The First Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Wednesday, January 8, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes, Joseph Baker and Charles Runyon. Mr. Harvey Mitchell and Mr. Wallace Covington were present from the Staff.

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

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The first order of business was to elect officers for the new year.

Mr. Smith stated that the Board would first elect a Clerk.

Mr. Baker moved that the Board retain the present Clerk, Mrs. Jane Kelsey.

Mr. Barnes seconded the motion.

The motion passed 5 to 0. All members were present.

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Mr. Barnes nominated Mr. Kelley as Vice-Chairman.

Mr. Baker seconded the motion.

There were no other nominations, therefore, the nominations were closed.

Mr. Barnes motion to nominate Mr. Kelley passed 5 to 0. All members were present.

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Mr. Kelley nominated Mr. Daniel Smith as Chairman for 1975.

Mr. Barnes seconded the motion and the nominations were closed as there were no other nominations.
The motion passed 5 to 0. All members were present.

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10:00 - WARNER CABLE OF RESTON, INC., appl. under Section 30-7.2.2.1.3 of the Zoning Ordinance to permit construction of cable television head end building, Wiehle Avenue, 17-4((6))1, (3.0815 acres), Centreville District, (RE-2), S-198-74.

Mr. Lee Fifer, attorney for the applicant testified before the Board.

Notices to property owners were in order. The contiguous owners were Gulf Reston, Inc., 11440 Isaac Newton Square, Reston and Chestnut Grove Ltd., c/o George Kramer, 1250 Conn. Avenue, N.W., Washington, D. C.

Mr. Fifer stated that a Special Use Permit was granted November 25, 1969 to Gulf Reston, Inc., for carrier television reception tower and antenna, and a building for a studio and attendant facilities, on property located on the west side of Wiehle Avenue approximately 700 feet south of its intersection with North Shore Drive in Reston. They have since changed the name to Warner Cable of Reston, Inc. There is in the file a certificate from the State Corporation Commission reflecting this change. The site plan that was submitted with this application is a different site plan from the one that was previously submitted. The buildingthat was proposed at that time was much larger and was never constructed. Their facilities now are located in the Scope Building near Reston.

Mr. Fifer stated that they now have a gravel driveway to the tower itself and this gravel driveway will serve all the needs of this particular type building that they are now proposing. This building will be no more than a storage building for operating equipment, with no provision for office, studio or any other room for normal human habitation. All equipment to be located at this site will be located within the building, with the exception of the antenna and other such normally exterior pieces of equipment. The building will be cement block 21'4" x 13'4", approximately 8' high. There will be no people occupying the site and there will be no outside lights. They are now using a trailer on the site which will be removed when this building is constructed.

In answer to Mr. Smith's question, Mr. Fifer stated that this cement block building would be covered with a stucco material and it will be landscaped.

There was no one to speak in favor or in opposition to this application.

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In application No. S-198-74, application by Warner Cable of Reston, Inc. under Section 30-7.2.2.1.3 of the Zoning Ordinance to permit construction of cable television head end building on property located at the west side of Wiehle Avenue approximately 700 feet south of its intersection with North Shore Drive in Reston, Centreville District, also known as tax map 17-4((6))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 8th day of January, 1975.

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 3.0815 acres.
4. That compliance with all applicable County and State Codes is required.
5. A Special Use Permit (S-201-69) was granted on November 25, 1969, to Gulf Reston, Inc., for carrier television reception tower and antenna and a building for a studio and attendant facilities on this property.
6. This current application seeks to amend that Special Use Permit to reflect change of ownership and to allow a building different from the one formerly approved.

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.

Mr. Barnes seconded the motion.

In answer to Mr. Smith's question, Mr. Fifer stated that they do not plan to change the height of the tower. The Board granted the Special Use Permit originally for a 250' tower. However, only a 180' tower was built. This was the height necessary for them to receive signals from the Baltimore area.

The motion passed 5 to 0. All members were present.

003

10:20 - RENTAL TOOL AND EQUIPMENT CO., INC., appl. under Section 30-6.6 of the Zoning Ordinance to permit 7 1/2 foot chain link fence to remain as erected, 2914 Eskridge Road, 49-3((1))96B & 97, (1.64231 acres), Providence District, (I-L), V-199-74.

Mr. John T. Doran, President of the Company and also owner of the property, testified before the Board.

Notices to property owners were in order. The contiguous owners were Mr. Coakley, Post Office Box 655, Merrifield, Virginia, and Owens and Dove, Post Office Box 205, Merrifield, Virginia.

The Staff Report indicated that Section 30-3.5.2 of the Zoning Ordinance establishes a maximum height of any fence at 7 feet, and a maximum height of a fence in a required front yard at less than 4 feet.

Mr. Doran stated that the fence was installed to promote security. He stated that they have branches of their company in other parts of the United States and it is their company policy to put in 8' fences at all locations. It has been a rubber stamp type operation. Once they found out that this fence was in violation, they applied for this variance as they wish to do what is right.

Mr. Runyon inquired why he could not move the fence back 50 feet.

Mr. Doran stated that this is a long narrow lot. They have already donated an extensive amount of land for the widening of the road and the service drive that leads to the Post Office Building. They also put in a storm sewer system to help take care of the drainage problem because of the stream that runs through the property. They had to put in another pipe to drain the land from the movie theatre area. At this point the land becomes a chopped up mess. If they have to give more land, they might as well move. Therefore, they cannot move the fence back 50 feet.

In answer to Mr. Smith's question, Mr. Covington stated that there has been no violation notice issued on this case. This was brought to the attention of the applicant by the Department of Public Works and the applicant came in and applied for this variance. The Zoning Office accepted the application and in doing so, denied Mr. Doran's request to keep the fence at 7 1/2 feet.

There was no one to speak in favor or in opposition.

Mr. Smith stated that the new ordinance does recognize the need to have a fence of this height in the front setback in an industrial zone. However, the Board must act under the old ordinance. He stated that this should not be done by way of a variance. The Zoning Administrator could have held up on the violation until the new ordinance went into effect.

Mr. Runyon stated that the applicant is now before this Board and the Board must act and the applicant does have a hardship under the ordinance.

----------RESOLUTION----------

In application No. V-199-74 application by Rental Tool and Equipment Co., Inc. under Section 30-6.6 of the Zoning Ordinance, to permit 7 1/2 foot fence within front restriction line, on property located at 2914 Eskridge Road, also known as tax map 49-3((1))96B & 97, 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 8th day of January, 1975, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is John T. Doran.
2. That the present zoning is I-L.
3. That the area of the lot is 1.64231 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 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 fence indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

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 4 to 0. Mr. Smith abstained.

10:40 - FAIRFAX COUNTY FIRE AND RESCUE SERVICES, appl. under Section 30-7.2.6.1.2 of the Zoning Ordinance to permit fire station to be constructed, 2949 Sleepy Hollow Road, 51-3((15))4, ((1))11, (68,547 square feet), Mason District, (R-12.5), S-200-74.

Mr. Freeland Young, Deputy Chief, Fire & Rescue Services, testified before the Board.

Notices to property owners were in order. The contiguous owners were Bruce Lambert, 3008 Castle Road, Falls Church and Nicolar Argerson, 4023 Honey Lane, Annandale, Virginia.

Mr. Young stated that this station is being designed to be used as a multiple use fire station. They have designed the ingress and egress in such a way to allow for the free flow of traffic and parking. They have proposed 22 parking spaces which they feel will be adequate. They have moved the screening fence to the property line for the purpose of giving full benefit of the screening by putting the fence at the top of the grade. The lot will be graded in such a way that will drop the building below grade level in the rear, therefore, there will be adequate screening for this building. They plan to stay with the site plan that is now before the Board. There will be 27 men employed here, nine per shift, three shifts. They do not anticipate using an outside siren as all the employees are paid personnel.

In answer to Mr. Runyon's question, Mr. Young stated that the area to be covered is basically the 7-Corners area. Second and third will be the Baileys Crossroads and Jefferson Village areas. They will respond by way of Sleepy Hollow Road up Castle Place and across to Route 7. They have promised the residents of the subdivision that they will not use Aspen Lane, one of the subdivision streets for access to Arlington Boulevard unless the fire is in a location accessible only by Aspen Lane. They do not control the stop light at Route 7 and Castle Place at this point.

Mr. Young stated that at the present time the 7-Corners area is a borderline response area for two or three stations which puts the area in a very precarious situation.

There was no one to speak in favor of the application.

Mrs. Frances Strauss, 3129 Sleepy Hollow Road, spoke in opposition to the application. She stated that unfortunately she did not know this was coming up before the Planning Commission until it was already approved by them.

Mr. Smith confirmed this and stated that the Planning Commission approved this site for this fire station almost a year ago. He then read the Planning Commission report indicating the Commission's approval. The original approval was February 27, 1973 and approval for the addition was made on May 2nd, 1974.

Mrs. Strauss stated that she has a Petition signed by 52 different homeowners in the area in objection to this application. She stated that there are several alternate locations.

Mr. Smith asked her to confine her remarks to how she feels the aesthetics could be improved, or the traffic patterns or something of that nature.

Mrs. Strauss stated that there is no question on the design of the building as they think it is very attractive and they do not see how it could be improved. Their main objection is the traffic congestion on this road.

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In answer to Mr. Runyon's question, Mr. Smith stated that there are no letters from the surrounding citizens associations regarding this application.

Dr. Argerson spoke in opposition to this application. He stated that his address is not 4023 Honey Place as indicated in the letters of notification, but is 3014 Castle Place, which is right behind the proposed fire station. 4023 Honey Place is the house they moved from. It is now up for sale. He stated that he practices dentistry next door to the subject property. He stated that he is concerned about the safety of his own children and the safety of the people who will use his office. There is a traffic problem there already. The cars park on both sides of the street. He stated that he has discussed this problem with Supervisor Magazine and Mr. Magazine promises to take this up with the Board of Supervisors very soon. In answer to Mr. Smith's question, Dr. Argerson stated that the people who are parking on the street are people using the three medical buildings that are at that intersection of Sleepy Hollow Road and Castle Place. There is also a nursing home there.

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Mr. Young spoke in rebuttal to the opposition stating that they are hopeful of working something out with the Highway Department whereby they can use that portion of Sleepy Hollow Road that is one-way onto Route 7, thereby alleviating them of the necessity of using Castle Place. The main traffic problems are during the rush hour periods in the morning and afternoon. This location is no different from any other location in Fairfax County where there are high density areas. They have looked into the possibility of having the Police Department place "No Parking" signs along this road.

----------RESOLUTION----------

In application No. S-200-74, application by Fairfax County Fire and Rescue Services under Section 30-7.2.6.1.2 of the Zoning Ordinance to permit construction of fire station, on property located at 2949 Sleepy Hollow Road, Mason District, also known as tax map 51-3((15))4, ((1))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 held by the Board of Zoning Appeals on the 8th day of January, 1975.

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

1. That the owner of the subject property is the Fairfax County Board of Supervisors.
2. That the present zoning is R-12.5.
3. That the area of the lot is 68,547 sq. ft.
4. That compliance with all applicable State and County Codes is required.
5. That such a public facility was approved by the Planning Commission for location at the subject site pursuant to Section 15.1-456 of the State Code on February 27, 1973, and for an addition to the site on May 2, 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 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.

006

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.

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

11:00 - CARTER'S VILLE BAPTIST CHURCH, appl. under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of church, 1727 Hunter Mill Road, 27-1((1))2, (0.277 acres), Centreville District, (RE-2), S-201-74.

Mr. Wilson Kirby with the surveying firm of McIntosh and Associates represented the applicant before the Board. Notices to property owners were in order.

11:00 - CARTER'S VILLE BAPTIST CHURCH, appl. under Section 30-6.6 of the Zoning Ordinance to permit church to be constructed closer to side lot line than allowed by Ord. and to permit parking to remain closer to front, side and rear lot lines than allowed by Ordinance, 1727 Hunter Mill Road, 27-1((1))2, (.277 acres), Centreville District, (RE-2), V-202-74.

Mr. Kirby stated that this church has existed on this property for over 50 years. About two and one-half years ago, the church building burned down. They propose to build a new church on the existing foundation as shown on the plans that are before the Board. The church was in operation at the time it burned down and since that time they have a temporary location in the Vienna Presbyterian Church in Vienna, Virginia. The proposed church would be built identical to the one that burned. This will be a one story church with a basement. There is an existing septic field on the property at the present time. He stated that there is no visible sign of the septic field on the property, so he obtained the location from the Health Department records. He stated that the church owns no land contiguous to this parcel and without a variance, it would be impossible to build the church on this lot.

In answer to Mr. Smith's question, Mr. Kirby stated that they plan to use a stucco type facing on the church. The roof will be "A" line.

There was no one to speak in favor at this time.

Mrs. Ruth Kidwell, 1801 Hunter Mill Road, spoke in opposition. She stated that her land adjoins the church property on three sides. There are very little parking spaces there and prior to the church burning down, the people used to park all over Hunter Mill Road. They also parked in their field. However, now they have fenced their property and have cattle on it and the church can no longer use their property for parking. She stated that she felt it would be hazardous for the church people to continue to park on Hunter Mill Road.

Mr. Smith stated that this would not be permitted. They would have to park on the church site for all church uses. He stated that he agreed that this is a small portion of land, but they have been there many, many years and this is all the land they own. They are not planning to enlarge the building. He stated that he did not feel the Board should deny them the use of this property and it seems to be a reasonable request. The seating capacity is to be 50 seats. The minimum number of parking spaces is 10, which they have provided.

Mr. Runyon stated that perhaps they could double up on the parking since the people would all come in at the same time and leave at the same time.

Mr. Barnes stated that he lives nearby and has never noticed parking on Hunter Mill Road.

Mr. Richard Cockrell spoke in opposition. He stated that he lives closer to the subject property than anyone. He stated that he had lived there for 40 years on the same piece of property which is about 3 or 400 yards from the church. It is a very small piece of property and he would like to see these folks really consider whether they want to rebuild on this small portion of land. He stated that he has seen parking on Hunter Mill Road many, many times during the time that church was in operation, particularly for a funeral. The traffic then was only about a 16th of what it is now.

Mr. Kirby in rebuttal stated that the majority of the members of this church are not the same members that existed a few years ago and he stated that he could attest to the fact that they are good hearted people.

Mr. Barnes stated that he hoped the congregation have given a lot of thought to this building because if Hunter Mill Road is widened, they might really be in trouble. He stated that he felt that if the road is widened, they might take the land from the owner across the street. It is a large open field.

Rev. Pearson, Pastor of the Church, spoke in favor of the application. He assured Mrs. Kidwell that the people of the Church would not infringe on her property at all.

Mr. Runyon stated that he also felt that we owe these people the right to rebuild their church. He stated that he assumed they had thought it out, or they would not have this application before the Board.

----------RESOLUTION----------

In application No. S-201-74, application by Carter's Ville Baptist Church under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of church on property located at 1727 Hunter Mill Road, also known as tax map 27-1((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 8th day of January, 1975.

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 0.277 acre.

AND, WHEREAS, the Board of Zoning Appeals has made 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 operation of the permitted use.

Mr. Baker seconded the motion.

The motion passed unanimously. All members were present.

008

In application No. V-202-74, application by Carter's Ville Baptist Church, under Section 30-6.6 of the Zoning Ordinance, to permit church to be constructed closer to side line (9'), on property located at 1727 Hunter Mill Road, also known as tax map 27-1((1))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,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, 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 January, 1975, 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 0.277 acre.
4. That the church previously had a building that existed in the same location.

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 the existing foundation.

NOW, 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 the 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 permits and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed 5 to 0. All members present.

11:20 - BOBBY G. JONES, appl. under Section 30-7.2.10.2.1 of the Zoning Ordinance to permit addition to existing station, 6260 Old Dominion Drive, 31-3((1))116, (17,760 square feet), Dranesville District, (C-N), S-203-74.

11:20 - BOBBY G. JONES, appl. under Section 30-6.6 of the Zoning Ordinance to permit addition to be constructed closer to rear property line than allowed by Ord., (24' from property line, 50' required), 6260 Old Dominion Drive, 31-3((1))116, (17,760 square feet), Dranesville District, (C-N), V-204-74.

Mr. Gary Davis, attorney for the applicant, 1300 Old Chain Bridge Road, McLean, Virginia, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Rev. William Vann of the Chesterbrook Methodist Church and Franklin C. Bray, 1309 Darnall Drive.

Mr. Davis stated that this Board granted a Special Use Permit to Mr. Jones in 1972. The station has been in existence since 1966. The proposal is for a 3 bay addition with a storage room and office. At the same time they build this addition, they will upgrade the entire station. They will

009

bring the station up to the standards that the Board requested them to do when they were before the Board in 1972. The present station has only two bays. There is almost no storage room. One of the two proposed bays will be used exclusively for an inspection station. This station is surrounded by other service stations, therefore, this will not be incompatible with the surrounding area. They do not wish to add more pump islands. The architecture will be the same as is in the shopping center nearby. They will submit architectural plans to the Board for the file. The variance that is requested is for the rear, next to the Chesterbrook Methodist Church. They were notified and did not indicate that they have any objections.

In answer to Mr. Runyon's question, Mr. Davis stated that the reason they cannot put the addition over on the other side of the property is that is where the septic field is located. There is also a storm sewer easement on that side. If the property line ran straight across the rear property line, a variance would not be necessary.

In answer to Mr. Runyon's question, Mr. Davis stated that this station when it is remodeled would be similar to the Esso station near Route 123 and Old Dominion.

In answer to Mr. Kelley's question, Mr. Davis stated that Mr. Jones officially opened the station in November of 1973. There was a Special Use Permit on the property and the station was operated by Dena Katz. Kettler got the original Special Use Permit in 1955. Mr. Jones had an assignment and lease option to buy in 1972 and operated it for Mobil. He did eventually purchase the station in 1973.

Mr. Kelley stated that this property only contains 17,760 square feet and they want to add three bays. They already have two. He stated that Mr. Jones was aware of the size of the station and the property at the time he purchased the station. Actually this expansion is in order that they can do garage work, repair work, he stated.

Mr. Davis stated that there is a limited amount of repair work that they can do in this zone. They cannot take down an engine or do any major repairs.

Mr. Kelley stated that he personally had been in stations that were not supposed to be doing heavy repairs because of the zone, but they were pulling engines down, etc. He stated that he is against this in a residential zone. He stated that he is not in favor of granting a 50 percent variance for additional garage space. Five service bays on 17,760 square feet is too much.

Mr. Davis stated that 50 percent of the cost of this remodeling and addition job would be for the upgrading of the existing station. They will spend 50 percent of the cost of the station that now exists and yet will not have changed any of the services in that area. It is a matter of economics. They wish to put on the addition at the same time they remodel in order that they can cut down their cost.

Mr. Smith stated that he felt that two bays are not financially rewarding. However, he stated that five bays is overbuilding the property.

Mr. Davis stated that they would need the same amount of variance if they only put on one bay.

The Board discussed with Mr. Davis at length regarding other service stations in the area that have five bays. Mr. Smith also questioned the use of the septic tank for this use with the addition and whether or not it would be adequate. He inquired if Mr. Jones had tried to connect with the public sewer system. Mr. Davis stated that Mr. Jones had not yet tried, but there have been attempted hookups in the area, but no one has been able to get them.

Mr. Smith stated that he would like to know these things prior to making a decision.

Mr. Runyon suggested that he give the Board a couple of existing water usage statements for some existing service stations.

Mr. Runyon then moved to defer this case since there was no one to speak in favor or in opposition until January 22, 1975.

Mr. Baker seconded the motion.

Mr. Smith asked that the applicant check to see when sewer would be available to them and get some information from the Health Department on the adequacy of the septic tank.

