, the Ordinance says that the dimension of the lot measured along the narrow side of the lot is the front of the lot. The front street on all these houses is South Place. The definition goes on to say that "... provided the frontage of a lot on which a building group is located shall be that lot line along the principal entrance..." If you consider this a building group, then the front lot line will be that lot line along South Place. It is a private street, but the Ordinance defines streets and setbacks from streets by saying that it does not make any difference whether it is a private or public street, but says, the same as designated on the site plan approved in accordance with the site plan ordinance. The County took their site plan and marked through a portion of the brick wall and marked out the "4 feet" and marked in red "6 feet." The County says they have dual frontage here. When you go into townhouse development, for example, they say for reverse frontage where the backyards face a thoroughfare, a privacy wall or fence may extend and be placed along the rear lot line with the following exception and that is, provided it is approved by the Department of Highways for entrances, site distance, etc. The Department of Highways has approved this fence and wall and, in fact, refunded the cash bond that was put up in order to build the intersection.

Mr. Ash explained the violation notice to the Board. He stated that on August 8, 1974, he issued a violation notice for the brick wall. Then, on October 10, 1974, he issued another violation notice for the fence around the tennis court, which is immediately behind the wall. He was given a copy of the site plan and asked to check it out as to how high the fence and the brick wall facing the highway were. He measured the fence and it measured 7'3" or 7'4" depending on the lay of the land. The wall is built on top of a foot dike which makes the fence approximately 8' high. Then the tennis court fence is above that, as the Board can see from the pictures.

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Mr. Covington confirmed for the Board that the street, Old Mount Vernon Road, is a front lot line for setback purposes.

Mr. Hansbarger showed several slides of the wall and fence and the area surrounding the houses.

Mr. Steve Reynolds from Preliminary Engineering spoke to the Board regarding the site plan and development of this project. He stated that it was developed under the horizontal property act adopted by the State of Virginia and the site plan was submitted to the County; and as a result of the submission, the County adopted an amendment to the Zoning Ordinance that would allow condominiums in a single family zone with single family houses. So, the site plan submission superceded the amendment. The development was developed under the cluster density. It is not a conventional type development as far as the density and the coverage is concerned. The setbacks that were used were the alternate density setbacks. The Zoning Administrator at the time of site plan approval determined that old Mount Vernon Road, Route 623, would require a front setback.

Mr. Covington stated that not only is the fence and wall in violation of the height requirement, but the tennis court is an accessory use which cannot be allowed in a front yard.

Mr. Hansbarger stated that the Zoning Office went over this plan and approved it.

Mr. Reynolds submitted the approved site plan to the Board. This is Site Plan No. 1145. As the Board members looked at sheet 2 of 5, one of the members commented that this was signed by Gilbert R. Knowlton, Zoning Administrator. Another member commented that "4 feet" along Old Mount Vernon Road was underlined in each place in red and the area where Mr. Hansbarger had indicated "must be 6' high" was not on Old Mount Vernon Road, but was around the pool on South Place, then the height dropped down to 3 1/2' on the corner of South Place and Old Mount Vernon Road.

Mr. Covington read from Section 30-2.2.2.2 on page 482 of the Zoning Ordinance which states "...front yards whether required, i.e. minimum or in addition thereto, accessory buildings and uses shall be located in no part thereof provided however, that the Board of Zoning Appeals acting under provisions of subsection 30-6.7 may permit the erection of an accessory garage in the required front setback area on a lot the average slope of the front half of which is greater than 1 foot of rise and fall in a distance of 7'..."

Mr. Hansbarger stated that that would indicate to him that the County did not look upon this as a front yard and they, therefore, would not need a variance.

The Board then questioned Center Drive and Mr. Hansbarger explained that Center Drive does not exist and is not even being built.

Mr. Reynolds stated that it does not provide principal access to abutting property owners. The developer is not proposing any access to this street. Mr. Reynolds stated that he had before him the first submission of the site plan which proposes that a 6' wall be placed along Old Mount Vernon Road. They (Preliminary Engineering) in turn marked this plan stating that the maximum height allowed would be 4 feet. They felt, as well as the Zoning Administrator, that the maximum height along Old Mount Vernon Road would be 4 feet.

Mr. Smith asked that they find out who wrote on the contractor's copy "must be 6' " along South Place near the pool.

Mr. Hughes, 3906 Westgate Drive, explained how the change occurred at this location. He stated that at the time they were in bonding, the Board of Supervisors passed an emergency ordinance requiring a six foot fence around swimming pools. Since the swimming pool and the tennis court were all one complex within a development, just a bonding, it was marked through and changed to say it must be 6' high.