The motion passed 5 to 0.

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DEFERRED CASES:

12:00 - CASA CUBA, a non-profit corp., 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 Subd., (5.273 acres), Springfield Dist., (RE-1), S-180-74, (Deferred from 12-4-74 for proper notices), FULL HEARING.

Michael L. Houliston, 5881 Leesburg Pike, #500, Bailey's Crossroads, Virginia, attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Hutchison on Lot 4 and Manarino on Lot 8.

Mr. Houliston stated that this organization envisions the use of this property as the headquarters and gathering place for its membership. It will realize its heaviest use during the summer months. They hope to offer to the members services and educational programs to maintain the identity and heritage of being Cuban Americans. The greatest percentage of the members are professional people, people who can provide for the members. This facility is a one story rambler located on Springlake Drive. No changes are anticipated in the building with the exception of those that must be made to meet County standards and a small bathhouse attached to the house in the rear of the property adjacent to the pool. He stated that he appreciated the concerns of the neighbors who are present today and he is happy to address himself to those concerns. The land to the rear and both sides are, as yet, undeveloped. They could develop this piece of property with 4 or 5 homes with 2.5 automobiles per home. They then could conceive at least 40 automobile trips per day. Instead, they envision a minimum use of this property with no more than 20 people on the property at any one time. This would be one-third of the membership. They have provided parking for 49 automobiles. Only during the 12 weekends during the summer will they need this many parking spaces and that is because of the pool. The road leading to this property is a 50' right of way which is dedicated, but has not been accepted into the system. The applicant has every intention of doing his share to maintain this road. Historically, Mr. Jones, the present owner of this parcel, has been the one to maintain that road. There are three occupied dwellings on this road, one of which is theirs. They plan to designate one of the members of the Board of Directors to be a liasion between the neighbors and the organization to handle any problems to assure the neighbors that the organization will do their part.

This organization, Mr. Houliston stated, represents an opportunity to allow an organization of people who have come to the United States under less than good circumstances, who have carved for themselves a good life in terms of income and education, to meet together. He stated that he has been proud to represent these people.

Mr. Houliston stated that the advertisement for this case stated that it was to be an educational facility. They are not proposing to establish a school, but to have available to the people who are in need of assistance, tutors to help with language difficulties, etc. This will not be a formalized registered school in that sense of the word, but a facility where the members can come to enjoy cultural programs and a place where they can exchange ideas.

In answer to Mr. Smith's question, Mr. Houliston stated that this organization was organized strictly for people of Cuban descent, for Cuban Americans with that historic background and with common problems. Many of these people knew each other in Cuba.

Mr. Alfredo Cepero, President of the organization, 3621 Dannys Lane, Annandale, Virginia, testified before the Board. He stated that they have 150 members and they have closed their membership. In the future, they foresee a time when they will have to move from this place and when they do, they will be able to seek more members. They do not have adequate sewer facilities on this piece of property to have a larger membership. They will meet mostly on the weekends and mostly in the summer. They will not have meetings every night. There will be a retired person living on the premises as an innkeeper to take care of the property. This innkeeper would clean the house, receive the mail, open the door for visitors for for people who might want to come out and play dominos, cards, etc. They will use the grounds for the children to play softball and soccer in the summer. There is also a swimming pool on the property which would be used in the summer.

Mr. Smith stated that the plats should indicate the softball fields, etc.

Mr. Cepero stated that their organization's by-laws preclude people who are not members from using the facility. However, the members are permitted to have guests in a limited number and they have to pay a small fee of $2.00 or $3.00.

011

This is to discourage the members from bringing in friends. The guests would receive the use of the pool, could listen to concerts or lectures, or whatever function that was being performed at the time of their visit. The concerts would not be held outside. They rent large auditoriums for their large concerts; therefore, they would not be using this facility for that use.

There was no one else to speak in favor of the application. There were a number of people in the Board Room in support of the application. There was a letter in the file from Mary Scafidi in support of the application. She was one of the nearby property owners that was notified.

Mary Simpson, Bel Aire Road, Burke, Virginia, on the opposite side of the street from the subject property, spoke in opposition to this application. She stated that she had a Petition signed by some of the people in Burke and some letters from people who could not be present at today's hearing in opposition to the application. She submitted those to the Board.

Mr. Smith submitted them to Mr. Houliston to examine.

Ms. Simpson stated that this is an area of homes that have from two to five acres and the people who built houses here did so because they believed this was the way it was zoned and it would not change. She referred to this as a rezoning, but Mr. Smith corrected her and explained that this is not a rezoning, but a Special Use Permit that is allowed in this zone. Ms. Simpson stated that she felt nothing should be granted on this parcel before the PLUS program has been completed. She also objected because she felt this would create a traffic problem and would place an additional expense on the homeowners who have to maintain this road and because of the noise that this use might generate.

Mr. Owen J. Remington, 9312 Lee Street, Burke, Virginia, spoke in opposition. He stated that he doesn't exactly live in the area in question, but he is a member of the civic association in this area. He questioned whether or not the road serving this property is dedicated and he questioned the adequacy of this road to serve this type facility. He also questioned the non-profit status of this organization.

Mr. Smith stated that this organization is non-profit as to Federal income taxes, but this does not release them from paying tax on what they own in Fairfax County.

Mr. Remington went on to say that he feels that these classes are going to be operated as a school and this might mean busses with more people coming in every day. He stated that he felt this type operation should be on the same level and require the same type permits and zoning as a public pool such as the pool at Kings Park.

Mr. Smith answered that this application comes to theBoard under the Community Use section of the Zoning Ordinance, the same as the pool at Kings Park, but he had not heard any testimony that anyone in the community can use this facility. He questioned whether or not a use such as this could be on this type of road.

Mr. Remington also stated that the covenants that run with the land prohibit this type use on this property.

Mr. Smith stated that even though covenants are taken into consideration, it is not an overriding factor in making a decision. The covenants are a civil matter.

Mr. Rhodes, 9120 Kristen Lane, on Tract 3, Springlake Farms Subdivision spoke in opposition to this application. He stated thathe agrees with Mr. Remington's statements and that he purchased his property from Mr. Ed. Lynch in 1960 with the same restrictions on it as Mr. Remington had just read.

Mr. Morrow, 6304 Bel Aire Road, one-quarter mile from the subject parcel, spoke in opposition. He wanted to know if the granting of a Special Use Permit is a renewing device that is renewed annually or if it is perpetual.

Mr. Smith answered that the Board can condition the Special Use Permit with any conditions that the Board feels would be reasonable.

Mrs. Prestcott, 6045 Liberty Bell Drive, Pohick Run Subd., Burke, Virginia, spoke in opposition because of the traffic problem she felt this use would create. She stated that she had been a property owner for 25 years in this area.

Mr. Covington and Mr. Smith had a discussion as to the definition of a country club.

012

Mr. Smith stated that no one from this organization lives in this community.

Mr. Covington stated that the Ordinance doesn't say that they have to live in that community.

In answer to Mr. Smith's question, Mr. Covington stated that he had discussed the status of Springlake Road with Steve Reynolds from Preliminary Engineering. Mr. Reynolds said that the road had been dedicated, but not accepted into the system. The maintenance of that road is left up to the people who are using it.

Mr. Smith stated that this is a big factor. He stated that he did not know of any case where the Board has granted anything of this size on a private road. Normally, the Ordinance requires a primary road for schools.

Mr. Houliston spoke in rebuttal to the opposition. He stated that he knew of no Ordinance or Code restriction that says you cannot get a Special Use Permit unless you have direct access to a 50' paved, curb and gutter type street.

Mr. Smith stated that he knew of no instance where the Board has allowed a use on a road that was not at least a dust-free surface. In most cases, the Board has required a dust-free surface even for the parking lots and entrance and exits to the property itself.

Mr. Houliston stated that if the access to the property was via a road that had the curb and gutter, they would be in a more dense area. Here they have found a place that is not densely populated which they felt would eliminate this type of opposition.

In answer to Mr. Kelley's question, Mr. Houliston stated that his clients would not be willing to widen this road to the accepted width and standards of the State Highway Department as they could not afford to. He stated that they have saved for this facility for two and one-half years.

Mr. Kelley stated that he tried to get into this place to view it and could not because of the condition of the road.

The Board had no other questions and there was no one else to testify, therefore, the public hearing was closed.

----------RESOLUTION----------

In application No. S-180-74, application by Casa Cuba under Section 30-7.2.6.1.1 and 30-7.2.6.1.3.4 of the Zoning Ordinance to permit community center for cultural, civic, educational, social, recreational uses and a school of special education for instruction in the English and Spanish languages and a community swimming pool on property located at 6400 Springlake Drive, Springfield Farms Subdivision, also known as tax map 88-1((2))6, Springfield 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 8th day of January, 1975.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Emmit E. Jones.
2. That the present zoning is RE-1.
3. That the area of the lot is 5.273 acres.

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.

Mr. Runyon stated that he assumed the motion is based on the access to the property.

Mr. Kelley answered that the access to the property is one reason. He stated

013

that he also did not think this application complies with the standards for Special Use Permit uses in R Districts.

Mr. Barnes stated that the road is a big factor. The Health Department has approved this facility for only 50 people and he felt that more people would use this property during the summer months.

Mr. Runyon stated that the Health Department approved the existing septic field and the applicant proposes an additional septic field. He asked the Zoning Administrator for some clarification on the road. He asked if it is a requirement that this type use be on a paved road.

Mr. Covington stated that it is not a requirement, but it should be on a road that one could ride in and out of.

Mr. Baker stated that he felt the Board is taking a narrow view. The applicant can't afford the road right now, but he did not feel the Board should stop them from using this facility.

Mr. Kelley stated that he agreed that this is an excellent idea, but that this location is not the place for this use.

In answer to Mr. Runyon's question of where he would suggest putting this type use, Mr. Kelley answered that he would have to consider that location just as he considered this place. He would have to know the traffic conditions and the road would have to be paved. This location is the location he is making the motion on.

Mr. Smith stated that access is the problem as far as he is concerned. He stated that they would have to develop the road to the site in order for him to consider a favorable vote on the application.

The motion to deny passed 3 to 2 with Messrs. Runyon and Baker voting No.

DEFERRED CASE: C. HUGHES CO., V-195-74, 8815 Old Mount Vernon Road, 110-2 ((1))24 (Deferred from 12-18-74 for viewing and decision only.

Mr. Smith stated that there has been a new document entered into the record. He asked Mr. Covington if he had seen this document before. He stated that Mr. Hansbarger contends that this document is the building permit for the 6' wall. He again asked what the height of the wall is.

Mr. Covington stated that the wall is 7'6". He stated that he would like to check this building permit out.

Mr. Runyon moved that in application V-195-74 by C. Hughes Co., that this case be deferred to the meeting of January 15, 1975 in order for the Board to obtain copies of the building permit.

Mr. Kelley stated that he went down to this site and inspected and measured the wall.

Mr. Smith stated that Mr. Hansbarger stated that the fence is only 6' from grade.

Mr. Kelley stated that he and Mr. Covington measured the fence from the ground.

Mr. Runyon stated that the part one would see is 7'6".

Mr. Kelley stated that there is a higher fence above it, a chain link fence. He stated that it looks like Lorton.

Mr. Hansbarger offered to go down and help someone measure it again.

Mr. Smith stated that Mr. Covington is the Zoning Administrator and he measured the fence, the inspector measured it and Mr. Kelley measured it. It is the Zoning Administrator's interpretation that the wall is 7 1/2 feet high and the Board will have to accept his interpretation unless the Board has something to the contrary. Now the Board has new evidence and there is a motion to defer the case until January 15, 1975. He inquired if this was agreeable with the other Board members.

All the other Board members indicated that this was agreeable with them.

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014

AFTER AGENDA ITEMS:

1. Richard W. and Faye G. Whyte, V-234-73, Request for Extension

Mr. Smith read a letter from Mr. Charles J. Huntley, agent for the applicant, requesting an extension as they have not yet been able to record the record plat of the subdivison. He requested the extension to run until sewer taps become available, or for a period six months thereafter.

Mr. Runyon moved that Condition No. 2 of the limitations of the Resolution granting this variance be changed 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 5 to 0.

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2. National Evangelical Free Church, SP-711 (Waiver #2903) Special Use Permit No. S-49-74 granted to Shell McDonald, Inc. and National Evangelical Free Church for a Day Care Center for 60 Children

Mr. Smith read a memo from Oscar Hendrickson, Preliminary Engineering Branch Chief, stated that they have field inspected the subject site and determined that due to the existing vegetation additional screening around the recreation area is not necessary.

The Board agreed to go along with Mr. Hendrickson's suggestion if he has determined that this is agreeable with the neighbors who had earlier complained. This was not a case before the Board for action regarding the church, but a day care center operated by the Shell McDonald, Inc. on church property.

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3. Gerald N. Galstan, V-139-74 - Variance Request which was denied on October 30, 1975.

Mr. Smith read a letter from Mr. Galstan requesting a rehearing based on the fact that he had submitted a letter to the Board on October 30 which was not presented to the Board as he had not presented new plats. He stated that he was not aware of the requirement for a revised plat and therefore failed to submit it.

He submitted revised plats and requested that the Board consider his reduced variance request following the normal agenda of the Board.

Mr. Smith stated that the Board could not make a decision on the reduced variance request without a rehearing. This request was over the 45 day limit set by the Code in which the applicant can request a rehearing.

The Board discussed the case and it was the Board's decision that the request be denied as the Board felt there was not sufficient information to justify a rehearing.

The motion to deny the request was made by Mr. Baker, seconded by Mr. Kelley and passed unanimously with all members present.

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4. Complaint RE: Jacqueline S. Novak, 5320 Pleasant Valley Road -- Special Use Permit for Riding School, S-10-70.

Mr. Smith read a letter from Mr. Stephens, 5006 Pleasant Valley Road, Chantilly, Virginia, complaining about Mrs. Novak's horses getting out and getting on his property.

Mr. Barnes and Mr. Covington were going to inspect the property later this week or next week and report to the Board.

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015

5. Augret Kuthe and Sylvia DeClue, S-172-74 -

Mr. Smith read a letter from Mr. Hansbarger, attorney in Fairfax, requesting a rehearing based on the fact that the applicants had represented themselves and had a language problem and could not present their case to the best advantage.

Mr. Smith stated that Mr. Hansbarger did not present the new evidence that could not have been presented at the original hearing.

Mr. Runyon moved that the Board request from Mr. Hansbarger the particular information that could not have been presented at the original hearing.

Mr. Baker seconded the motion.

The motion passed unanimously.

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6. LUTHER RICE COLLEGE, S-88-72; Granted 7/26/72; Granted 6 month extension from 7-26-74 to January 26, 1974.

Mr. Covington stated that they have started building the building without a building permit. They did have a foundation permit. He stated that he has had several complaints. They are going to put about one-half million dollars of Metro dirt in as fill on this property. He stated that he felt this needed this to survive. He stated that this is before the Board today because of the impact this fill might have on surrounding properties. It wasn't shown on the plans that the Board approved.

Mr. Smith stated that they have a valid Special Use Permit if they got a foundation permit and put in the foundation of the building. If they are following County standards with the fill, then he stated he felt this would also be all right.

Mr. Covington stated that unfortunately they thought they had the foundation permit and the building permit when they received the foundation permit and they have erected the structural steel.

Mr. Baker moved that the Board rule that this fill dirt operation does not conflict with the original granting of the Special Use Permit.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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7. CROWN CENTRAL PETROLEUM, RE: Sign - Franconia Road

The Board reaffirmed their position in granting the above-captioned Special Use Permit that one of the conditions be that there could be no free standing sign. Mr. Smith pointed out that this is also a condition of the sign ordinance over which the Board has no jurisdiction. The sign ordinance would also prohibit this sign.

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8. KNIGHTS OF COLUMBUS, 7155 Telegraph Road, Alexandria, Virginia.

Mr. Arban, attorney for the applicant, notified the Board that the property at 7155 Telegraph Road is closed up and the Knights of Columbus are not using it. They have their bids out to have the fire wall put in and they will keep the Board informed and will not use the building until this is finished and they have received their non-residential use permit.

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9. CEDAR KNOLL, INC. vs. BOARD OF ZONING APPEALS OF FAIRFAX COUNTY, AT LAW NO. 32673

The Board was in receipt of correspondence from Robert Lyndon Howell, Assistant County Attorney, informing the Board that on December 20, 1974, the case was dismissed by Judge Thornton of the Fairfax County Circuit Court on the grounds that there was no decision of the Board of Zoning Appeals which the Court could review.

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016

10. CONGRESSIONAL SCHOOL, INC. S-174-73.

Mr. Smith read a memo from Mr. Gerald Carpenter, Zoning Inspector, stating that"On October 16, 1974, a violation notice was sent to Congressional School in violation of their special use permit. The school has yet to obtain a special use permit for use of classroom trailers. Also failure to obtain site plan waiver for use of trailers. After reinspecting the school, it was found that Congressional School is still in violation as of December 31, 1974.

Therefore, I wish that this matter be referred to the Board of Zoning Appeals for a show cause hearing, as to why their permit should not be revoked."

/s/ Gerald Carpenter, Zoning Inspector, Dated December 31, 1974. The Board deferred action on this as there is a pending application scheduled for 2/12/75.

11. APPROVAL OF MINUTES.

Mr. Baker moved that the minutes for December 4, 1974, be approved as corrected.

Mr. Kelley seconded the motion.

The motion passed 5 to 0.

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The meeting adjourned at 4:20 P.M.

// Jane C. Kelsey

By Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED: February 12, 1975
(DATE)

017

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Wednesday, January 15, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes, Joseph Baker and Charles Runyon. Mr. Harvey Mitchell and Mr. Wallace Covington were present from the Staff.

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

10:00 - GENE H. AND BARBARA A. MAY AND MAY HOUSING CORP., appl. under Section 30-6.6 of Ord. to permit construction of pool closer to side lot line than allowed by Ord., (10' from side, 15' required), 1229 Perry William Dr., 31-1((13))91A, (26,853 sq. ft.), Dranesville District, (R-17), V-205-74.

Notices to property owners were in order.

Mr. May stated that due to the 45 foot setback requirement in R-17 zoning, the two front yards that this particular lot has on Perry William Drive and Vernon Palmer Court comprise 13,090 square feet as compared to 5544 square feet at the rear of the dwelling. The average rear yard area in the Evermay subdivision is 45% larger than the average front yard area. Lot 91A results in nearly the opposite as the rear yard area is only 42% as large as the front yard area. The lot is irregular on 2 sides which also contributes to the low ratio of back yard area as compared to the front yard area. By virtue of the conditions of the Fairfax County code, a corner lot under R-17 zoning has no rear yard by definition. Therefore, one of the side yards is used as a back yard as is the case on Lot 91A. If this was a back yard by definition, a pool would be permitted to be constructed 4' from the property line.

In answer to Mr. Smith's question, Mr. May stated that the pool will be 20'x40'. He stated that he did not plan to cover this pool.

Mr. May stated that there is a letter in the file addressed to the Board from Edwin A. Kuhn, President of the Evermay Community Association, recommending approval of this request. He stated that they did not solicit the letter.

There was no one to speak in favor or in opposition to the application.

Mr. Kelley asked if there is any way they could cut the pool size down.

Mr. May stated that this would cause a hazardous situation as his 14 year old son might injure himself while diving in a smaller pool. He also explained why they need the pool for their family. He stated that his wife has a bad knee and this is the reason the pool is being built. He stated that he knew this has nothing to do with the variance, but his son could dive almost all the way across it and this could be a dangerous situation.

Mr. Runyon stated that this is about the smallest pool one could build.

----------RESOLUTION----------

In application No. V-205-74, application by Gene H. and Barbara A. May and May Housing Corporation under Section 30-6.6 of the Zoning Ordinance to permit construction of swimming pool closer to side property line than allowed by the Zoning Ordinance on property located at 1229 Perry William Drive, Dranesville District, also known as tax map 31-1((13))91A, 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 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 May Housing Corp.
2. That the present zoning is R-17.
3. That the area of the lot is 26,853 square feet.
4. That the subject property is a corner lot.

5. That the request is for a minimum variance.

018

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.

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.

The motion passed unanimously with all members present.

10:10 - GULF RESTON, INC., appl. under Section 30-6.6 of the Zoning Ord. to permit construction of ancillary structure of restaurant under construction closer to front lot line than allowed by the Zoning Ordinance, (21' from front line, 50' required), 1265 Roger Bacon Drive, 17-4((15))(5)1, (.881 acres), Centreville District, (I-L), V-206-74.

Mr. Richard Bonar with Gulf Reston represented Gulf Reston before the Board.

Notices to property owners were in order. The contiguous owners are Harold Miller, Suite 1200, 5205 Leesburg Pike, Baileys Crossroads, Virginia and Environmental Concepts, c/o V.O.S.I, 564 Spring Street, Herndon, Virginia.

Mr. Bonar indicated the location of these two parcels on the map.

Mr. Bonar stated that this parcel is located at the edge of Reston. There is non-Reston land to the north and east of this property. To the west and north, the buildings are completed. There is a natural drainage course that runs north and south. The topography is very severe in this area. The Washington and Old Dominion Railroad runs along the southern portion of that line and is not owned by Gulf Reston. The only logical and practical access due to the geographic line is by a cul-de-sac called Roger Bacon Drive. (He indicated on the map on the screen)

Mr. Bonar stated that the design concept for the size and shape of the net parcel (defined by a red outline on the map) has a central building on the south frontage of Roger Bacon Drive and office buildings on all parcels surrounding (on three sides) this central location. The concept also calls for pedestrian access along Roger Bacon Drive and along the east property line of the parcel in question.

Mr. Smith stated that this is a very unusual spot to put a trash container. He asked why they could not place it in the rear of the building where McDonalds usually installs their trash containers. This is not a typical location. He stated that it seemed to him as though they were imposing the view of the trash container on the public rather than the customers of McDonalds.

Mr. Bonar stated that there is a earth berm and elevation that contains 75% of the facility in that mound. McDonalds actually has the outdoor eating area and they are looking for an area that is as far removed as possible from this space. He stated that he was trying to outline the economic implications.

Mr. Smith stated that economic hardship can only be considered in a very minor way in relation to a variance. The major factor must be topography or

019

a physical problem with the land.

Mr. Bonar stated that the creation of this office complex was dictated by the topographic conditions and the existing uses that are on the ground. The one practical way to serve this ground was by putting in a cul-de-sac. That forces the office buildings around that cul-de-sac to orient to that cul-de-sac. There are no pedestrians on this street where they are requesting the variance.

Mr. Runyon inquired about the parking requirements for this site. He stated that it is not on this site plan.

Mr. Bonar stated that the parking requirements have been met.

Mr. Runyon stated that the point of his question is that sometimes the parking requirements are such that you would not be able to put the trash receptacle someplace else, you might reduce the parking spaces. He told Mr. Bonar that he thought they had done a great job. This has been approved by the Reston Architectural Review Committee. They are very strict. Visually, the applicant has reduced any impact on the public. He stated that it might be located in this spot because of the parking requirements and maneuverability of the vehicles. What the applicant has done is insert this trash container into the earth mound which is one of the best ways of getting rid of it. He asked the material they plan to use for this container.

Mr. Bonar stated that it is to be kenetex over block with the same architecture as the building. The structure will be 20'x20' and 6' high. They will also place supplemental screening around this earth mound.

Mr. Smith stated that he still had not heard a justification under the Ordinance.

Mr. Runyon stated that this whole parcel including the office buildings on Roger Bacon Drive goes together. There is a ravine to the east of this parcel. Mr. Bonar has put the entire area into context to show the Board how it will all develop. The Board is, under the variance section, allowed to consider this property's relationship to the other parcels and the buildings on the other parcels. The applicant has tried to show how the other parcels are developed, that they could only be developed from Wiehle Avenue as the property is so steep on the eastern extremity to develop McDonalds. He stated that he felt this is a lot better than just sticking it out in the parking lot. They have gone to a lot of trouble to blend this in with the development of the parcel. He stated that the applicant is on the line, he agreed, as far as justification for the variance, but this fits into the total project of this particular parcel and the office area as far as it all blending together. There are a lot of places they could put this receptacle, but the Board should consider how it affects the health, safety and welfare of the people that have to pass this place. This is much better than they usually are, he stated.

Mr. Kelley stated that most of these containers are in the corner and he could not see why this one could not be in the corner of the lot. This man has admitted that he had not checked out the parking space requirement and he is requesting 29' of variance to a 50' requirement. The justification is just not there. If the applicant had checked out all the other angles, he stated that he would feel better about this.

There was no one to speak in favor or in opposition. The public hearing was closed.

----------RESOLUTION----------

In application No. V-206-74, application by Gulf Reston, Inc. under Section 30-6.6 of the Zoning Ordinance, to permit construction of ancillary structure of restaurant closer to front property line than allowed by the Zoning Ordinance (21' from front property line, 50' required) on property located at 1265 Roger Bacon Drive, also known as tax map 17-4((15))(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 15th day of January, 1975, and

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WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Gulf Reston, Inc.
2. That the present zoning is I-L.
3. That the area of the lot is 0.8810 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 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 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. Screening and mounding to be in conformance with the Department of Environmental Management.

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 3 to 2 with Messrs. Smith and Kelley voting No. after the following discussion.

Mr. Runyon stated that he looks at this basically as a convenience variance to a certain extent as it allows some imaginative use in an area such as Reston. "This property is zoned I-L and is in an area of industrial and office use and Reston executive offices are also located close to the site. They have done a lot of thinking&rethinking and Mr. Bonar is their planning man who I have a great deal of respect for and I have seen that a lot of work has gone into this. I think it is something that will enhance a rather objectionable portion of these industrial areas."

Mr. Barnes stated that he would vote for it because it is well arranged and he did not believe it would have much impact on the community.

Mr. Smith stated that he fails to find under the Ordinance where the Board has authority to grant a variance for convenience or aesthetic purposes. This is a tremendous variance and it is in the front setback. He stated that he had not heard a justification under the Ordinance. He stated that he agreed that Gulf Reston had done some good planning. The applicant has stated that there are other locations on the property this can be placed. He stated that by placing it elsewhere on the lot it would inconvenience the people using the outdoor eating facility, but this is not a good reason under the Ordinance.
Mr. Kelley stated that he agreed with the Chairman and he did not feel there were any physical conditions about the property which exist under a strict interpretation of the Zoning Ordinance which would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land.

The vote was then taken which was 3 to 2 with Mr. Smith and Mr. Kelley voting No.

10:40 - WINDSOR PARK HOMEOWNER'S ASSOC., INC., appl. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit community recreation area (i.e. swimming pool, bath house, basketball court) from end of Rockshire Street between Sections 2, 4 and 7 of Windsor Park, extending to Barry Road on the north, 91-3((10))G1, (1.84 acres), Lee District (RTC-10), S-207-74.

Mr. Russell Rosenberger, 9401 Lee Highway, Fairfax, attorney for the applicant, testified before the Board.

Notices to property owners were in order. The contiguous owners were Sidney Arrington, 7300 Larrup Court, Alexandria, and Michael Gilbride, 7298 Larrup

021

Court, Alexandria.

Mr. Rosenberger submitted to the Board an Agreement executed by Pageant Association agreeing to convey the property to the homeowners association contingent on this Board's approval and site plan approval and construction of the facility.

Mr. Rosenberger stated that this parcel is located in the Windsor Park Townhouse Subdivision off of Beulah Road. There are seven sections of townhouses developed within Windsor Park containing a total of 354 townhouse units. This pool will serve all those 354 units. The site acreage is approximately 1.84 acres. The pool will have 4500 square feet of water surface with an additional 225 square foot wading pool. There is a basketball court which would also serve as a multi-purpose court. This has 4200 square feet. They are providing 70 automobile parking spaces and 50 bike rack spaces. There was some question raised by the staff with regard to the setback for the parking from the adjacent property. The line shown around the pool is really not a property line as the homeowners will own all the common property outside their townhouse yards. They have submitted new plats showing the setback from the parking to the property lines of the nearest individual townhouse owner which does meet the setback requirement.

Mr. Rosenberger stated that the applicant feels that 70 parking spaces will be adequate even though it does not meet the Board's rule of thumb of 1 space for every 3 family members. This is a multi-family townhouse community. Some of the units are located within 1250' of the pool and this is normally considered to be an easy five minute walk and has been so considered by this Board on previous applications. This pool is available by pedestrian access and bikeways to all sections of this project. Access to this pool is gained solely through the Windsor Park Subdivision itself. There is no access from out of the Windsor Park Subdivision, therefore, the only potential impact from that vehicular traffic will be from the residences of the subdivision who will be utilizing the pool. The pool is located internally to the subdivision which will be served by it. There will be no access from Barry Road to the pool.

Mr. Rosenberger stated that for the record he would submit that the addition of the setback distance to the parking is the only change in the plan from the original submission. There are no other changes.

In answer to Mr. Kelley's questions, Mr. Rosenberger stated that there will be no tennis courts and there will be no lights on the basketball court at this time.

Mr. Smith stated that should they decide to light the courts in the future, they will have to come back to this Board.

There was no one to speak in favor or in opposition to this application.

----------RESOLUTION----------

In application No. S-207-74, application by Windsor Park Homeowners Assoc., Inc., under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit community recreation area (swimming pool, bath house, basketball court) on property located at end of Rockshire Street and extending to Barry Road, also known as tax map 91-3((10))G1, 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 January, 1975.

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 RTC-10.
3. That the area of the lot is 1.84 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 complaince 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 family memberships shall be 354.
7. That the hours of operation shall be 9:00 a.m. to 9:00 p.m.
8. That all landscaping and screening is to be provided to the satisfaction of the Director of Environmental Management.
9. All after hours parties shall first have obtained permission from the Zoning Administrator. The number shall be limited to no more than 6 per year.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

11:00 - FAIRFAX COUNTY FIRE AND RESCUE SERVICES, appl. under Section 30-7.2.6.1.2 of the Zoning Ordinance to permit fire station to be constructed, 10417 Gunston Hall Road, 114((1))part of 52, (2.2956 acres), Springfield District, (RE-2), S-208-74.

Mr. Freeland Young, Deputy Chief of the Department, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Charles W. Sheppard, 10911 Gunston Road, Lorton, Virginia and Career Properties, Inc. 8200 Higham Road.

Mr. Young stated that the citizens in the area saw the need for the relocation of the existing fire station. This station is to be taken over by the County. The exterior of the station will be brick and the roof will be treated cedar shake shingles. The architecture will be compatible with the architecture in that area. They have worked in conjunction with the Northern Virginia Regional Park Authority. There will be 7 men per day shift plus a Captain. This will be a 24 hour operation. The parking lot in the front will be for visitors. There will be 19 spaces in the rear for personnel. The parking lot in the front and the turn around area was designed to assist people who might come in looking for information. They felt they would get a lot of people who would be looking for the Park Authority facility down the road.

Mr. Young stated that they do not anticipate having to have a house siren. The loudspeaker would be used only to inform the personnel in the station and would not be loud enough to be heard outside. This station will assist the Lorton Fire Station. They will still have volunteers here.

There was no one to speak in favor or in opposition to this application.

Mr. Smith stated that the Planning Commission placed this facility on the Public Facilities Map under Section 15.1-456 of the State Code on November 12, 1974. He stated that the Staff Report indicates that this property is owned by the Northern Virginia Regional Park Authority which, by agreement with the Fairfax County Board of Supervisors dated August, 1974, allows this use on the property for up to 50 years.

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----------RESOLUTION----------

In application No. S-208-74, application by Fairfax County Fire and Rescue Services under Section 30-7.2.6.1.2 of the Zoning Ordinance to permit fire station on property located at 10417 Gunston Hall Road, also known as tax map 114((1))part of 52, 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 January, 1975.

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

1. That the owner of the subject property is Northern Virginia Regional Park Authority and by their agreement with the Fairfax County Board of Supervisors dated August, 1974, they allow the applicant the use of this property for up to 50 years.
2. That the present zoning is RE-2.
3. That the area of the lot is 2.2956 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 theproperty 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 with all members present.

DEFERRED CASES:

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 the Zoning Ordinance (must be set back 60' from the center line of street to be more than 4' high) ,7830 Godolphin Drive, 98-4((6))152, Springfield District, (23,713 square feet), (PDH 2.5), V-183-74, (Deferred from 12-11-74 to allow applicant time to contact contractor (Hechinger's).

Mrs. Marinakas stated that she could not find her copy of the contract, but she had been in contact with Hechingers and they told her that they did not require a permit to build a fence in Springfield. She stated that she explained the situation to them and they were very nice with regard to whose responsibility this was. She stated that she had talked with Mr. Willis. She stated that she would be glad to try to get a copy from Hechingers and bring it in at the next meeting, if this is a main factor.

024

Mr. Kelley moved that this case be deferred until February 12, 1975, until the applicant gets a copy of the contract from Hechingers.

Mr. Barnes seconded the motion.

The motion passed 5 to 0 with all the members present.

Mr. Smith asked Mrs. Bursenos to present the contract to Mrs. Kelsey prior to the hearing.

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DANIEL F. & GEORGIA RITA RUSKIN, appl. under Section 30-6.6 of Ord. to permit 6' 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, (Deferred from 10-16-74 and again 12-4 & 12-11-74 for letter from Highway Department).

Mr. Smith stated that the Board is in receipt of correspondence addressed to Mr. Ruskin from the Highway Department stating that they had reviewed the subject property and feel that this fence will not affect the roadway from the standpoint of the roadway users. Mr. T. F. Butler, Jr., Resident Engineer of the Highway Department, further stated that it may be necessary to use these easements along Laburnum Street some time in the future. He (Mr. Butler) told Mr. Ruskin that he should make a written statement that he would remove the fence, if necessary, due to additional work along the street at no cost to the County or Virginia Department of Highways and Transportation. He (Mr. Butler) also suggested to Mr. Ruskin that he make this known to any future owner of the property so that they would understand that the fence may have to be removed at some date in the future.

Mr. Ruskin then addressed a letter to the Board stipulating that he would remove all or part of the fence at issue at no cost to the County of Fairfax and the Commonwealth of Virginia whenever it is determined by the authorities of either jurisdiction that it would interfere with additional work along Laburnum Street.

In his letter, Mr. Ruskin also stated that he wanted to correct a portion of his original testimony where he testified inadvertently that he had not notified in writing his neighbors most affected by the fence, Mr. and Mrs. William Pennington whose home is directly across the street on Laburnum. He stated that he not only consulted with him and other neighbors prior to erecting the fence, but the record shows that he was one of the five he notified in writing. A copy of that receipt is in the Board's files.

Mr. Smith then read a letter from Mr. Snyder, 1516 Laburnum Street, McLean, Virginia, stating that he felt this fence was an eyesore to the neighborhood. He stated that at the hearing on December 4, 1974, Mr. Ruskin's principal argument for the retention of the fence was to obtain privacy. Since the same or more privacy would be obtained by putting the fence on the setback line as required by the regulations, authorization of the existing fence on Laburnum Street would appear to be based on the fact that otherwise he would have to move it. This appears to constitute an ill-advised precedent, he stated.

Mr. Ruskin was present and Mr. Kelley asked him several questions regarding cutting this fence down. Mr. Kelley stated that since he is willing to take the fence down when and if he sells the property, then he should be willing to bring it into compliance with the County Ordinance now.

Mr. Runyon stated that if this fence were a 4' fence, it could stay, but 2' higher it can't. He has 20' pine trees around there now and 5' shrubs, yet he can't put a 6' fence. He is willing to take the fence down for the Highway Department and the storm sewer people and when he leaves, he is going to take it down. It doesn't seem to bother the people it would bother the most. It is a violation of the Ordinance. It is already built. It doesn't seem to do any irreparable harm to the immediately affected people, therefore --

----------RESOLUTION----------

In application No. V-136-74, application by Daniel F. and Georgia Rita Ruskin under Section 30-6.6 of the Zoning Ordinance to permit stockade fence (6 feet) in front setback to remain, on property located at 1449 Woodacre Drive, also known as tax map 31-2((6))7, 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,

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WHEREAS, following proper notice to the public by advertisement in a local newspaper, 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 January 15, 1975.

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 18,280 square feet.
4. That the subject 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 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.
3. That the applicant will remove the fence upon request of V.D.H., Fairfax County, or upon this applicant's sale of the property.
4. That this resolution be recorded in the chain of title for this property among the land records 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 responsible for obtaining building permits, certificate of occupancy and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion failed by a vote of 3 to 2, Messrs. Baker, Smith and Kelley voting No; Messrs. Runyon and Barnes voting Aye. Therefore, the application was denied.

C. HUGHES CO., appl. under Section 30-6.6 of the Zoning Ordinance to permit 6' brick wall in front setback along Old Mt. Vernon Road and 10' chain link fence around tennis court in front setback area to remain,8815 Old Mt. Vernon Road, 110-2((1))24, (5.4302 acres), Mt. Vernon District, (RE-0.5), V-195-74 (Deferred from 12-18-74 & 1-8-75 for decision only).

Mr. Smith stated that Mr. Hansbarger has furnished the Board with a copy of the condominium documents on this location. He stated that he had not had an opportunity to read all the documents and they might get some enlightenment on this case from reading them and certainly from further discussion with the Zoning Administrator and other County officials.

Mr. Barnes moved that the case be deferred until February 12, 1975.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

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 (Deferred from 11-13-74, 12-11-74, 12-18-74 for decision only).

Mr. Barnes stated that he had looked at this piece of property.

Mr. Kelley stated that he had viewed the property also and did not feel it would harm the neighborhood. The proposed ordinance will allow a 6' fence in I-L zones.

026

In application No. V-167-74, application by Browning-Ferris Industries of Virginia, Inc., under Section 30-6.6 of the Zoning Ordinance, to permit 6' fence in the front setback area, on property located at 2813 Juniper Street, also known as tax map 49-2((5))7, 8 & 9, 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 November, 1974 and deferred to January 15, 1975 for decision, 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-L.
3. That the area of the lot is 1.4781 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 difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
(a) The 6' fence is necessary in this industrial area to provide the proper protection of equipment stored thereon.

NOW, 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 proposed fence is to be placed so that it will not interfere with sight distance to the north or south along Juniper Street.

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 permits, and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Runyon abstained.

APPROVAL OF MINUTES OF DECEMBER 18, 1975.

Mr. Baker moved that the minutes of December 18, 1975, be approved.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

Mr. Smith stated that the Board would recess for a meeting with the County Attorney, who is now in a meeting with Columbia LNG.

The Board recessed for lunch at 1:30 and returned at 2:30 P.M. for the meeting with the County Attorney.

This meeting lasted until about 4:30 P.M.

Jane C. Kelsey

By Jane C. Kelsey
Clerk

Daniel Smith

DANIEL SMITH, CHAIRMAN

APPROVED February 26, 1975
(Date)

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Wednesday, January 22, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes, Joseph Baker and Charles Runyon. Mr. Harvey Mitchell and Mr. Wallace Covington were present from the Staff.