Mr. Smith stated that he could understand the fence being 6' high around the pool, but the Ordinance does not require a 6' fence around a condominium development.

There was no one to speak in favor of the application at this time.

Mr. Desloge Brown, 4504 Ferry Landing Road, Alexandria, Virginia 22309, spoke in opposition to the application, representing 600 homes in the area south and east of Virginia Highway 235 from Mount Vernon Estates to Bryant Farms. His reasons for opposition were that under Section 30-6.6 of the Zoning Ordinance, there is no basis for this variance to be granted, as there is nothing irregular or peculiar about this particular piece of real estate that would restrict its reasonable use under the standard provisions of the Ordinance. Granting this variance would be contrary to the pattern of construction of all existing developments and homes in this area. He stated that he, too, measured this fence and it is over 7' and is backed up by a 12' chain link fence surrounding the tennis courts. Permitting this house, wall, and fence so close to the road will make it more difficult to make the needed improvements to Old Mount Vernon Road. He recommended that this application be denied and the fence be removed.

Mrs. Martha Garvin, 4101 Woodley Drive, spoke in opposition. She stated that the high school and the telephone company had to widen the road when they constructed their new buildings, but this builder did not. If the road does get widened by the Highway Department, there will be a house and wall that will have to be moved at the expense of the taxpayers. She stated that she felt this fence is very unsightly.

Mr. Robert A. Sweatt, president of the Riverside Civic Association and memeber of the Executive Committee of the Mount Vernon Council of Citizens Associations, spoke in opposition. He stated that the wall and fence protruding over it is very ugly and will be a detriment to the area. Mrs. Russell, Chairman of the Mount Vernon Council of Planning and Zoning Committee, was planning to be here to speak in opposition, but she has not arrived yet.

Mr. James W. Sybort came forward and requested that he be allowed to speak in favor of the application. He lives at 8807 Old Mount Vernon Road, next door to this subject property. He had no objection to the wall, but did object to the widening of Old Mount Vernon Road.

Mr. Smith stated that this was not the question before the Board.

Mr. Knowlton arrived to answer some questions the Board had. Mr. Smith asked him if he approved the tennis court in its present location and Mr. Knowlton replied that he did. He stated that this site plan came in in several submissions and the one that he was involved in was not the final. Two things were discussed regarding this tennis court. (1) This is an unusual situation in that there is a combination of a cluster development and a condominium development which means that they are clustering, dividing some land over here for recreation, for the homeowners association and not putting lot lines around it; so, in essence, there is a parcel of land which is devoted for recreational purposes. This is not an area in which there is a dwelling to relate it to. The thing that comes into play here is the fence which is a structure and a wall which is across the frontage of the property. He stated, in answer to Mr. Smith's question, that the violations here are the wall along Old Mount Vernon Highway and the 10' fence around the proposed tennis court.

Mr. Hansbarger stated that the paradox of it all is, that in order to proceed with the condominium development, they had to prepare a subdivision plat to show that there would not be any violation of the subdivision ordinance. If they had proceeded with the subdivision under a cluster, rather than a condominium, the front yards would be reversed to where he now interprets them as being and there would be not violations. He stated that it makes no sense to him that if you build under one type of ownership, you are permitted a fence and wall on Old Mount Vernon Road and if you build under another type ownership, you are in violation of the law if you have the fence and wall. He again stated that someone in the County marked through "4 foot wall" and placed "must be 6 foot" on the plans.

Mr. Reynolds stated that he had in front of him the plan that was signed by their branch, Design Review, and in one place it is stated "must be 6' high" and someone crossed out 4' where it is referring to the brick wall. However, this is on South Place along the swimming pool area. No mention is made about Old Mount Vernon Road and other places where it states the wall must be 4' high.

Mr. Hansbarger stated that he did not know how a man in his right mind could look at that plat and tell you where the limits of the 6' fence were to be.

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Mr. Hansbarger entered into the record two letters in support of the application, one from Lucy Mulfore, 8810 Old Mount Vernon Road, and the ofther from Harold F. Bugardas, 700 Adrian Drive.

Mr. Smith stated that the Board is in receipt of a letter from Charles M. Chambers in opposition to the application.

Mr. Hansbarger stated that he filed this application because the Zoning Inspector had a warrant for Mr. Hughes arrest and the case was comming up in court on Friday and they hastily filed this application. He stated that he feels there has been a mistake made and he stated that he feels he should amend the application to come under the mistake provision of the Zoning Ordinance. There is room for reasonable doubt here that there was an error.