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

10:00 - GOVERNMENT EMPLOYEES INSURANCE CO., appl. under Section 30-6.6 of Ord. to permit construction of addition to building closer to front lot line than allowed by Ord., (46' from line, 50' required), 5885 Leesburg Pike, 61-2((17))(D)1 & 2, (40,070 sq. ft.), Mason District, (COL), V-209-74.

Mr. Davies, Assistant General Counsel for GEICO, 20041 Doolittle Street, Gathersburg, Maryland, represented the applicant before the Board.

Notices to property owners were in order. There was only one contiguous property owner, Wayne F. Enge, 7316 Floyd Avenue, Springfield, Virginia. Lot 3 is owned by GEICO. The next three lots are owned by Gordon Tuck, 3401 Charles Street, Falls Church, Virginia, who was also notified.

Mr. Davies stated that this office is presently a one story building and they hope to build a second floor addition. They have filed an application for a rezoning for Lot 3, Block D, which is immediately adjacent to this property. If that rezoning is granted, they hope to use that lot for the parking area for this enlarged building. In order to build a second floor addition, they need to put in 2 structural columns within the 50' setback line in order to construct the addition without interfering with the present building. To attempt to do it any other way, would require the closing of the offices on the first floor for four to six months. In 1969, they were granted a 1.8' variance. The building was constructed too close to the property line by an error. This variance they are requesting today would encroach on the setback line only in a small portion (2') of the area fronting on Washington Drive.

In answer to Mr. Smith's question if they could meet the parking requirements for the building with the addition of the second floor, Mr. Davies stated that it would require the granting of the rezoning. This rezoning has been on file since September 1974.

Mr. Covington explained that no rezoning could be heard until after July 1, 1975 because of the Interim Development Ordinance.

Mr. Smith stated that the application for the variance is premature since they do not have parking to accomodate the additional space in the building.

Mr. Davies stated that the building addition would not be constructed until after the rezoning is granted. It was a question of time and expediency. They felt the variance could be granted prior to the rezoning and be contingent upon the rezoning of Lot 3.

Mr. Smith stated that the Board would complete the public hearing, but could not make a decision until the application for the rezoning has been decided on.

Mr. Enge, the contiguous property owner, came before the Board to state that he feels his property values will decrease if this variance is granted. He stated that he just found out about this application and was not aware of the details.
There was no one else to speak either in favor or in opposition to this case.
Mr. Smith requested Mr. Davies to meet with Mr. Enge after this hearing and explain the details of this application.

Mr. Kelley moved that this application be deferred for decision only until such time as the Board of Supervisors has taken final action on the pending rezoning application.

Mr. Barnes seconded the motion.

The motion passed 5 to 0 with all members present.

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028

10:20 - DONALD W. COHEN, DVM, contract purchaser, appl. under Section 30-7.2.10.5.2 of Ord. to permit continuation of operation of small animal hospital with change of ownership, 13663 Lee Hwy., 54-4((1)) part 109, (1 acre), Centreville District, (CG), S-210-74.

Dr. Cohen represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Charles Schools, 1441 Dolley Madison Highway, McLean, Virginia and William and Mary McCamant, 6123 Ramshorn Drive, McLean, Virginia.

Mr. Cohen stated that he just wants to continue to operate this small animal hospital as it has been operated since 1971. There will be no expansion. The hospital will be open between 9:00 A.M. and 6:00 P.M. One animal technician will be on hand at all times plus a licensed Doctor of Veterinary Medicine. There are parking spaces on the property for 14 automobiles.

There was no one to speak in favor or in oppostion to the application.

---------- RESOLUTION ----------

In application no. S-210-74, application by Donald W. Cohen, DVM under Section 30-7.2.10.5.2 of the Zoning Ordinance, to permit operation of a small animal hospital on property located at 13663 Lee Highway, also known as tax map 54-4((1))part 109, 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 January, 1975.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is James R. McLeod & Gerald H. TePaske.
2. That the present zoning is CG.
3. That the area of the lot is 1 acre.
4. That the site is presently operating under Special Use Permit S-224-70, granted 1-12-71.

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 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 am 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 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 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 5 to 0.

10:40 - IRVING L. AND HELEN DENTON, appl. under Section 30-6.6.5.4 & 30-6.6 of Ord. to permit completion of construction of carport and storage area closer to side and front property line than allowed by Ord., (5.12' from side, 12' required; 38.3' from front, 40' required), 3911 Moss Dr., 60-4((16))(F)5, Sleepy Hollow Woods, Sec. 6, (15,422 sq. ft.), Mason District, (R-12.5), V-211-74.

Mr. Steve Luxford, attorney for the applicant, 4084 University Drive, Fairfax, Virginia, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Mr. and Mrs. Herman Godin, 3913 Moss Drive, Annandale, and Marietta Bernot, 3909 Moss Drive, Annandale, Virginia.

Mr. Luxford stated that this carport addition is under construction at the present time and is approximately fifty percent complete. The Dentons went to considerable expense and effort to have this laid out in accordance with the Zoning Ordinance. They hired a licensed architect, Mrs. Ann Paterson, who is also a member of Sleepy Hollow Woods, to draw up the plans. They discussed these plans with the neighbors and also the association's architectural review board and approval was given. That application was then submitted to the Zoning Administrator by the contractor Mr. Joseph Krewatch, of the firm of Little Page, Inc. This is the same corporation that rebuilt George Mason Library for the County.

Mr. Smith requested a copy of the contract, but Mr. Luxford did not have it with him.

Mr. Luxford stated that the Dentons were told that their plans that were submitted were in complete compliance with the Zoning Ordinance. The architect was laboring under the interpretation that the retaining wall was not part of the carport, but a fence which could be located any place. The construction has not varied from the plans submitted. The only question raised was the location of the carport uprights, not the retaining wall or the storage space. The carport uprights were modified to be located up many inches closer to the house. The retaining wall remained where it was. We were proceeding under the interpretation that the retaining wall was separated from the carport and not a part thereof. If they had not put in the retaining wall, the carport would be sitting up on two stilts. The rear of the carport would be much more attractive with the brick wall rather than two stilts. It would be a great waste of space to leave the entire storage area beneath the carport open. He could use the space for lawnmowers, tools, etc. and get them out of the carport area and this would also eliminate the need for a metal tool shed in the rear yard. But because of the brick wall and the storage area underneath, they need to setback 12' instead of 7'. Because of the angle of the side lot line, they are within 6.88'. The nature of the topography of this lot necessitates that the carport be put in at this location and that there be a retaining wall. The Denton's went around the neighborhood and viewed other carports and found that the 12' space is necessary in order to provide space to get in and out of the car. The carports in the neighborhood that are not wide enough are not even being used as carports, but for the storage of junk in some instances. Had the Dentons known they were projecting into the setback, they would have applied for a variance in the beginning before beginning construction.

The Ordinance provides that there can be an 18 inch high wall around the carport, but because of the height of the rear of this carport from the ground, the Dentons feel that the 18 inch wall would not be high enough to prevent someone from falling from the carport; therefore, they would like to build an entire brick wall above the slab up to a maximum distance of 36 inches. They feel it would blend in better with the existing house, rather than have 18" of brick and then some sort of iron railing type or wood type railing above the brick. The 36" wall would extend the entire circle of the carport in order to blend in with the appearance of the existing house.

The front setback violation occurs because of the design of the original house. There is a covered walkway that is 4.5' in width that extends into the required front setback requirement 2.8'.

The Dentons have not tried to trick the County, they have been above board from the beginning with their talks to the neighbors and by getting approval of the association's architectural review board. They have relied on a registered architect and on the representative of the County.

Mr. Smith stated that this boils down to the fact of whether or not the Dentons followed the approved plans.

Mr. Kelley inquired of Mr. Luxford if he had read the Staff comments on this case.

Mr. Luxford stated that he had and he did not feel the Staff comments were accurate statements.

Staff Report: "Applicants obtained a building permit and began constructing an addition to their home on Moss Drive in Sleepy Hollow Woods Subdivision, Mason District, which addition was described on th permit application as "Fireplace, carport and deck addition with unfinished storage." On the schematic plot plan accompanying the application, the "New Addition" was shown to be 7 feet from the side lot line, which is permissible for an open carport, and the front of the structure was indicated as 42.8 feet from the front property line, which is permissible since the minimum required front setback is 40 feet.

Inspection of the property after construction was under way revealed that what was being built was not an open carport with a roof overhang and separate retaining wall, as this Division had thought the building permit to be for, but rather an enclosed extension of the dwelling itself, necessitating applicaton of the normal setback requirements of 12 feet from the side and 40 feet from the front lot line.

Since the structure is located 5.12 feet from the side and 38.3 feet from the front lot line, variances of 6.88 feet and 1.7 feet remain as planned and partially constructed."

Mr. Smith asked if the fireplace has already been constructed.

Mr. Luxford stated that it is complete.

In answer to Mr. Smith's question, Mr. Luxford stated that Mr. Krewatch from Little page Inc. actually made the application for the building permit. Mr. Luxford stated that the measurements on the plats submitted to this Board as to how this carport is actually being constructed are entirely in conformity to all the plats that were submitted in the application for the building permit. Those plans were stamped approved. Those plans indicate both the retaining wall and the fact that there would be storage space on the back portion underneath the carport.

Mr. Smith asked Mr. Covington to explain this.

Mr. Covington stated that it is a technical point. You could put the carport there and fill underneath with dirt and it would not be in violation, other than the portion that projects into the required side yard setback. The terrain is such that it necessitates a retaining wall be constructed. The brick wall of the retaining wall is extending into the front yard setback. He is allowed a 3' overhang for eves or cornices as long as it is no more than 10' above grade.

Mr. Gerald Carpenter, Zoning Inspector, spoke before the Board. In a carport, actually the requirement is 12', but they can go into the setback 5' for a carport. At the time of the inspections, the retaining wall was 6'8" into the side yard at the front portion of the carport.

He stated that he made another inspection and measured the rear portion where the open storage is to be and came out with 5'. According to the building permit, this was not the proper measurement. He measured first inside the wall and it was 8'. He then measured from the outside of the wall and it was less than 7'.

Mr. Luxford said he recognized that the retaining wall is inside the setback, but that they based their plans from the uprights, indicating also that there was a retianing wall. They felt that the retaining wall was not part of the carport, but a fence.

Mr. Covington stated that there is a gray area here. A fence can be constructed up to 7' high along the property line. However, this is an integral part of the carport and this is the reason we are here. It is not allowed by right under its present arrangement. However, it is a gray area.

Mr. Smith stated that the arrangement with the enclosed storage space underneath the carport would require a 12' separation between the structure and the side yard.

Mr. Covington said that was correct. The area could be filled up with dirt and by its very name, retaining wall, it would be retaining dirt.

Mr. Smith said it was not. It is a used space now. The use is what the Zoning Ordinance is based upon.

Mr. Covington said he wanted to make sure the Board understood it from a commonsense standpoint.

Mr. Smith stated that the Board has to base its decisions on the Ordinance.

Mr. Covington stated that the same wall could be erected right on the property line, up to 7 feet.

Mr. Smith stated that it could not with a carport on it, nor any living space or usable space underneath.

Mr. Luxford stated that if they would like the grounds under the Zoning Ordinance itself, that due to the nature of the topography of the side yard precluding any practical use, except the erection of a carport, there is this retaining wall that is within the setback and a resulting cave. Leave that cave open on the rear face, or close it up, but you still have the structure.

Mr. Smith agreed with the Zoning Administrator that if this were filled in you would not have the structure. The structure would no longer exist as usable space, which is what the Zoning Ordinance is based on.

Mr. Luxford asked if Mr. Covington was not talking about making the entire side yard level and getting rid of the retaining wall entirely, rather than just filling in the space. By filling in the space, you still have this retaining wall, because it is there now. You would have to tear it down.

Mr. Edward Tomover, 3908 Moss Drive, Annandale, Virginia, spoke in support of the application. He stated that he lives katy-cornered, across the street from the Dentons and he is probably one of the most affected people in the neighborhood because his house has a picture window that looks out on this street. This structure is a back drop from his living room window. From his point of view, this carport would enhance the appearance of this property and the value of the neighborhood. He also delivered a statement from Mr. Robert J. Coplin, 3910 Moss Drive, directly across the street, who could not be present, who also supports this application.

Mr. Herman Godin, 3913 Moss Drive, one of the contiguous property owners testified in opposition to this application. His statement is in the file. He submitted a topographic map of the area, pictures of other homes in the area and pictures of the construction of this carport.

Mrs. Ethel Godin, wife of Herman Godin, spoke in opposition.

Mrs. Nancy Blair Viccellio, 2045 N. 15th Street, Arlington, Virginia 22201, attorney for Mr. and Mrs. Godin, spoke on their behalf in opposition to this application. She stated that she would attempt to summarize and make suggested applications of the law. Mr. Godin has established that elimination of off street parking is not the objective of the Dentons. Mr. Godin has also shown that deliberate planning went into the applicant's plan. She stated that they had submitted a topographic map and she has checked the neighborhood and the topography of this lot is no different from any other lot. For the Board to grant a variance based on topographic

hardship, it has to be quite different and peculiar than the other lots in the neighborhood. The gest of Mr. and Mrs. Godin's objection is that this extension with the overhang will make a continuous diminution of the enjoyment of their property. It will diminish their light, air and view. The Godins choose to live in an area they thought would be protected for air and light. In addition to this continuing damage, there will be a greater fire hazard. If they found it necessary at any time to sell their property, they face the possibility of a lesser profit or there might be more difficulty in selling the property. The Supreme Court of Virginia has said in Southerloff vs. Newport News that a municipality or county may validly act only upon the authority conferred upon it. That is, if a building permit is issued in violation of law, it confers no greater rights upon a Permittee than the Ordinance itself for the permit cannot in effect amend or repeal an Ordinance or authorize a structure at a location prohibited by the Ordinance. In that case, an awning was placed nearer the street than it would have been and the Supreme Court of Virginia ruled that it had to come down. This Board, of course, is a creature of statute possessing only those powers expressly conferred upon it. One of the powers is to grant variances under proper circumstances. The enabling statute, Section 15.1-495 of the Code and the Ordiance which is based directly on that statute spell out the powers and duties of the Board and these state that the Board may not grant a variance unless the property owner shows that such are the exceptional topographic conditions or other extraordinary condition of his own parcel of land that in a strict application of the Ordinance would prohibit or unreasonably restrict the use of the property. In other words, he must convince the Board that the hardship is so unreasonable that it approaches confiscation of the land as distinguished from a special privilege or convenience. There has been no showing here that they cannot use this area for a carport and a trip around the neighborhood would show that many of the people have carports without all of this elaboration and without violating the Zoning Ordinance.

She stated that it has been shown that through the topographic map and pictures and through our own faithfully represented observation, that other properties, other ramblers in Sleepy Hollow Woods have virtually similar topographic situations. He must show that authorization will not be a substantial detriment to nearby property owners and that the character of the district will not be changed. The Godins feel that light, air and view, things that the Zoning Ordinance had in mind in zoning outlying subdivisions, will be affected as well as the salability of their house. To grant a variance in this case is to rezone this property. Inability, the Supreme Court of Virginia has said, to put the property to its most profitable use does not constitute an unnecessary hardship. Not only must the Board find a hardship, but the Board must find that it was created by the Ordinance. There has been no allegation of that. Any hardship, if any there be here, was created by the owner, who had the hole dug and the four fold plan to use their land to the fullest without regard to the neighbors next door. Therefore, the statute says, and the instructions that the Board has state that whether the owners willfully or innocently violated the Ordinance, the Board cannot grant the variance. Broadly speaking, the public interest must be served here, especially in these respects, assuring safety from fire and other hazards, providing adequate light and air. She asked if this variance were granted, could the neighbors next door come equally close to the margin, or would that make for overcrowding. The spirit of the Ordinance must be upheld and the provisions not destroyed. Substantial justice must be done for all parties concerned, not a special privilege or convenience for one and a burden on the other. Under Section 30-6.6.3 the Ordinance reads, "no variance shall be authorized" mandatory -- that would modify the provisions of any definition of Section 30-1. Now, whether the agent of the owner, the architect, did not look at that provision or not, the error of an agent is the error of the principal involved. An unenclosed carport is defined in simple terms. It is one that does not have an enclosure on the side that is over 18". That notice is given equally to all people involved here and it states that the following features and no others may extend into yards under "cornices, canopies, and eves" it states how far they can extend. As far as the theory

that this canopy must extend out to match the roof, she pointed out that on the left side of the house as you face it, the roof is indented, so if the overhang were indented on the right, it would match the left. Under Section 30-6.6.5.4 in the case of partially constructed noncomplying buildings, the Board must find noncompliance was through no fault of the applicant, that it will not impair the intent and purpose of the Ordinance, that it will not be detrimental to the use and enjoyment of other properties in the immediate vicinity, that it will not create an unsafe condition with regard to other properties and the Board must find that the fullest compliance would be an unreasonable hardship upon the owner. She stated that the Board could not so find. Now in this connection, in Azalea Corp. vs. the City of Richmond, 1960, financial loss standing alone cannot establish an exceptional situation. If this were so, the rich could take this risk and the law would deal unevenly.

Mr. Luxford spoke in rebuttal to the opposition. He stated that the elimination of on street parking is the prime objective here.

Mr. Smith asked where under the variance section of the Ordinance, does this give the Board authority to grant this variance.

Mr. Luxford stated that the theory under the Ordinance will be the practical use of the side yard except for a carport. They are saying everyone else has the same thing. This may be true, but no one else uses their side yard. He stated that there are carports in the neighborhood that are not 12' wide, but the cars stay in the unenclosed portion of the driveway or on the street. Now, as far as the present driveway goes, it is not sufficiently long so that if you put two cars end to end, the rear half of the back car will extend over the sidewalk which goes along the line of the property. If you had the carport there, the two cars would be completely enclosed. It would be 26' long with additional space for visitors who would not have to park on the street. In terms of the light and air, it happens that the sun sets and rises perpendicular to the house. It does not set along the roof of the houses together where the real shade and sun come into play, but across the house. It will not really hamper the sun at all. He submitted two photographs of two carports that the Dentons based their own designs on. Along this brick wall, there will be ivy. Whatever light impairment there might be, will not be because of the wall, but because of the roof.

Mr. Smith accepted the photographs and asked if the carports in these photos required a variance.

Mr. Luxford stated that they did not.

Mr. Luxford stated that again the applicants did not intend to deceive. They were advised by the architect and the architect was advised by the County.

Mrs. Ann Paterson, 3706 Sprucedale Drive, stated that she was advised by the County Zoning Department that the beginning limits of the carport was where the limits of the support structures set down. She stated that she asked if they could extend beyond that with a concrete slab supported by a wall and she told me somewhat facetiously, 'lady, you can concrete your whole yard if you want to, I don't care." It was in March, 1974, and it was over the phone.

Mr. Covington stated that if she called today, he would tell her she could concrete her whole yard.

Mr. Kelley stated that he wanted to comment to Mr. Luxford's holding the plans up and saying that it was okay to build that if the County had okayed it, we would not be here today. Mr. Kelley moved that the Board defer this for decision only for the purpose of getting copies of the contract and viewing the property until February 12.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

034

11:10 - MARVIN M. FRANCE, appl. under Section 30-6.6 of Ord. to permit brick wall on property line of Beulah Rd. and first 50' on north and south side property line, SW corner of Beulah St. and Fleet Dr., 91-1((1))33, (4.749 acres), Lee District, (IP), V-212-74.

Mr. Bernard Fagelson, attorney for the applicant, presented notices to the Board which were in order. The contiguous property owners were Bushrod and Walker.

Mr. Fagelson stated that in the rezoning of this land under rezoning application C-700, the County Staff recommended to the Board that a 6' brick wall be constructed on the property line of Beulah Street for a distrance of 50' from Beulah Street on the north and south side property lines. The Staff believes that this has advantages for the properties on the south and east.

Mr. Smith stated that when the new ordinance becomes effective, this will be permitted by right.

Mr. Covington confirmed this.

Mr. Lem Johnson gave the Staff's position for this recommendation. The subject rezoning application was denied in July of 1973. The case went to court and the court said that the Board of Supervisors should rezone this to I-P zoning. The Board did this but with two conditions (1) that the applicant would provide for screening purposes a 6' brick wall along the eastern boundary which the applicant agreed to do. (2) that he agree to the proposed I-4 setback along the southern boundary. As far as the western boundary, the adjacent land is proposed in the plan for industrial zoning and would require a 1 to 1 setback rather than 100'.

Mr. James Pammel from Comprehensive Planning further explained that the impact of this development occurs on the front as opposed to many applications where the impact would be on the rear or side yard. The impact occurs on Beulah Street because Beulah Street is the zone line between the more intense uses to the west and low density and institutional uses to the east. Immediately across the street is a church and it was for these reasons the Board of Supervisors and the County Staff felt that a wall would be in order. On the south, the applicant has agreed to put an attractive wooden ornamental fence, approximately 50' back from Beulah Street. The wall that is on Beulah Street would be setback 15' from the proposed right of way to provide for sight distance. The applicant has indicated that he has no problem with this.

The comments from Preliminary Engineering Branch were that "It is suggested that the proposed wall be set back a minimum of 15' from the proposed right of way line along Beulah Road to provide for a maximum sight distrance to the south from the intersection of Fleet Drive and Beulah Street."

There was no one to speak in favor or in opposition to this application.

In application No. V-212-74 application by Marvin M. France under Section 30-6.6 of the Zoning Ordinance, to permit brick wall within setback along Beulah St., on property located at the southwest corner of Beulah Street and Fleet Drive, also known as tax map 91-1((1))33, 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, 1975, and

Page 35, January 22, 1975
France (continued)

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

1. That the owner of the subject property is Marvin M. & Shirley L. France.
2. That the present zoning is I-P.
3. That the area of the lot is 4.749 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 building involved.

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

1. This approval is granted for the location and the specific wall and fence indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

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. All members were present.

Mr. Pammel inquired if the motion included the 15' that the applicant has agreed to set back from the property line.

Mr. Runyon stated that the motion says 'within the setback,' so it will be left up to the site plan people.

Mr. Smith agreed that Site Plan would take care of what distance it is from the property line to take care of the sight distance problem.

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11:30 - DAPHNE M. MCGREGOR, appl. under Section 30-6.6 of ORd. to permit complete enclosure of existing garage type structure and construction of new carport closer to side property line than allowed by Ord., 7313 Valley Crest Blvd., 60-3((21))35, (13,716 sq. ft.), Mason District, (R-12.5), V-213-74.

Mrs. McGregor represented herself before the Board. She presented the notices to property owners which were in order. The contiguous owners were Augustus Monnone, 7315 Valley Crest Blvd., Annandale and Mrs. Clinton Hawkins, 7310 Wayne Drive, Annandale, Virginia.

Mrs. McGregor stated that she would like to complete the existing carport and construct a new carport addition to her residence. The enclosed garage would then be 5.8' from the side property line at the nearest point and the new carport would be 6.3' from that line. The existing garage was constructed in 1954 and is a non-conforming structure under the present Zoning Ordinance, under which it would be considered an enclosed structure in its present state. This is a corner lot and the rear of the yard slopes down to a degree that she could not practically build an addition to the rear. She stated that she does own the property and plans to continue to live there.

Mr. Runyon stated that this is a narrow lot. 105' is required for the width in that zone and this lot is 100'.

036

Mrs. McGregor stated that she had notified the neighbor next door and they do not oppose this.

There was no one to speak in favor or in opposition to this application.

----------RESOLUTION----------

In application No. V-213-74, application by Daphne M. McGregor under Section 30-6.6 of the Zoning Ordinance, to permit enclosure of existing garage type structure and construction of new carport closer to side property line than allowed by Ord., on property located at 7313 Valley Creat Blvd., also known as tax map 60-3((21))35, 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 22nd day of January, 1975, and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 13,716 sq. ft.
4. That the request is for a minimum variance of 0.07 feet.
5. That this 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. 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 limiations:

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. Architecture and materials to be used in proposed addition shall be compatible with existing dwelling.
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, residential use permits and the like through the established procedures.

Mr. Runyon seconded the motion.

The motion passed 5 to 0 with all members present and voting.

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11:50 - HERNDON CHURCH OF CHRIST PRESCHOOL, appl. under SEction 30-7.2.6.1.3 of Ord. to permit nursery school in existing church, 30 children, ages 3-5 years, 11309 Georgetown Pike, 11-2((1))25, (5.02675 acres), Dranesville District, (RE-1), S-214-75.

Reverand Bullard, pastor of the church, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Mildred O'Meara and Elizabeth Matheny.

Reverand Bullard stated that they would like to begin a nursery school in the existing church for 30 children, ages 3 to 5 years, hours 9:00 A.M. until 12:00 noon, Monday through Friday, year around.

There was no one to speak in favor or in opposition to this application.

Mr. Smith read a letter of opposition from Janet Doirgan, 1409 Georgetown Pike.

----------Resolution----------

In application no. S-214-74, application by Herndon Church of Christ Preschool, under Section 30-7.2.6.1.3, of the Zoning Ordinance, to permit nursery school in existing church, on property located at 11309 Georgetown Pike, also known as tax map 11-2((1))25, 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 January 1975.

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

1. That the owner of the subject property is Trustees for Herndon Church of Christ.
2. That the present zoning is RE-1.
3. That the area of the lot is 5.02675 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 12:00 noon, Monday through Friday.

7. Number of students permitted is 30, ages 3 to 5 years.

Mr. Baker seconded the motion.

The motion passed 5 to 0 with all members present and voting.

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DEFERRED CASE: JANUARY 22, 1975

WILLA F. ECKLES T/A PETER PIPER SCHOOL, S-131-74 (Deferred from Oct. 16 and again Nov. 20 and Dec. 18 for final dedication plats and copy of deed of dedication)

The Board was in receipt of the final dedication plats, but the deed of dedication had not yet been recorded as it had to be signed by the holder of the note on the property.

The Board deferred this case to be rescheduled as soon as possible after the deed of dedication has been recorded.

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DEFERRED CASE: JANUARY 22, 1975

B. P. OIL, INC., V-102-74 (Deferred from Dec. 18, 1974, at applicant's request.)

Mr. Guy Farley, attorney for the applicant, submitted a rendering to the Board showing how this station when it is remodeled will look.

Mr. Smith stated that this rendering is not exactly what the Board had in mind when they requested a rendering showing a mansard roof similar to that which is on the existing station.

Mr. Farley stated that they took the insignia off the original proposal and also removed the lights. Those were two of the items requested by the Board.

Mr. Smith stated that this is certainly a downgrading from what is there now. He stated that the Board had specifically requested a mansard roof and a design similar to that which is now existing.

Mr. Kelley stated that he objected to the color they propose to use for the roof.

Mr. Runyon stated that the Board is on the same problem that it had previously when it deferred this case for three specific things. The Board does not have those three things today. He stated that he would like to see the case disposed of.

Mr. Smith stated that it is the policy of the Board not to act on these cases until all the information is before the Board.

Mr. Runyon stated that he did not think it is time to change the Board's policy at this point and to keep the policy intact and be consistent, the Board needs new plats in the manner that was discussed at the previous hearing on this case. He moved to defer this case until February 12, 1975, for decision only and the additional information as requested previously

Mr. Baker seconded the motion.

The motion passed 5 to 0. All members present and voting.

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Page 39, January 22, 1975

DEFERRED CASE: BOBBY LINWOOD LAWHORN, S-182-74 (Deferred from 12-18-74 at applicant's request, and again for additional information)

Mr. Furnisen, Zoning Inspector, told the Board that he inspected the site and issued a violation notice as the fence on the service station property was not in good repair.

Mr. Smith stated that the letters from Shell had been received by the Board, but the Board could not take action until this latest violation has been cleared. He stated that the applicant should be present to answer questions.

Mr. Barnes moved that the case be deferred until such time as the violation is cleared. (fence violation)

Mr. Kelley seconded the motion.

Mr. Covington stated that his office would give the applicant 10 days after receipt of Mrs. Kelsey's letter informing him of this.

Mr. Furnisen stated that he also issued the applicant a violation for not having an occupancy permit at the property of the Shell station.

The motion passed 5 to 0. All members were present.

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DEFERRED CASE: JANUARY 22, 1975
BOBBY G. JONES, S-203-74 (Deferred from January 8, 1975 for new plats cutting down the request for the variance)

Mr. Smith read a letter from Gary Davis, attorney for the applicant, stating that the plats were in the process of being drawn up, but they were not yet complete. He requested that the Board further defer the case.

Mr. Barnes moved that the request be granted and that the case be deferred to February 26, 1975.

Mr. Kelley seconded the motion.

The motion passed 5 to 0.

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AFTER AGENDA ITEM - JANUARY 22, 1975

STEPHEN W. POURNARAS, Variance Granted January 22, 1974.

Mr. Smith read a letter from Mr. Pournaras requesting a six month extension as they had not been able to begin construction within the year limitation.

Mr. Barnes moved that the request be granted for 180 days from January 22, 1975.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

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AFTER AGENDA ITEM, JANUARY 22, 1975.
JACQUELINE S. NOVAK T/A POTOMAC EQUITATION (Report from Mr. Covington and Mr. Barnes on their inspection of the property)

Mr. Covington stated that when they inspected the property, they did not find the horses out of the pasture. Their inspection was unannounced. They found no violations of the Special Use Permit. The fences were in good condition. There were new strands of barbwire back as far as they could see. The horses were fat and in good condition.

Mr. Covington stated that he has told the neighbor who is complaining to call him the next time the horses are out and to keep the horses there. This is so the Zoning Office will be able to determine whether or not the horses belong to Mrs. Novak.

Mr. Smith stated that the Zoning Inspector, Mr. Koneczny, should keep the Board informed if there are any violations.

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APPROVAL OF MINUTES.
Mr. Baker moved that the minutes for December 11 and 18 be approved. Mr. Barnes seconded the motion and the motion passed unanimously.

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The Board had a brief discussion on the upcoming application of Columbia LNG Corp. to build a pipeline through Fairfax County.

Mr. Smith stated that the Staff should get a memo from VEPCO and Washington Gas who now own this easement over which Columbia LNG is going to put this pipeline, and get their permission in writing to allow Columbia LNG to also use this easement.

Mr. Smith also suggested that the Board give some consideration to bonding COLUMBIA LNG, or requesting a fee to cover the cost of the inspections the County is going to have to make.

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The hearing adjourned at 3:45 P.M.

Jane C. Kelsey

By Jane C. Kelsey
Clerk to the Board of Zoning Appeals

Daniel Smith

DANIEL SMITH, CHAIRMAN

APPROVED March 26, 1975
(DATE)

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041

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Wednesday, February 12, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes, and Charles Runyon. Joseph Baker was absent. Mr. Wallace Covington and Mr. Harvey Mitchell were present from the Staff.

Mr. Barnes opened the meeting with a prayer.

10:00 - CONGRESSIONAL SCHOOL, INC. application under Section 30-7.2.6.1.3.2 of Ordinance to permit use of two temporary trailers for classrooms at existing school, 3228 Sleepy Hollow Rd., 61-1((1))5, (39.4 acres), Mason District, (RE-0.5), S-1-75.

Mr. Smith read a letter from Mr. Royce Spence, attorney for the applicant, requesting that this case be deferred as he had just been retained as attorney for the applicant and had a previous court case set on this date. He read the report from Gerald Carpenter, Zoning Inspector, regarding the violations that have occurred.

On October 16, 1974, a violation notice was sent to Congressional School in violation of their special use permit. The school has yet to obtain a special use permit for use of classroom trailers. Also failure to obtain site plan waiver for use of trailers. After reinspecting the school it was found that Congressional School is still in violation as of December 31, 1974.

Therefore, I wish that this matter be referred to the Board of Zoning Appeals for a show cause hearing, as to why their special use permit should not be revoked.

Mr. Carpenter stated that the work on the guard house is about three-fourths complete. The applicant did not obtain a building permit for this structure. He stated that they have stopped work on the guard house and are not using the temporary trailers.

Mr. Smith stated that the Board is also in receipt of correspondence from the Inspections Offices indicating that the trailers have not been approved, nor do they meet the State Code. Mr. Smith stated that the Board is in receipt of correspondence from three of the neighbors on this case.

Mr. Nathan Fuller, one of the nearby property owners, spoke to the Board, regarding the deferral request. He stated that they did not want the Board to defer this case on the hearing on the trailers, but to institute a show-cause hearing on the violations that have been issued.

Mr. Smith stated that in all fairness to the applicant, the Board has to defer this case. The Board will try to defer the case to a time that is convenient with everyone.

Mr. Fuller stated that contrary to Mr. Carpenter's statement that the work on the guard house has been stopped, he has a film taken yesterday of men working on the construction of the guard house. He also testified that the temporary classrooms are being used.

The Board decided not to schedule a show cause hearing at this point. The best procedure is to have a hearing on the merits of the request, get as much information as possible and get the deficiencies corrected as soon as possible.

Mr. Smith asked Mr. Covington to have this school checked daily to be sure they are not using the trailers since they do not meet the State Code. If they are in use, the Board might have to decide to take a different action, unless the County wants to take some other action under another section of the Code.

Mr. Fuller stated that he felt a hazardous condition exists with the gasoline pumps and storage tanks that are contiguous to his property. It is

approximately 50' or less from his property line. It is not on the site plan. It is underground and the vent sticks out.

Mr. Smith stated that he would like the Staff to check to see if a permit was granted by the Fire Marshall's office for these underground gasoline storage tanks and if the pump equipment meets the Code.

Mr. Runyon stated that the Code requires that the underground tanks be 25' from the property line.

Mr. Kelley stated that the location of these tanks should be shown on the plats. Every structure that is on the property should be shown on the plats, the playground, fence, buildings, parking area, etc.

Mr. Smith stated that the applicant would have to amend the application to include what they wish to do and bring in revised plats. The case will have to be readvertised.

Mr. Fuller asked about the procedure for a show-cause hearing.

Mr. Smith advised him to contact the Staff for the procedural requirements of a show-cause hearing. He stated that he hoped that the Board could dispense with a show-cause hearing until it can get to the merits of the application. The issue is confused if the Board does not allow the applicant a reasonable amount of time to amend the application. The show-cause procedure is one that can be implemented within 10 days if it becomes an important factor.

Mrs. Byrne, 6442 Queen Anne Terrace spoke about the violations that have been issued by various departments of the County that have not been resolved. She stated that they have two from the County Arborist and also violations from the Public Utilities Office regarding the Site Plan. On flood plains, there are six violations, the last of which is dated November 5, 1974.

Mr. Smith asked Mr. Covington to check on this.

Mr. Barnes moved that the Clerk inform the applicant to amend the application to include the other improvements, such as the guard house and it is imperative that they get it done and that the case be heard on the 19th of March.

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

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10:20 - FAIRFAX FUNERAL HOME, INC. T/A COLONIAL FUNERAL HOME, appl. under Section 30-7.2.6.1.9 and 30-4.2.7 of Ordinance to permit addition to existing funeral home for chapel and visitation rooms, 6161 Leesburg Pike, 51-3((1))parcel 25A, (1.6385 acres), Mason District, (R-12.5), S-2-75.

Mr. Tom Lawson, attorney for the applicant, testified before the Board.

Notices to property owners were in order. The only contiguous property owner is First Christian Church of Falls Church, 6165 Leesburg Pike, Falls Church, Virginia.

A Special Use Permit, No. 12586, was granted for the funeral home November 27, 1962. The Board granted an amendment to that Special Use Permit September 12, 1973 for an additional chapel on the right side of the original building. A concurrent application for a variance was denied and a requirement of the Special Use Permit was that it meet all requirements of the Ordinance.

Mr. Lawson stated that the applicant failed to begin construction or seek renewal of that Special Use Permit within the year of the granting. Therefore, this application is for approval of the same addition to the funeral home which was granted September 12, 1973, but without the need for the variance.

There was no one to speak in favor or in opposition to the application.

----------Resolution----------

In application no. S-2-75, application by Fairfax Funeral Home, Inc. T/A Colonial Funeral Home under Section 30-7.2.6.1.9 and 30-4.7 of the Zoning Ordinance, to permit addition to existing funeral home on property located at 6161 Leesburg Pike, also known as tax map 51-3((1))parcel 25A, 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 February, 1975.

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

1. That the owner of the subject property is Fairfax Funeral Home, Inc.
2. That the present zoning is R-12.5.
3. That the area of the lot is 1.6385 acres.
4. That the property is presently operating under Special Use Permit #12586, granted November 27, 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, 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. All other requirements of the existing Special Use Permit shall remain in effect.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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10:40 - LORRINE M. VAUGHN application under Section 30-6.6 of Ordinance to permit less frontage on 2 corner lots than allowed by Ordinance, and to vary the front setback requirements for 2 houses on the corner lots (75 ft. required from center line of easement serving proposed lot 10A), 11216 Chapel Road, 76((5))10, (9.0808 acres), Springfield District, (RE-1), V-3-75.

Mr. Patrick J. Vaughn, attorney and son of the property owner, represented the applicant before the Board.

Notices to property owners were not in accordance with the Board's by-laws, the address of one of the property owners was missing. Therefore, the Board recessed this case until the applicant could clear up the problem on the notices.

The applicant returned later with property notices. The contiguous property owners were Mr. Ennis, Chapel Road, Clifton, Virginia and Mrs. Frances R. Robinson, 11210 Chapel Road, Clifton, Virginia.

Mr. Smith stated that the plats do not show the setbacks on the houses.

Mr. Vaughn stated that the houses had to be relocated because of the perk tests. He stated that he had hoped to leave the exact location of the house up to the builder.

Mr. Smith stated that that would be fine, if the builder could meet the setback requirements of the Ordinance.

Mr. Vaughn asked if the ingress and egress coming through the middle of the property would be considered a street. He stated that they wish to subdivide the property into 3 lots and grant a private easement to the three property owners. He stated that he did not feel this would be considered a street. If it is not considered a street, this would eliminate the 75' setback requirement.

Mr. Covington, Assistant Zoning Administrator, upon request by the Chairman for an interpretation of the definition of "street," stated that anything that provides access to abutting property owners becomes a street. This does provide principal access, and therefore is a street, even though it is not to be dedicated or available for public use.

Mr. Vaughn stated that they had placed the easement at this location to try and cut down on the number of the driveways coming out onto Chapel Road for safety reasons.

Mr. Runyon agreed that this arrangement would be better as there would only be one entrance onto Chapel Road and it would also afford less impact on the contiguous property owner than if the easement was placed on the side of this parcel. He suggested that the Board could grant the applicant a variance to place the houses within 35' of the property line.

Mr. Kelley stated that the Board never grants a blanket variance. The Board must grant specific variances.

Mr. Vaughn stated that if they place the house in a specific location and the person who purchases the lot wishes to have it in another location, it will put the seller in a position of having a house that is less marketable.

Mr. Smith stated that they would have to either request a specific variance or comply with the Ordinance. The Board does not want to grant a variance that will create an additional variance. The Board needs to know whether or not there will be a need for any additional variances.

There was no one to speak in favor or in opposition to the application.

Mr. Runyon moved that this case be deferred until March 19, 1975 for proper plats. He stated that no matter where the applicant places the easement, a variance will be necessary. Placing the easement at the location as it is now proposed is much better for safety reasons and it also makes it more compatible with the surrounding properties.