Mr. Barnes moved that this case be deferred for viewing and set for the first meeting next year, January 8, 1975, for final decision.

Mr. Baker seconded the motion. The motion passed 5 to 0.

11:10 - DOUGLASS S. MACKALL, III, appl. under Section 30-6.6 of Ord. to permit resubdivision of lots with less frontage at building setback line than allowed by Ord. and to permit dwellings to be constructed closer to center line of road than allowed by Ord., (46' from center line, 65' required), east side of Balls Hill Rd., just north of Old Dominion Dr., 30-1((1))71, (1.8497 acres), Dranesville District, (R-12.5), V-196-74.

Mr. Henry Mackall represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Stanley and Maria Mehr, 7166 Old Dominion Dr., McLean and Clement Farrell, 1200 Forestwood St., McLean.

Mr. Mackall stated that the existing approved subdivision plan for the subject parcel provides for one corner lot and one interior lot along the frontage of Balls Hill Road. Two driveways will be required, one of which will be within a few feet of the intersection of Old Dominion Drive and Balls Hill Road, both of which are heavily traveled. They are proposing to have one entrance serve the three parcels. The 200.85 foot frontage of the subject parcel has existed for many years, it having formerly been a one acre lot improved by a residence which was removed several years ago. The proposed houses will be in keeping with the character of the neighborhood. Locating the houses within 40 feet of the 12 foot road will permit larger rear yards which will prove advantageous to the neighboring property. The entire tract is zoned R-12.5 but the three lots proposed will average over 25,000 square feet, more than twice the ordinance requirement. The proposed location of the 12 foot road will permit the preservation of the large trees which will be between the proposed houses and Balls Hill Road. The variance will not be contrary to the public interest, but will promote it; and due to the special conditions, the proximity of the property to Old Dominion Drive and its narrow frontage, a literal enforcement of the provision of the ordinance will result in practical difficulty and unnecessary hardship to the present and future owners of the property.

Mr. Kelley inquired if there would be any need for any additional variances for these lots.

Mr. Mackall stated that he did not think so.

There was no one to speak in favor or in opposition to this application.

----------Resolution----------

In application No. V-196-74, application by Douglass S. Mackall, III, under Section 30-6.6 of the Zoning Ordinance, to permit resubdivision of lots with less frontage, on property located at the east side of Balls Hill Road, north of Old Dominion Dr., also known as tax map 30-1((1))71, County of Fairfax, Virginia, Mr. Runyon 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 December, 1974, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Douglass S. Mackall III.
2. That the present zoning is R-12.5.
3. That the area of the lot is 1.8497 acres.
4. That the lot areas are all in excess of 23,600 sq. ft.

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.
3. Only one entrance for the 3 lots will be placed on Balls Hill Rd.

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, non-residential use permits and the like through the established procedures.

Mr. Baker seconded the motion. The motion passed 5 to 0.

11:20 - POOR SISTERS OF ST. JOSEPH, INC. appl. under Section 30-7.2.6.1.3 of Ord. to permit construction of guest house and extension of day care center, and increase number of children to 44, 4319 Sano St., 72-2((1))20, (4.819330 acres), Mason District, (R-12.5), S-192-74, (Renewal of S-196-73).

Rev. Msgr. Maioriello represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Father Celinski, 4329 Sano Street and Mr. Rodriguez, 6217 Berlee Drive, Alexandria.

This is an application to renew a Special Use Permit that was granted October 31, 1973. They had not begun construction and the permit expired. Therefore, they had to reapply. They are requesting exactly the same thing as they did before, to increase their enrollment to 44 children, to permit structural addition to the day care center, and to permit construction of quarters for male visitors at the convent. The Health Department reports that the facilities can accommodate a maximum of 45 children at any one time. They plan to run their day care center from around 7:00 A.M. to 6:00 P.M., 5 days per week, all year.

He stated the dimensions of the proposed addition to be 27' x 45'. The dimensions of the guest house are 29.33' x 34.0'.

There was no one to speak in favor or in opposition to the application.

In application no. S-192-74, application by Poor Sisters of St. Joseph, Inc. under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit construction of guest house and extension of day care center, on property located at 4319 Sano Street, Mason District, also known as tax map 72-2((1))20, 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 18th day of December 1974.