Mr. Smith stated that if he moved it to the side, it would reduce the variance request.

Mr. Runyon stated that the property has topographic problems that preclude changing the easement to the side.

Mr. Barnes seconded Mr. Runyon's motion.

The motion passed 4 to 0. Mr. Baker was absent.

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DEFERRED CASES:

JANE C. BURSENOS, application under Section 30-6.6.5 of Ordinance to permit 6' fence to remain closer to front property line than allowed by Ordinance, (must be set back 60' from center line of street to be more than 4' high), 7830 Godolphin Dr., 98-4((6))152, Springfield District, (23,713 sq. ft.), (PDH2.5), V-183-74, (Deferred from 12-11-74 and 1-15-75 for decision only).

Mrs. Marinakas represented the applicant before the Board.

The Board briefly discussed the location of the fence with Mrs Marinakas.

Mrs. Marinakas asked if she moved the 6' fence back 35' from the property line, could she keep a 4' fence where the 6' fence is now.

Mr. Covington stated that she could.

Mr. Barnes moved that this case be deferred 45 days to give the applicant time to move the 6' fence 35' from the property line to bring it into compliance with the Zoning Ordinance.

Mr. Kelley seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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C. HUGHES CO. application under Section 30-6.6 of Ordinance to permit 6' brick wall in front setback along Old Mt. Vernon Rd. and 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 (Deferred from 12-18-74 and 1-8-75 for decision only).

Mr. Smith read a letter from Mr. Hansbarger, attorney for the applicant, statingthat he had just learned that Mr. Baker was not going to be present. He requested that the decision on this case be deferred for a full Board.

Mr. Kelly so moved.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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IRVING L. AND HELEN DENTON, application under Section 30-6.6.5.4 & 30-6.6 of Ordinance to permit completion of construction of carport and storage area closer to side and front property line than allowed by Ordinance (5.12' from side, 12' required; 38.3' from front, 40' required), 3911 Moss Drive, 60-4((16))(F)5, Sleepy Hollow Woods, Sec. 6. (15,422 sq. ft.), Mason District, (R-12.5), V-211-74, (Deferred from 12-18-74 & 1-22-75 for decision only).

Mr. Steve Luxford, attorney for the applicant, was present. He requested that the Board defer decision on this case until there is a full Board, hopefully, February 26, 1975.

Mr. Barnes so moved.

Mr. Kelley seconded the motion.

Mr. Godin, 3913 Moss Drive, spoke in objection to the deferral.

Mr. Smith stated that the case was heard with a full Board and the Board has no choice but to defer decision for a full Board if the applicant so requests, which he has.

The motion passed 4 to 0. Mr. Baker was absent.

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, 1958 Chain Bridge Rd., 29-4((1))16, (23,978 sq. ft.), Dranesville District, (CG), V-102-74 (Deferred from 12-18-74 & 1-22-75 for rendering showing mansard roof like existing station, decision only).

Mr. Smith read a letter from the attorney for the applicant requesting that this case be withdrawn without prejudice.

Mr. Barnes so moved.

Mr. Kelley seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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BOBBY LINWOOD LAWHORN application under Section 30-7.2.10.5.4 of the 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 & Markham Street, 71-1((1))part of 5, (9,453 sq. ft.), Annandale District, (CG), S-182-74 (Deferred from 12-4-74 for additional information and again from 12-18-75). Decision only.

Mr. Hanes stated that the office trailer will be a temporary use for approximately two years. He stated that the only utility in this trailer will be a telephone. The fence around the service station property has now been repaired.

The additional letters from Shell Oil had been received.

Mr. Smith stated that there is a report in the file from the Zoning Inspector stating that the violation on the fence has been cleared.

----------Resolution----------

In application no. S-182-74, application by Boobby Linwood Lawhorn under Section 30-7.2.10.5.4 of the Zoning Ordinance, to permit the operation of outside display of rental trucks & trailers in conjunction with service station on adjoining property on property located at 7413 Little River Turnpike, also known as tax map 71-1((1))part of 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 4th day of December 1974.

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

1. That the owner of the subject property is Mel & Barbara M. Pinto.
2. That the present zoning is C-G.
3. That the area of the lot is 9,453 sq. ft.
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 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.

6. That the maximum number of trucks shall be 15 and the maximum number of cars shall be 4.

7. That the hours of operation shall be 7:00 A.M. to 10:00 P.M., Monday through Friday, 8:00 A.M. to 10:00 P.M., Saturday and 9:00 A.M. to 10:00 P.M. Sunday.

8. That all lights and/or loudspeakers shall be confined to said site.

9. That this permit granted for a period of two (2) years.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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AFTER AGENDA ITEMS:

DIFFERENT DRUM, INC. & MT. VERNON UNITARIAN CHURCH, S-58-74, 1909 Windmill Lane, 93-3((1))10B, (R-17), Granted 7-17-74.

Mr. Smith read a letter from Mr. Robert Simon, Director of Different Drum, Incorporated, requesting that they be allowed to lower the age range to 14. Their present Special Use Permit allows them to work with students between 15 and 18 years of age.

Mr. Simon stated that the reason for the request is that they have learned that there is an increasing need to include youth of this age group in a program such as theirs. The need is expressed to them primarily by members of the juvenile court services of Fairfax County.

Mr. Kelley moved that the limitation of the age range be changed to 14 through 18 years of age.

Mr. Runyon seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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WINDSOR PARK HOMEOWNER'S ASSOCIATION, INC., S-207-74, 91-3((10))G1, RTC-10, Granted by the BZA on 1-15-75.

Mr. Smith read a letter from Mr. Billy W. Wells, 7288 Larrup Court, requesting that there be a rehearing of the above-captioned case as, during the original hearing, he was unfamiliar with the routine procedures, and was under the assumption that the hearing was specifically called to approve or disapprove the construction of the pool. He was not aware that the specific location of the pool in the development was also at issue. He is in favor of the construction of the pool, but opposed to

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its location in respect to his residence. The plan presented at the hearing is significantly different from the one that was on display in the sales office when he purchased his home. He finds that instead of a recreational area with grass and trees and picnic tables, he will have a stockade fence in his backyard, and the revised plan shows the actual swimming area 40 feet from his property line.

Mr. Runyon moved that the Board forward to the applicant a request that if there is a possibility for rearrangement of the pool, they should submit a new plat to the Board for review. He stated that this is just a request, not an order.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

Mr. Smith stated that this meant that the request for a rehearing be denied.

Messrs. Barnes, Kelley and Runyon agreed.

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JACQUELINE S. NOVAK, T/A POTOMAC EQUITATION, S-10-70, granted March 10, 1970, 5320 & 5322 Pleasant Valley Road, 42 & 43((1))35, RE-1, Special Use Permit for Riding School.

Mr. Smith read a memo addressed to the Board from L. C. Koneczny, Senior Zoning Inspector, dated February 7, 1975, stating that he had issued a violation notice to Mrs. Novak for allowing her horses to get out of her property and gave her notice to correct and prevent any further violations of her Special Use Permit. He cautioned her that any violations that occur after February 16, 1975, will cause his office to bring this matter back to the Board of Zoning Appeals to show cause why her Special Use Permit should not be revoked.

The Board requested Mr. Koneczny to follow up on this notice and keep the Board informed.

Mr. Kelley moved that the minutes of December 11, 1974, and January 8, 1975 be approved.

Mr. Runyon seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

The meeting adjourned at 12:32 P.M.

Jane C. Kelsey
By Jane C. Kelsey

Clerk

Daniel Smith
Daniel Smith, Chairman

Approved: April 9, 1975
Date

*BARCROFT INSTITUTE, S-173-70 -- The Board was in receipt of a letter from Mrs. Jakaboski, Administrator of Barcroft Institute, dated February 3, 1975 requesting a sign 24"x36" in front of the building 33' from the building and 10' from the curb line. The Board requested a sketch of the proposed sign, the type of sign and whether or not this sign is an additional sign or one to replace the present sign.

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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, February 19, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes, and Charles Runyon. Joseph Baker was absent. Mr. Wallace Covington and Mr. Harvey Mitchell were present from the Staff.

Mr. Barnes opened the meeting with a prayer.

10:00 - COLUMBIA LNG CORPORATION appl. under Section 30-7.2.2.1.8 of the Zoning Ordinance to permit construction and operation of a 36" diameter natural gas pipeline, approximately 27 miles long, across the Springfield, Lee and Centreville District, from a Potomac River crossing at Mason Neck to a point on the Fairfax County/Loudoun County line approximately one and one quarter miles north of Bull Run, this high pressure line being a part of a proposed transmission line from Coves Point, Md. to the existing Watson Compressor Station in Loudoun Co. S-137-74.

The applicant filed the application May 1, 1974. The Planning Commission has held three hearings, September 19, 1974, October 22, 1974, and February 13, 1975. Their motions and recommendations were as follow:

"That the Planning Commission grant permission to Columbia LNG to construct and operate a thirty-six (36) inch diameter pipeline approximately twenty-seven (27) miles long across the Springfield, Lee, and Centreville Districts and that the proposed route from the Loudoun County line to a point at the intersection of the proposed route and the approximate alignment of the Abbott proposal be found in accordance with existing plans, and also that the approximate alignment of the County proposal be found in accordance with existing plans, however, the Columbia proposed route from the staff proposal be found not in accordance with existing plans and that the pipeline pass nowhere within one hundred feet of an existing dwelling unless such passing is specifically exempted by the Planning Commission.

The County proposal is appropriate to a point where the Abbott proposal intercepts the proposed route and the Abbott proposal is approved under the plan, however, from the intersection of the County proposal to the Maryland line entry point, the proposal is disapproved."

and "recommended the following:

1. that restrictions outlined by the staff, the U. S. Department of Interior, the Environmental Quality Advisory Council (EQAC), and the Stream Valley Board be implemented;

2. that automatic shutdown valves be placed along the landed portion of the pipeline at an interval of 1 per eight linear miles of pipe except in those instances where a review by staff determines that there are certain areas like those contiguous to a school where additional valves may be needed;

3. that the inspection of the entire length of pipeline be done by other than low-flying aircraft (i.e. all inspections will be ground inspections on the line);

4. that the Board of Zoning Appeals, based on staff input, designate time parameters for the construction of the pipeline project, especially through Mason's Neck, to be accomplished;

5. that screening vegetation will be planted where the right-of-way opening would be aesthetically obtrusive to the public; and

6. that the issuance of the Board of Zoning Appeals' special use permit be conditioned upon a physical barrier plan (eg. to prohibit motor bikes, mini-bikes etc.) to be implemented by Columbia LNG."

The advertised hearing of this application was in the January 30 and February 1, 1975 editions of the Springfield Independent and The Journal, Fairfax County newspapers.

Mr. Smith stated that, in addition to the original proposal by Columbia LNG, there are now two alternate proposals before the Board. Normally, the Board would not be hearing these alternate proposals. But, in view of the time constraint set by many factors, particularly the Court action, the Board proposes to hear not only the original proposal, but the two alternates, known as the Abbott proposal and the B proposal.

Mr. Ruck, Fairfax County Attorney, stated that it is somewhat unusual for the Board to take evidence on more than one proposal. This is a result of the litigation that was filed by the applicant against the County Board, the Planning Commission and this Board in January. With the consent of all parties, a particular hearing schedule was agreed to. This is the date that was agreed by all parties to be the date of hearing on the Special Use Permit application. The final hearing and determination by the Planning Commission was last Thursday night. There is a statutory period of appeal to the Board of Supervisors. There is still a legal possibility that the Board of Supervisors will modify or otherwise reverse the decision of the Planning Commission in this regard, so that it is legally impossible for the Board of Zoning Appeals to make a decision today. The Board of Supervisors could either deny all routes or approve any one of the three routes which are present on the map before this Board. To be absolutely within the Board of Zoning Appeals' own legal authority, it must take evidence for all three proposals. This Board could make a decision March 26, 1975 if there is no appeal next Wednesday and if the Board of Supervisors does take jurisdiction over this matter. Otherwise, the Board of Supervisors are committed by the same court order that set up this hearing to a decision by the third of March. In that instance, the 5th of March would be the day this Board is legally empowered to render a decision of the Special Use Permit. The three proposals, the Columbia LNG route from Loudoun to Gunston Manor, the proposed route from Loudoun to the line listed as the Abbott proposal, and the existing line from Loudoun down to the line listed as the County proposal are before this Board today.

One other issue needs to be stated to the Board for the record. There are available metes and bounds and some preliminary engineering work on the Abbott proposal and the County proposal. At the request of Columbia LNG, the Planning Commission did not specifically adopt these into their 456 findings. The company's position was that they would rather have a general siting so that if at some point they either elect or are forced to use either of those two alternatives, they have some engineering flexibility and are not tied to the survey which was prepared by the County employees, who are not pipeline engineers.

Mr. Curtis Sewell, 607 Prince Street, Alexandria, Virginia, attorney for Columbia LNG Corporation spoke in response to Mr. Ruck's question. He stated that he did not disagree with the summary of Columbia's position by Mr. Ruck. If they elect or are forced to take either the Abbott proposal or the County proposal, they would prefer to rely on Columbia's expertise in surveying the actual pipeline route.

Mr. Smith stated that he would gather from this that Columbia LNG is not in a position today to elect to any specific route other than the original proposal.

Mr. Sewell stated that they are in a position to elect their original proposal, but definitely not the County or the Abbott proposal.

Mr. Ruck stated that, then, procedurally, this Board would not be empowered to make a decision on this Special Use Permit until the 5th of March.

Mr. C. M. Garza, Chief of the Technical Section, Plan Implementation Branch, Office of Comprehensive Planning for Fairfax County, briefly outlined the Staff report on all three proposals, giving their locations as shown on the map before the Board.

He stated that the proposed pipeline will originate at Cove Point, Calvert County, Maryland on the Chesapeake Bay. The pipeline will traverse, in a northwesterly direction, Calvert and Charles Counties, reaching the eastern shoreline of the Potomac River opposite Mason Neck in Fairfax County. The proposed pipeline will enter Fairfax County on the north boundary of Gunston Manor Subdivision. The proposed pipeline will traverse Fairfax County in a westerly direction, paralleling the Occoquan River and Bull Run Creek into Loudoun County and will terminate at the Loudoun Compressor Station. The proposed pipeline will be 36 inches in diameter from Cove Point, Maryland through Fairfax County and Loudoun County.

The Federal Power Commission issued Order 622 and 622A granting a Certificate of Convenience and Necessity on January 24, 1972. The Corporation applied to the U. S. Army Corps of Engineers for the Potomac River crossing on June 14, 1974. This application was open for comment from interested parties for a 30 day period.

The Wetlands Commission, Water Resources Board has recommended approval to the Public Works Department of the State of Maryland for final approval and required licenses. The issuance of a certificate of convenience by the Federal Power Commission grants the power of eminent domain should any jurisdiction refuse its approval.

Mr. Garza went into the modification proposals by Mr. Abbott and the County. He stated that although either modification proposal is in accord with the Comprehensive Plan, and is far superior to the original routing proposed by Columbia, which is not generally in accord with the plan, he believes that alternative #1 (Route "B") is preferable.

In view of the final report from the Virginia Institute of Marine Science of February 7, 1975, in response to the County's request for more definitive data, the staff recommends that Alternative "B" be approved. The Staff recommended that the Board of Zoning Appeals approve the requested Special Use Permit application subject to the limitations and restrictions recommended by the Staff and that these be made a part of the requirements for the use permit and such issuance be subject to such requirements.

At the request of the Planning Commission, the County contracted the services of Martin Toscan Bennett Associates to advise and assist the County staff in the review of the application relevent to the safety, location and feasibility of alternate routes in an effort to bypass the Mason Neck area, if at all possible. Also, the law firm of White, Fine, & Ambrogne through Lee White, Esq. was contracted to assist the County Attorney's Office in assessing the possiblities of reopening the Federal Power Commission hearing and assisting in any court action the County might initiate regarding the Columbia LNG Corporation proposed route. The National Wildlife Federation has joined the County as a defendant in the suit filed by Columbia LNG Corporation in U. S. Federal District Court, the Eastern District, and has further assisted and advised the County as to the environmental impact of the proposed route on the Southern Bald Eagle, an endangered species, and its nesting area, Mason Neck.

Following a field study with County staff of the proposed route and an examination of the proposed bypass of the Mason Neck National Wildlife Refuge, Mr. Martin Toscan Bennett submitted a preliminary report in which a route following the north shore line to the mouth of Pohick Creek was proposed. (His report is in the published Staff Report). The proposed alternate route, would travel over land on the side of a swale to the south side of the intersection of Gunston Road and Old Colchester Road and then join the proposed route. Since this proposed route would traverse wetlands and subaqueous beds which are the property of the Commonwealth of Virginia, the County has submitted materials on the alternative route to the Virginia Institute of Marine Science for its consideration, review and recommendations.

In an effort to bypass and minimize the impact on the wetlands and subaqueous beds, in the Gunston Cove area, two additional alternatives were considered. Alternative "A" would follow the consultant's proposal to a point at the mouth of Pohick Creek and then traverse the Wilson Boy Scout Camp, following the existing road to Gunston Road and the Columbia line. Alternative "B" would follow concurrently the consultant's proposal but would make its landfall at the common boundary of the Wilson Boy Scout Camp and the Regional Park. This

052

route would parallel the existing VEPCO easement to Gunston Road through five parcels of land and then join the Columbia LNG Corporation proposed route. Both of these alternatives would traverse the Regional Park Authority land over much of the right-of-way.

The staff wanted to be certain that sufficient information was available to justify the viability of the proposal. It was deemed necessary that bottom samples be dredged and analyzed along the path of the proposed alignment. Under the guidance of the Chairman of the Stream Valley Board, the staff assisted in the collection of bottom samples at ten stations along the proposed path of the pipeline. The samples were forwarded to the Virginia Institute of Marine Science and the Environmental Medicine Center at John Hopkins University for analysis and evalutation.

The report of the analysis from the Virginia Institute of Marine Science of the bottom samples indicates that some adverse impact on the ecological environment of Gunston Bay would occur, however, they would be of a temporary nature, e. g., bottom dwelling organizms destroyed by the dredging and dredge spoils would eventually repopulate. They recommend that construction be limited to the months of November through March to minimize the adverse effect on fish spawning and nursery activity. Loss of valuable wetlands can be partially offset by creation of new marshlands, which could be achieved by utilizing dredge spoils for infill with subsequent vegetation activities.

Reports from Virginia Institute of Marine Science of February 3 and 7, 1975, which were used by the staff in arriving to its recommendation are in the Staff Report. On Thursday, February 13, the Department of Interior, Fish and Wildlife Service notified the County as to their position in respect to the U. S. Corps of Engineers Potomac River crossing and the Northern Virginia Regional Park Authority Board will present their resolution relative to the easements through their holdings. The report stated that:

> "In order to reduce the impact of the proposed project on fish and wildlife resources, the U. S. Fish and Wildlife Service recommends that the permit for Public Notices 74-339 and 74-341 be denied unless project plans are modified in accordance with the following conditions and that these conditions are made a part of the issued permits:
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> 1. Dredging be done only between September 1 and February 15 of the project year.
>
> 2. No dredged material be stockpiled or otherwise temporarily placed on the marshes or in the open waters of Planters Wharf or Hunting Creeks. It is suggested that dredged spoil be temporarily stored on barges or contained in an approved upland site. Either bucket or hydraulic method of dredging will be acceptable, and either dredged spoil or clean fill materials may be used as backfill.
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> 3. The elevation of the backfilled trench be restored to its original contour."

Mary Margaret Goodwin, Chairman of the Stream Valley Board, a duly constituted Board, constituted by the Board of Supervisors, in the Fairfax Building, stated that this Board at its meeting in November, 1974, decided to assist the County with its environmental impact study of the total route through the County. They were asked by the County Attorney's office to assist with the environmental impact assessment or evaluation of alternate routes. She then gave the Board the mitigation measures or those aspects of construction that can be done to lessen the environmental impact. Construction crews, noise and litter transport and traffic are going to be the short term environmental impact on Mason Neck. With the Gunston Cove route there will be some water quality degradation and that will be a problem with turbidity and the disruption of benthic organisms. She stated that what they are really talking about is worms versus eagles. There will be no long term impact using the Gunston Cove route, provided that the type of dredging-- clamshell versus hydrolic-- is done there. The short term impact will be very much less in Gunston Cove.

She showed several charts and indicated the short-term and long-term impact for several different areas. Several examples were -- the loss of some part of Mason Neck if there were to be an explosion, the changes in wildlife prey-predator relationships, the territorial and community structural patterns, herbicide impact on wildlife, permanent loss of trees, motorbike problems, stream disruption, erosion problems. (Copy of the chart in file).

She stated that she took samples from areas along the A and B routes and also as close as they could get to the Lower Potomac Sewage Treatment Plant which is Station A on the chart. The charts showed the stations where she took the samples used in her report.

She stated that they went to both VIMS and John Hopkins University and had copper, chromium, zinc, lead and iron looked at and virtually all of those are normal background levels that one would find in any nonpolluted sediment. She said she was not talking about water pollution in terms of precipitation of heavy metals into the water due to the dredging. When they talk about water quality impact on the Gunston Cove route, they are really talking about the turbidity problems during the time of dredging. All the items on the chart are very far below the threshold levels that would cause possible problems to fish. VIMS suggested as a mitigation measure that there be no dredging except between February 1, and September. There are certain problems of fishery impact in Gunston Cove. One of the Virginia Marine Resources Commission's major concerns is the spawning season of the fish. She showed a chart indicating the different types of fish that might be found in this Gunston Cove area. Therefore, the Stream Valley Board recommends that there be no dredging except between February 1 and September because of the fish spawning seasons.

She showed several slides of certain areas along the line where there already are erosion problems.

Mr. Smith questioned the herbicide used by VEPCO that was referred to by Mrs. Goodwin. He stated that the Board of Zoning Appeals, in granting the Special Use Permit to VEPCO, has prohibited the use of herbicides. The other problems that she indicated, insufficient screening, the use of the VEPCO and Washington Gas Light easements for motorbikes, could be corrected by these companies by use of gates, fences and screening. He stated that if these problems exist in these areas, it is the responsibility of these companies to correct them. The County, through the inspection processes, should notify those companies and ask for their cooperation. If these conditions are not corrected, then this Board should be notified.

Mr. Pammel stated that the Board would be apprised if the County cannot accomplish this by the inspection process.

Mr. Curtis Sewell, from Columbia LNG, presented the notices to the Board. He sent out 68 notices to property owners along their proposed pipeline route. He stated that they started at one end of the line and took every other property owner. These are property owners across whose land this line will go. There was no notice to any of the property owners on either of the alternate routes. Mr. Sewell stated tht Columbia LNG would rely on the testimony made during the Planning Commission hearings. He stated that he did not want to repeat things that the Board is probably already aware of.

Mr. E. D. Callaghan, residing at Wilmington, Delaware, in charge of Environmental Affairs for Columbia LNG Corporation, and Vice-President of Columbia Gas Service Corporation, stated that he has responsibility for all environmental matters for all Columbia Companies including Columbia LNG Corporation. He stated that this application is a proposed route through Mason Neck on the Turk property and follows the former Washington Gas Light easement to Route 1 which Columbia owns at the present time. From there it parallels Washington Gas Light pipeline to the VEPCO right-of-way near Ox Road. It then generally follows the VEPCO right-of-way to the Loudoun County line with two deviations, one at Clifton and the other around VEPCO's substation near 628 and 657. All their pipelines are designed, operated and maintained in accordance with the standards outlined in the Department of Transportation Federal Safety Standards 49CFR192. In addition to the federal standards,

transmission pipeline criteria designs are based on American Petroleum Institute, American Society of Mechanical Engineers, American Society of Testing Materials, American National Standards Institute and the National Fire Protection Agency criteria. In the design, construction and maintenance of the peipeline, Columbia will utilize materials, construction techniques, and operation and maintenance practices that meet or exceed all of the above criteria. The pipeline is scheduled for installation in 1975 and 1976 and utilizes a 36" outside diameter API 5LX-65 welded steel pipe designed to operate at a pressure of 1250 pounds per square inch gauge. This line is designed to utilize 1.693 inch wall thickness for stream and road crossings, tie-in points and areas of potentially high population density. The remainder of the line uses .577 inch wall thickness. Valve spacing will be at 8 miles throughout the entire length of the line. This is the designated spacing for class 3 pipe even though they will be using Class 2 pipe in certain areas and the spacing for that Class is 15 miles. The valves will be equiped with pressure sensitive operators to automatically close the nearest mainline valve in the event of a pipeline rupture. In addition to the automatic valve closures, a line break detector system will be installed at the Cove Point terminal and at the Loudoun Compressor Station, so that the line will be shut down in the event of any loss of line pressure which would normally occur because of a break. In any loss in line pressure, the Company would know about it either at the delivery or receiving end of the line. While it is not anticipated that this line will ever be ruptured, the above design is utilized to minimize any impact, should such an event occur. In addition, the following safety items will be implemented:

1. the line will have a minimum of 36" of soil cover on dry land and 60" of bottom cover at stream crossings;

2. the line will be internally and externally coated and will be cathodically protected to minimize corrision deterioration. The line will be concrete coated under streams. The line location will be marked to minimize danger from outside mechanical damage and the tubular steel markers will include emergency call numbers. The line will be thoroughly inspected, visually and radiographically, at the mill and during construction, before construction, before delivery and when it is unloaded. The line will be hydrostatically tested following construction. Plans will be developed concerning procedures to be used in an emergency and filed with appropriate agencies in accordance with Department of Transportation regulations. Periodic aerial surveys will be made of the line, not less than once a month to check for activities which might encroach on the right of way and endanger the pipeline. The aerial surveys across Mason Neck will be limited to between July and December, those times during the year that would not impact the nesting of the eagles. Ground surverys will be made on a semi-annual basis. Each main line valve will have an automatic operator to close the valve in the event of line failure. The permanent 50' wide easement will be maintained clear of large trees and shrubs over the majority of the pipeline, so that the pipeline location is easily identified by the public. On Mason Neck, the construction easement is 65' with a permanent easement of 40'. During installation, Columbia will have 15 full time inspectors on the job to be sure that the contractors meet specifications. After installation, the pipeline will be tested with water at 150 percent of its operating pressure. (It operates at 1250 lbs, and will be tested at 1875 lbs.).

Mr. Callaghan showed slides of the construction easement widths that would be needed in Fairfax County. The overall width of the construction easement is 75'. The pipeline will be placed 25' from the outside edge of the LNG right of way. It overlaps the Washington Gas Light right of way and the VEPCO right of way and the Plantation right of way. The existing right of way will be expanded by about 20' over what is there already. They will be purchasing the entire right of way width for this pipeline even though the property owner may have been paid previously by other companies that have an easement.

In answer to Mr. Smith's questions, Mr. Callaghan stated that they will be taking care of any erosion problems when they do the cleanup and restoration and they will be maintaining their easements. They do give the property owner the use of the surface of the land with the exception of changes in elevation or building structures as long as the Company is aware of what they are doing and it will not cause damage to the pipeline. He stated that they have no authority to impose conditions, such as no dumping, etc. In the Clifton area, there will be a 75' construction easement. They will permit 25' to revert back to the former use. There will be a 50' permanent easement. Mr. Callaghan showed slides of their construction practices in western Maryland and Loudoun County. Mr. Callaghan commented, then, on the points raised by the Staff.

1. He objected to the Staff's inference that there would be the long term impact of the loss of the entire vegetated areas on Mason Neck.

2. There is no way there will be changes in the wildlife prey-predators relationship. That would seem to be an emotional judgement on the part of the Staff.

3. Columbia LNG has made it very clear in all the proceedings that they would not use herbicides any where the property owner did not want them used.

4. The permanent loss of 100's of old forest trees in the path of the 60' wide and 6 mile long route over Mason Neck, is unclear. There is not 6 miles of trees. He stated that Dr. Zodogard and Dr. Gartman walked the proposed routing on the 29th and 30th of January all the way from the Potomac River to Harley Road. At Harley Road, there are open fields and from there on, everyone will agree that there are smaller trees and second and third growth forested areas, where there are forest. In the area between Gunston Road and Harley Road, which would be probably 12,000' or 14,000', there are a total of 41 trees with a diameter at breast height of 24" or larger and of those trees, there were 16 that were larger than 30" and only 5 that were larger than 36".

5. Blasting is a scientific method of excavation in construction these days when one can take down a multi-story building in the heart of a city without spreading the stuff on the sidewalk. Columbia's procedure where rock requires blasting is -- the holes are drilled and the charges set and then the entire area is covered with a blastmat, which is a steel mesh, or if it is in open country where there are not overhead wires, etc., it is covered with a substantial amount of earthen material, but generally even there, a steel mesh mat is used.

6. Regarding the problem of motorbikes using this right of way, motorbikes will be used wherever people can find a place to use them. They do not see that this pipeline will make it more attractive to motorbike users. There are Federal regulations concerning pipelines that suggest that they use screening of right-of-ways where it goes into or leaves wooded areas, highway crossings, or public access, to put fences, if necessary, posts and cables to block the entrance to such points. Columbia is also prepared to use screening trees for aesthetic purposes.

7. As far as the nutrient loss from exposed soil, the soil will be exposed for a very short period of time and it is seeded immediately. The construction rate is approximately one-half mile per day and they require the contractor to reseed the area within 45 days after the time that he starts clearing.

8. They cannot do anything about the garbage dumping, but they would make every effort to prevent it and use all legal means available along with the property owner.

9. The unauthorized hunting must be handled by statute. The Company does post the right-of-way entrances.

10. They do not plan to take any water from streams in Fairfax County or to discharge into Fairfax County.

11. The brand new coating that has been alluded to is the coating of this pipeline internally which is somewhat new to pipeline construction. The ingredients used in the coating are approved under the Food and Drug Act. Water tanks throughout the country are coated with this material.

Columbia is a public service corporation and has 49,000 miles of pipeline, including 14,000 miles of transmission line and they recognize the responsibility of handling a volatile product. They also recognize that they must supply gas at reasonable rates and at contract volumns to their customers, if at all possible. They must balance the needs of customers, landowners and the general public. They come with this permit to serve the public, which includes 108,000 Fairfax County Washington Gas Light customers. Washington Gas Light will receive more than 8 percent of their supply from this particular pipeline. They also serve 492,000 customers in Virginia. 278,000 of Washington Gas Light's customers are in the Washington D. C. - Maryland area.

Mr. Barnes inquired if there is any possibility that they could put the automatic cutoffs any closer than every eight miles.

Mr. Callaghan answered that the pipeline is designed on a population density survey and that is how the company determines the class of pipeline and the spacing of the valves.

Mr. Barnes stated that he was remembering one explosion in Fauquier County and one of the comments that he read at that time was that the automatic valves were not close enough to cut the gas off.

Mr. Callaghan stated that that was in a rural area and he knew that there were a great deal of hearings on it, but he did not know what the final reason for the explosion was. There is a difference between this system that Columbia is using and that system used in Fauquier. That system had three pipelines in it and they were interconnected and as he understood what happened was that one of the lines failed and the other two lines continued to feed that line, so that the automatic valve could not close, it could not sense the pressure drop in the line that failed. There is a significant difference in that this proposed line is a single line. There will be no way to feed into the line between the valves.

The Board members, Mr. Ruck, Mrs. Goodwin and Mr. Callaghan had a lengthy discussion regarding herbicides used in Fairfax County.

The Board recessed at 12:05 and returned at 12:20 to hear the opposition.

Mr. Joseph T. Flakne, Gunston Manor, 11388 Dorcey Place, Lorton, Virginia, spoke in opposition to the pipeline. He stated that he has no objection to the pipeline if they use the County Staff's proposed route.

Elizabeth Hartwell, 7968 Bowling Drive, Alexandria, Virginia, representing the Northern Virginia Regional Park Authority, spoke before the Board in opposition to the Mason Neck route, but in support of the County's proposal.

Mr. Richard Dixon, 12106 Beaver Creek Road, Clifton, Virginia, Chairman of the Clifton Area Concerned Citizens Council, spoke about the area generally west and east of the Town of Clifton. He requested several conditions be added to the Special Use Permit should it be granted. He endorsed Mrs. Goodwin's comments regarding siltation and erosion controls. A copy of his statement is in the file.

Mr. Robert Bowdine, residing in Springfield, Virginia, spoke in opposition to Columbia's Mason Neck proposal and in support of the County's proposal.

Mr. Ruck stated for the record that the property owners contiguous to the County proposal have been notified by the County of the possibility of the proposal and have been served with at least preliminary discussion for acquisition of the necessary easement rights along with the plats which the County has engineered.

The Board recessed for lunch at 1:10 P.M. and returned at 2:15 P.M.

Mrs. Constance Broadwell, Shadow Lane, Shadow Walk Subdivision, spoke in opposition to this application pointing out that the pipeline will be going under the only means of access into their subdivision and in case of an emergency, they would not be able to get out.

057

Mr. Callaghan explained that they would not shut anyone in during construction. They will either keep a portion of the road open, or they will have a bulldozer there to push some dirt over the pipe long enough to get someone across.

Mr. Thomas Campbell, attorney for the Gallions, property owners that are contiguous to the pipeline south of the Occoquan Power Station, map reference 106-1((11))parcel 27, spoke in opposition to the pipeline based on construction damage to the habitat, siltation problems, and the danger in construction of this pipeline. They want to make sure the roads are always kept open for people to get in and out. Mr. and Mrs. Gallion's house is located within 75' of the pipeline easement.

Should the pipeline application be granted, they are requesting that conditions be placed on the approval:

1. All roads be kept open.
2. No blasting be done near the old pipeline.
3. Adequate siltation controls be used.
4. No unnecessary cutting of trees be done.
5. These areas that are already burdened with pipelines, VEPCO easements etc. people are trying to maintain nice homes. Once construction is done, Columbia should replace the trees they had to remove and use screening devices.

Mr. Sam W. Kingsler, 2501 North Potomac Street, Arlington, Virginia, who owns property contiguous to the pipeline in Centreville, spoke in support of the pipeline. He stated that he had heard a lot today about the birds, bees and bald eagles and he wondered how many people are out of jobs because in the last 10 to 15 years, we have become too concerned about the bald eagles and the birds and the bees. Certainly our gasoline situation would have been improved if we had built that Alaskan pipeline and forgotten about the reindeer. He stated that he did not want this gas line as he had already experienced two easements and they have not given him any advantages, but he was sure that people in Loudoun County have benefited from the building of those pipelines. Most of us in this area will benefit from the building of this line. He felt it should be built as quickly and cheaply as possible.

Mr. Sewell, in rebuttal to the opposition stated that a lot of statements have been made at these public hearings that would not hold up in a Court proceeding. The Company is willing to stand behind the statements they have made before the Planning Commission and this Board.

Mr. Callaghan stated that, with regard to Mr. Dixon's request that they put in Class 3 pipe near the Clifton School which he indicated to be close to the pipeline, their records show that the Clifton School is 2,000 feet from where the pipeline is proposed to go. But, they will check that out. If there is a school or any dwelling or building with 20 or more people within 650' of the pipeline, they will put in Class 3 pipe.

With regard to the comment on the open ditch, Mr. Dixon mentioned that he would like to keep that one length of pipe. A length of pipe is only 40 feet long. This is impossible and impractical. They would have to have a bell hole at the end of that pipe large enough for the men to get in there to weld the pipe to join that section. They would have bigger holes out there than they would have on the right of way itself. This would increase the construction time immeasurably. Historically pipelines have been built with as much as 12 to 15 miles of ditch open at one time. Columbia is limiting this route to 3 miles as a maximum. They will be moving at the rate of one-half mile per day.

He stated, in response to one of Mr. Dixon's statements, that there are areas where they will exceed 20' beyond the existing VEPCO easement. They have filed engineering drawings with the exact surveyed line on it. He stated that he did not want to mislead the Board in thinking that at no point along the line would they exceed 20'. The maximum that he

058

could recall going over the 20' is about 40'. This is in the area of an existing substation.

In answer to Mr. Smith's question, Mr. Callaghan stated that their plan is that it will take no more than 45 days from the commencement of construction on a particular segment of the line until the final seeding of the area on that same segment. There are points where they have to make tie-ins at stream crossings which may take one or two days longer.

Mr. Runyon asked Mr. Callaghan about the alternate route, how much it will cost and if, when they leave Maryland, they could change direction a little bit and save some length.

Mr. Callaghan stated that the route as proposed by the County staff and the Department of Interior coming across at Point B would be an additional 15 thousand feet of water, costing $7.5 million. The land cost would be 7 thousand feet at $875,000. Water crossing back to the east side of the Potomac would be 6500 feet or 3.25 million dollars, a total of something in excess of $11.5 million. This is a rough estimate, but for comparative purposes they are very close.

On the existing route, Columbia's proposed route, the river crossing is approximately 8,000 feet. The land crossing is 17,000 feet, roughly. The river crossing is $4 million based on the same cost figures and the land crossing is $2.125 million, totaling $6,125,000. The routing, in comparing the total length from the eastern shore of the Potomac to the point on Mason Neck approximately at the Crestwood property, would be 28,500 feet according to the staff, the Department of Interior proposal would be 25,000 feet on Columbia's proposed routing.

Going up Gunston Cove to Pohick Bay to point B and from point B to the same point on our proposed right of way would be at total of 25,000 feet, 18,000 feet of water and 7,000 feet of land, and would cost $10 million. That is based on our cost into the right of way, a figure for 7,000 feet that we do not own and some amount of money for engineering. This does not figure in for environmental analysis, for going back and getting additional permits that would be required or for this method of handling dredge material as proposed by the Department of Interior. He could not guess as to how many millions of dollars they are talking about there, either an upland site of which they know of none and which the Department of Interior and the Corp of Engineers know of none. He did not think that any Federal agency knows of an upland site that could be used for this volumn of deredge material. They have some experience in that because they developed oneat Cove Point. They do know that it is a very expensive proposition. If the material has to be taken to the sea, it cost somewhere between 5 to 7 dollars per cubic foot and there is somewhere between 650 and 900 thousand yards of material here. This is very possibly somewhere between 3 and 8 millions dollars for handling the dredge material on top of these other costs. For an upland site, there is a practical limit to how far you can pump dredge material. A mile or two is about as far as you can go and when you are talking about getting a mile or two from any place in Gunston Bay you are on Mason Neck and the opposition to the idea would probably be considerable compared to the opposition to the proposal Columbia now has. These ideas are not new. These were considered before Columbia went to the Federal Planning Commission.

Mr. Ruck pointed out that in a document which discussed the route generally known as the Bennett proposal, entitled "Environmental Impact Statement", dated June 20, of last year filed by Columbia, the statement was made that it would require routing through Pohick Bay and crossing wetland at Pohick Creek, and would cost eight million eight thousand more than the selected route. This would require an additional dredging of 660,000 cubic yards. He stated that either the dredging methodology or costs seem to have been substantially inflated in the last year. A route which seems to be at least one and half times the amount of the water crossing on the County proposal was estimated previously by Columbia to cost far less then the figures now estimated. There must be sufficient variables or sufficient ability to discount against future maintenance costs. He stated that they do not have the full economic picture and perhaps Mr. Callaghan cannot provide it either.