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

1. That the owner of the subject property is Catholic Church, Poor Sisters of St. Joseph Convent.
2. That the present zoning is R-12.5.
3. That the area of the lot is 4.819330 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable 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 R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. That the maximum number of children shall be 44, ages 2 to 5 years.
7. That the hours of operation shall be 7:00 A.M. to 6:00 P.M., 5 days per week, Monday through Friday.

Mr. Barnes seconded the motion. The motion passed 5 to 0.

11:40 - RESTON CHILDREN'S CENTER, INC., appl. under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit day care center for 60 children, 12100 Sunset Hills Road, 17-3((1))pt parcel 1, 2.1677 acres, Centreville District, (RE-1), S-197-74, OTH.

Madeline Fried represented the applicant before the Board.

Notices to property owners were in order. The closest property owners were A. Bowman, Sunset Hills Road, Reston, and Catherine Strickler, 571 Spring Street, Herndon, Virginia. John Hancock Mutual Life Insurance Co. owns all the land around the property.

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Ms. Fried stated that they have been operating in this area for over seven years, but have had to move from their present location. This is a private non-profit corporation that now operates at 11508 North Shore Drive in Reston. They care for children between the ages of 2 1/2 through 10 years. They hope to have 60 children at any one time at this location. Their hours are from 7:00 A.M. to 6:30 P.M., Monday through Friday, twelve months per year. They have a total staff of 15 with 9 teachers/assistants at the center at any one time. They serve the Reston-Herndon community.

There was no one to speak in favor or in opposition to the application.

----------Resolution----------

In application no. S-197-74, application by Reston Children's Center, Inc. under Section 30-7.2.6.1.3, of the Zoning Ordinance, to permit day care center for 60 children, on property located at 12100 Sunset Hills Road, also known as tax map 17-3((1))pt parcel 1, County of Fairfax, Mr. Runyon 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 December, 1974.

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

1. That the owner of the subject property is John Hancock Mutual Life Insurance Co.
2. That the present zoning is RE-1.
3. That the area of the lot is 2.1677 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 for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, and

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 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 plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The hours of operation are 7 A.M. to 6:30 P.M., Monday through Friday.
7. The maximum number of children is 60, ages 2 1/2 to 10 years.

Mr. Baker seconded the motion. The motion passed 5 to 0.

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DEFERRED CASES:

WILLA F. ECKLES T/A PETER PIPER SCHOOL, 1351 Scotts Run Road, S-131-74. (Deferred from 11-20-74 for new plats and additional information. Decision only). The Board was in receipt of new plats showing the proposed dedication. However, there was some additional engineering work that had to be done and the final dedication plat had not yet been finished and approved by Preliminary Engineering. At that time, their attorney will draw up a Deed of Dedication which will take some additional time.

Mr. Kelley moved that this case be deferred until January 22, 1975.

Mr. Baker seconded the motion. The motion passed 5 to 0.

B. P. OIL, INC. 1958 Chain Bridge Rd., V-102-74, (Deferred from 11-20-74 for rendering. Decision only).

The applicant requested that this case be deferred to a later date.

Mr. Baker moved that the request be granted and the case be rescheduled for January 22, 1975.

Mr. Runyon seconded the motion. The motion passed 5 to 0.

BOBBY LINWOOD LAWHORN, between 7413 Little River Turnpike & Markham St., S-182-74, (Deferred from 12-4-74 for additional information. Decision only).

The applicant requested that this case be deferred until January 22, 1975.

Mr. Kelley so moved that this request be granted.

Mr. Barnes seconded the motion. The motion passed 5 to 0.

SUSAN LYNN SNYDER, REHEARING, 5917 Erving Street, S-166-74, (Deferred from 12-11-74 for full Board).

Mr. John P. Huff, owner of the property at 5917 Erving Street, and father of the applicant, represented her before the Board.

Notices to property owners were in order. The contiguous owners were Stone, 5918 Dinwiddie Street and Harrision, 5919 Erving Street.

Mr. Huff stated that they requested this rehearing because there was certain information in the file that was overlooked at the first hearing. The main thing was that there was in the file signatures from the surrounding neighbors saying that they were in support of this application. He submitted another petition from six additional persons indicating their support of this application. None of the contiguous property owners indicated any objection. He then read four letters written by people who also had signed the petition in support of the application. One of the letters was from Mr. Harrision, one of the contiguous property owners and a note signed by Mrs. Stone, the other contiguous owner. Mr. Huff stated that the last time this case was called on December 11, 1974 and deferred until today, there were three people present in support of the application and they came forward and gave their names for the record. They were: Mrs. Robert Robinson, 5911 Erving Street, Mrs. James Shreckengaust, 5922 Dinwiddie Street, and Mrs. Sutton, 5916 Erving Street. He stated that there was some opposition at the original hearing, but that those people are not contiguous to this property and do not even live on the same street.

Mr. Barnes stated that he voted against this application at the original hearing, due to the parking situation, but he did not realize that off-street parking was not required for beauty shops in homes. The Ordinance has been changed, therefore, this puts a different light on this.

Mr. Runyon inquired about the hours of operation.

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Susan Lynn Snyder, Rehearing

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Mr. Huff stated that Mrs. Snyder proposes to operate from 9:00 A.M. to 6:00 P.M., Tuesday through Saturday.

Mrs. Sutphin, 5916 Irving Street, directly across the street from the subject property, spoke in support of the application. She stated that he had lived there for 21 years and sees no problem with Mrs. Snyder having a one chair beauty shop in her home.

There was no opposition to this application.

----------Resolution----------

In application no. S-166-74, application by Susan Lynn Snyder under Section 30-7.2.10.5.4 of the Zoning Ordinance to permit one chair beauty shop in home on property located at 5917 Erving St., also known as tax map 80-3 ((2))(16)6, County of Fairfax, Mr. Runyon 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 December 18, 1974.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is John & Betty Huff.
2. That the present zoning is R-10.
3. That the area of the lot is 8,447 sq.ft.

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

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 the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board of Zoning Appeals (other than minor engineering details) whether or not these additional uses or changes require a Special Use Permit, shall require approval of the Board of Zoning Appeals. It shall be the duty of the Permittee to apply to the Board of Zoning Appeals for such approval. Any changes (other than minor engineering details) without Board of Zoning Appeals approval, shall constitute a violation of the conditions of this Special Use Permit.
4. The granting of this Special Use Permit does not constitute an exemption from the various legal and established procedural requirements of this County and State. The Permittee shall be responsible for complying with these requirements. This permit SHALL NOT be valid until a Non-Residential Use Permit is obtained.
5. The resolution pertaining to the granting of the Special Use Permit SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. The operation is for one client on the premises at any one time.
7. There will be no signs permitted.
8. The operation will be on an appointment basis.
9. The hours of operation are 9 A.M. to 6 P.M., Tuesday through Saturday.

Mr. Baker seconded the motion. The motion passed 4 to 1. Mr. Kelley voted No.

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BROWNING-FERRIS INDUSTRIES OF VIRGINIA, INC., 2813 Juniper Street, V-167-74, (Deferred from 12-11-74 for full Board).

Mr. Runyon stated that the applicant has requested a deferral in this case. They may be able to work something out that would require a lesser variance. He therefore moved that the case be deferred until January 15, 1975.

Mr. Kelley seconded the motion. The motion passed 5 to 0.

AFTER AGENDA ITEMS:

WALTER P. RUDOLPH JR., 9205 Santayana Dr., V-187-74 -- Request for rehearing.

The Board members had received earlier a copy of a letter from Mr. and Mrs. Rudolph requesting this rehearing. Mr. Smith read this letter into the record. One of her points in requesting this rehearing was that they felt they had insufficient time for rebuttal to their opposition. They also felt that they had new and supportive evidence which was not brought out in the December 11, 1974 hearing. This included some rebuttal of the opposition's statements made at the original hearing regarding the Mantua Architectural Control Committee, which the Rudolphs stated was no longer in existence, that their contiguous neighbor has a dense hedge which screens his patio from their house and would also screen the addition from his view, that his statement regarding this addition causing an alley between their houses was unfounded as the open space between their houses is 41' and that the new addition would narrow this space to 38'3", that their lot is at a lower elevation to lots 294 and the contiguous lot 273 and consequently these lots drain on their lot. The foundation of the new addition is several feet below the elevation of the aforementioned lots and therefore will not affect the drainage pattern.

Mr. Baker moved that the request be denied.

Mr. Runyon seconded the motion. The motion passed 5 to 0.

Mr. Kelley moved to approve the minutes of November 13 and 20.

Mr. Baker seconded the motion. The motion passed 5 to 0.

Mr. Kelley stated that he would like to bring up the fact that Mr. Smith's term expires on February 17, 1974 and he would move that the necessary letter be written to Judge Sinclair recommending that he be reappointed.

Mr. Barnes seconded the motion. The motion passed unanimously.

The meeting adjourned at 1:15 P.M.

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by Jane C. Kelsey
Clerk

Daniel Smith
Daniel Smith, Chairman

APPROVED: January 15, 1975
Date