Mr. Callaghan stated that the figures provided last year were for a crossing straight across from Fenwick. It is only 3,000' further to go all the way across then it is to come the route that is proposed by the Department of Interior and the County Staff.

Mr. Ruck stated for the record that the route proposed insofar as the crossing from Maryland to the Virginia State line and then taking that somewhat of a hook up in a northwesterly fashion through the Cove was done presumably in accordance with some of the Company's wishes, wherein they indicated that, if at all possible, for any alternate route, they did not wish to have to go back to Maryland. If it would be cheaper to go back and get Maryland's approval of an alternate crossing, the County has already committed to them that if an accord is reached satisfactory to the County, we would assist in every way possible. If the number of total yards of water crossing whether it be river, cove, or combination thereof, can be lessened and still leave the major part of the neck unscathed the Staff will do everything in its power to assist in whatever way possible by persuading other agencies to do likewise.

Mr. Callaghan stated that the impact statement was based on figures in 1970 & 1972. None of these figures contemplated the handling of the dredge material by loading it on barges or running it to an upland site as proposed by the Staff and the Department of Interior. The proposal Columbia presented to and which was approved by the Marine Resources Commission of Virginia and before the Maryland Board of Public Works was to use overland temporary storage of this material. Now, when it comes to handling dredged material on barges or on an upland site, the cost is millions of dollars extra, depending on the method used.

Mr. Smith asked if it had been estimated as to the number of barges which would be required to handle the dredged material.

Mr. Callaghan stated that, depending upon the size of the barges, 700 to 800 would be required to handle the material and that he did not know where they could acquire that quantity.

Mr. Runyon stated that he thought that the dredged material would be put right in Pohick Bay.

Mr. Ruck stated that he thought the Company misinterpreted the Staff's position. They never recommended the upland storage or barge storage as did the Department of Interior. The Staff investigation to date has been such that they believe the bottom of the Cove is aggregate and sand. If coring establishes this to be a fact, the Staff would recommend that there be a temporary aqueous storage in the Cove of the dredge material. Actually this would have no serious immediate, and certainly no long range detrimental impact on the environment of the Cove. To that degree, the Staff would not concur with the Department of Interior's recommendation on upland storage.

Mr. Callaghan called the Board's attention to the February 19, 1975, memorandum to the Board from the Planning Commission on this case. The first item is (1) "That restrictions outlined by the Staff, the U. S. Department of Interior, the Environmental Quality Advisory Council (EQAC), and the Stream Valley Board be implemented." Then he addressed their attention to the letter dated February 13, 1975, to Col. McGarry of the U. S. Department of Interior signed by Director Lenn A. Greenwold which states on page 5, item 4 that "no dredge material can be temporarily stockpiled on the wetland of the bottom of the Potomac River, Gunston Cove or Pohick Bay. It is suggested that dredge spoil be temporarily stored on barges or contained in an approved upland site. Either bucket or hydraulic method of dredging will be acceptable and dredge spoil or clean fill material may be used as backfill."

Mr. Ruck explained that that was the Planning Commission's recommendation to the Board, not the Staff recommendation. That provision of Mr. Greenwold's is identical to the provisons for all five crossings that were discussed and that were contained in the letters from the Interior to the Corp of Engineers. Insofar as he knows, neither the County Staff nor the Stream Valley Board have any objections to temporary aqueous storage. The Staff would not recommend the Planning Commission's or the Department of Interior's recommendation as a condition to be imposed by this Board.

Mr. Callaghan stated that Columbia sees no way they can obtain all necessary permits within the time frame of this project. The Department of Interior has spoken clearly.

Mrs. Goodwin stated that the Staff's data for Gunston Cove show that there would not be a need for clean backfill to be brought in; the aggregate material is already clean. Therefore, there would be no problem with water quality.

Mr. Callaghan stated that Columbia LNG has now been in the process of obtaining permits with the Department of Interior for more than 11 months.

Mr. Runyon stated that this now could be expedited in that the ground work has been done.

Mr. Callaghan stated that it remains a mystery to him why a corporation cannot get any action out of the Federal government in 11 or 12 months and a group of interested citizens can solicit and obtain a proposal from a major Federal agency within 4 or 5 days. They have been involved in this since 1969 and they are still waiting for approvals, some from the Federal Government. The Department of Interior is holding up some of these other permits and they were a party to the proceeding before the Federal Planning Commission.

Mr. Runyon said he still had not heard the facts which he needs to make a decision. He stated that he knows that dredging can be a problem if it has to be hauled away on barges. He stated that he hoped that between now and next week the Staff will come up with some information on this dredging problem. Mr. Ganza's department or Mr. Callaghan's department should come up with a little better figures on this alternate route. He asked Mr. Callaghan if Columbia has acquired the right of way for this proposed line.

Mr. Callaghan answered that they have purchased the right of way across Mason Neck for $450,000.

Mr. Runyon asked for the Staff view on the so-called County proposal or Abbott proposal and asked if those rights of way would cost additional money.

Mr. Ruck stated that the Park Authority has expressed its willingness to convey an easement, but the Park Authority has not taken a position as to the price. On the Abbott proposal, nothing needs to be conveyed other than that portion of land belonging to the Regional Park Authority. As to whether or not the Regional Park Authority wants to make a gift, wants to convey for a fair market value or wishes to play highway robbery, he did not know. As to the County proposal, to the east of Gunston Hall Road, the same holds true. It depends on whatever the Northern Virginia Regional Park Authority can negotiate with the Company. There would be seven parcels that would have to be acquired. The County itself has already sent requests for assignable options to the Company itself, assuming that the County's metes and bounds would be appropriate. The Company has some question on preciseness with the County's metes and bounds. There would not be substantial additional cost. He stated that it is his understanding that the $450,000 already expended is only for the Washington Gas Light easement. There are no easements up the line in the Occoquan shed or areas through the District of Columbia property which have actually been acquired. He stated that it would seem to him that insofar as that $450,000 if those easements were extinguished even for non-value, that would be an extinguishment to a

a State Park and to a Federal Park. There would certainly be some economic benefit to the Corporation just as a result of, in effect, a donation to a government agency. He stated that he did not think the new County proposed easement would cost Columbia any substantial amount of new dollars.

Mr. Callaghan stated that if he is right, this would be a first.

Mr. Smith stated that the Board would accumulate additional information over the next week that might be available and would hold the record open for any amendment or additional suggestions in the proposals. There would have to be considerable changes for the Board to adopt the original Columbia proposal. It would first have to be placed on the public facilities map by the Board of Supervisors or Planning Commission.

Mr. Runyon asked Mr. Callaghan if there is anything that the Board could do to expedite the construction of the pipeline by perhaps approving some part of this proposal where there is not a lot of contention, as far as stipulating the various requirements. Is there anything that could be done to approve the line from one point to another and leave the other part until later.

Mr. Callaghan stated that they would appreciate any approvals that they can get for any portion, any time.

Mr. Ruck stated that, unfortunately, that alternative is not legally before the Board because the Company has indicated their desire to appeal to the Board of Supervisors. The Board could find the entire route not in accordance.

Mr. Runyon asked Mr. Ruck if approving a portion of the pipeline is legally possible after the appeal. The appeal concerns only a small portion of the total line and it seems to be that U. S. #1 to the Loudoun County line could be worked out with about 6 to 8 stipulations. He asked what the problem is with doing that and would that help Columbia.

Mr. Ruck stated that this Board is required by Order of the Federal Court in Alexandria to have a final decision one way or the other no later than the March 5 meeting. A partial approval of the Special Use Permit may not be in concert with that Court Order. He would first have to see what the proposed resolution would be.

Mr. Runyon stated that probably the sensible solution to the problem would be to do it in parts. Some solution could be reached while this Mason Neck problem is worked out so that Columbia could at least work from point 1 to point 2, and from point 2 to the river could be worked out later. It seems that this would be a way to at least get Columbia going. At least Columbia could be working on part of it. There are two, three, maybe four alternates. In the meantime, we could get better figures and then come back and amend the permit to include a specific route. It seems that that could have been done a long time ago. The only area of contention seems to be around Mason Neck.

Mr. Smith stated that this Board could not have heard or acted on this earlier as it had just been approved by the Planning Commission.

Mr. Runyon said he was speaking of the whole group. There are a lot of people involved in this.

Mr. Smith stated that there is a possibility that this Board may have to act in part on the 5th. He concurred with Mr. Runyon in this respect.

062

Mr. Ruck stated that he would have to confer with Mr. Sewell on this. It would probably take the Company's approval of such a process because of the constraints of the Court Order that now binds this Board as well as the Plaintiffs and the other County agencies, so that, a partial decision would have to be one that is mutually agreeable to everyone. He would have an answer available on the 5th.

Mr. Smith asked Mr. Sewell if he had initiated the appeal to the Board of Supervisors yet.

Mr. Sewell stated that Columbia has not initiated the appeal to the Board of Supervisors yet but probably will before the expiration of the ten day period on Monday at 4:30 P.M.

Mr. Ruck stated that the Board of Supervisors are constrained by the same Order that this Board is. If an appeal is noted by their Monday meeting, the 24th, they, by Court Order and by their agreement by that Court Order, will determine such an appeal and reach a decision no later than March 3, so this Board will be free to make a decision on March 5. The Board of Supervisors has already bound itself to that time frame, if such an appeal were to be noted.

Mr. Smith stated that the Board might anticipate some additional questions even at that late date. If there are questions, this Board will try to convey them to Mr. Ruck prior to the meeting on March 5. The County should pursue all the areas possible, the additional cost, etc., involved in the alternate routes.

The Board recessed the hearing at 3:50 P.M. until March 5 at 10:00 A.M.

"Jane C. Kelsey
by
Jane C. Kelsey, Clerk

Approved: Daniel Smith
Daniel Smith, Chairman

April 16, 1975
Date

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Wednesday, February 26, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes, and Charles Runyon. Joseph Baker was absent. Mr. Wallace Covington and Mr. Harvey Mitchell were present from the Staff.

Mr. Barnes opened the meeting with a prayer.

10:00 - POTOMAC BROADCASTING CORPORATION, appl. under Section 30-7.2.2.1.3 of Ordinance to permit construction of small addition to the existing building, east end of Augustine Street and immediately south of U. S. Government property, 101-2((1))10E, (11.2489 acres), Lee District, (R-12.5), S-4-75.

POTOMAC BROADCASTING CORPORATION, appl. under Section 30-6.6 of Ordinance to permit increase in height of existing 400' tower to 508', closer to property line than allowed by Ordinance (tower must be a distance from the property line equal to the height of that tower), east end of Augustine Street and immediately south of U. S. Government property, 101-2((1))10E, (11.2489 acres), Lee District, (R-12.5), V-5-75.

Mr. Smith read a letter from Mr. Hansbarger, attorney for the applicant, requesting that this case be deferred for a full Board.

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

Mr. Barnes moved that the case be deferred until March 12, or until there is a full Board.

Mr. Kelley seconded the motion.

The motion passed 4 to 0. Mr. Baker absent.

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10:20 - WILLIAM T. MASINGILL appl. under Section 30-6.6 of Ordinance to permit 50' radio tower to remain closer to rear and side property line than allowed by Ordinance, (50' from all property lines required; 41.2' from rear, and 27.4' from east side), 7314 Dunston Street, 71-3((4))(26)9, (10,763 sq. ft.), Annandale District, (R-12.5), V-6-75.

Mr. Smith read a letter from Mr. Masingill stating that he is a Diplomatic Courier and is going to be out of the country today. Therefore, he requested that the application be deferred to a later date.

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

In answer to Mr. Smith's question, Mr. Mitchell stated that there is a violation on this.

Mr. Smith stated that he knew several ham operators who would like to have a tower. He stated that he wondered what is unusual about this particular application. The Zoning Administrator enforces this section of the Code in other cases.

Mr. Kelley moved that the Board allow this to be deferred to March 12, 1975.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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10:40 - CANDLELIGHT CHILDREN'S HOUSE, LTD. by Harry F. and Sheila M. Holsinger, application under Section 30-7.2.6.1.3.2 of Ordinance to permit renewal of SUP #S-115-72 to operate Montessori school for 19 children, ages 3-6 years, Monday through Friday, 9 A.M. to 12 noon, September through June, 3501 Epsilon Place, 59-4((9)) 46, (25,729 sq. ft.), Annandale District, (RE-0.5), S-7-75.

Mr. Harry Holsinger represented the applicant before the Board.

Notices were in order. The contiguous property owners were Fields and Pierce.

Mr. Holsinger stated that this is for a renewal of their Special Use Permit and there is no change in the operation. He and his wife operate the school. They operate from 9:00 A.M. to 12:00 noon. They have no summer classes.

Mr. Mitchell indicated that there have been no complaints on this school.

Mr. Holsinger stated that he would like the Permit extended for as long as possible as they anticipate operating the school for an indefinite time. They own the property.

There was no one present to speak in favor or in opposition to this application.

----------Resolution----------

In application no. S-7-75, application by Candlelight Children's House, LTD. under Section 30-7.2.6.1.3.2 of the Zoning Ordinance, to permit operation of Montessori School for 19 children (seeks to renew S-115-72), on property located at 3501 Epsilon Place, Annandale District, also known as tax map 59-4((9))46, County of Fairfax, Mr. Kelley moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 26th day of February 1975.

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

1. That the owner of the subject property is Harry F. & Sheila M. Holsinger.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 25,729 sq. ft.
4. That compliance with all applicable county and state codes is required.
5. A special use permit (S-115-72) was granted on August 2, 1972, to the present applicants for a Montessori School for a maximum of 19 students in the lower level of applicants' residence, located on Epsilon Place in Holmes Run Heights Subdivision, Annandale District. That permit was granted for a three year period and will expire in August, 1975.
6. The current application seeks to renew S-115-72.

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

1. That the appliaant 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 19, ages 3-6 years.
7. The hours of operation shall be 9 A.M. to 12:00 noon, Monday through Friday, and September through June.
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 the operator shall be required to obtain a Non-Residential Use Permit.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr Baker was absent.

For clarification, Mr. Kelley stated that the Permit was granted for an indefinite time as long as the same applicant continues to operate the school. However, any changes will cause this to come back to the Board.

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11:00 - ROBERT J. WILLS AND MARY ALICE WILLS application under Section 30-6.6 of Ordinance to permit enclosing of carport closer to side line than allowed by Ordinance, (12' required; 10.5' from side line), 7718 Elgar Street, 70-4((4))(56)16, N. Springfield Subd., Section 17A, (15,613 sq. ft.), Annandale District, (R-12.5), V-8-75.

Mr. Wills represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Lewis Sanden, 1716 Elgar Street and Stephen McLean, 7720 Elgar Street.

Mr. Wills stated that he has a hill in the back of the yard and cannot put a carport there. Sixty percent of the houses in the neighborhood have enclosed carports.

Mr. Smith stated that it appears that the applicant does have a topography problem.

Mr. Runyon stated that the front is the only place he could put a carport.

Mr. Smith stated that it is just a portion of the carport where he needs a variance, just about 1 1/2 feet on the back portion of the carport.

Mr. Wills stated that he will still have a 40' driveway to park his car.

There was no one to speak in favor or in opposition to the application.

In answer to Mr. Barnes' question, Mr. Wills stated that the enclosed carport will blend with the rest of the house. He plans to use brick just like the house.

----------Resolution----------

In application No. V-8-75, application by Robert J. Wills and Mary Alice Wills, under Section 30-6.6 of the Zoning Ordinance, to permit enclosing of carport with side yard variance, on property located at 7718 Elger St., also known as tax map 70-4((4))(56)16, N. Springfield, Section 17A, 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 26th day of February, 1975, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Robert J. & Mary Alice Wills.
2. That the present zoning is R-12.5.
3. That the area of the lot is 15,163 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) 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. Kelley seconded the motion. The motion passed 4 to 0.
Mr. Baker was absent.

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11:10 - MAMIE J. BROOKS application under Section 30-7.2.6.1.3 of Ordinance to permit day care center for 30 children, infants to 4 years of age, 7 A.M. to 6 P.M., 5534 Sheldon Drive, 81-1((4))(K)7, Bren Mar Park, (8,401 sq. ft.), Mason District, (R-10), S-9-75.

Mr. James Whytock, attorney for the applicant, appeared before the Board and stated that he had just been retained by the applicant and the applicant had failed to send notices to property owners as required by this Board. Therefore, he requested a deferral until a later date in order to comply with this requirement.

Mr. Wheeler, president of the Bren Mar Citizens Association, stated that the applicant was invited to make a presentation before their citizens association three weeks ago and it was pointed out to her that those notices were necessary. He stated that he realized the Board could not make a decision when the notice requirement had not been met, but he would appreciate the Board's listening to the people who have come out today to testify on this case.

Mr. Smith stated that this is a procedural requirement that must be met and the Board could not hear the case. He stated that the Board would try to arrange the deferral date so that it will be agreeable to everyone.

Mr. Wheeler stated that he would like to say for the record that the applicant had lots of time and guidance and was offered assistance within the civic association, apparently, all of which she ignored. He stated that they are here to oppose this application.

Mr. Kelley stated that he certainly could sympathize with these people. He stated that he wanted to hear from the applicant why she did not send out notices.

Mr. James Whytock, attorney for the applicant, stated that he was hired at 3:00 P.M. yesterday afternoon and at that time he realized notices had not been sent out.

Mr. Kelley brought up the question of the number of children that will be permitted in this structure. He stated that there are conflicting reports in the file.

Mr. Whytock stated that he has a letter from the Health Department dated the 25th of February, 1975, and they see no reason why they cannot meet all the requirements of all departments. They do plan to reduce the requested number of children to 15. He stated that he would submit a copy of that report to the Board.

Mr. Smith stated that this application is filed in the name of Mamie Brooks. Yet, the Health Department letter is addressed to Mrs. Archie. There is in the file a Certificate of Good Standing from Flying "A" Enterprises, a corporation. He asked what name this day care center is going to be operated in. The contract to purchase is in the name of the corporation.

Mr. Whytock stated that the applicant's name is Mrs. Archie. She has done business under the name of Brooks. She and Mr. Archie are the sole stockholders in the corporation that is under the contract to purchase. He stated that he would prefer to discuss this question with the applicant before requesting that the application be changed.

Mr. Smith stated that if Mrs. Mamie J. Brooks is the wife of Roy Archie, the name should be changed to indicate this as the applicant. The Board does not want any fictitious names involved. She might use Mamie J. Brooks as a trade name.

Mr. Whytock gave some of Mrs. Archie's background to reflect her qualifications.

The Board, the applicants and Mr. Wheeler agreed that March 19, 1975 would be the deferral date.

Mr. Daniel Gandy, contiguous to the property in question, spoke before the Board to inquire as to the policy that requires this deferral.

Mr. Smith explained it to him. Mr. Smith stated that on March 19, 1975, unless there is some legitimate reason, this case will be heard. There will be no consideration for further deferral and if the applicant does not pursue the case, it could be denied for lack of interest. After this full discussion today, by all parties, there certainly should be no further delay. He apologized to the people who were present for the delay, but stressed that the Board has to stick with its procedural requirements.

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DEFERRED CASES:

BOBBY JONES, S-203-74, (Deferred from 1-22-75 at request of applicant for decision only).

Mr. Gary Davis, attorney for the applicant, testified before the Board.

The applicant had cut off part of the addition to reduce the amount of the structure that would require a variance. He had cut off 10' from the structure. He stated that this is as much as they can cut off and still maintain any storage at all.

Mr. Davis submitted a letter from Public Works with regard to clearing up the question of why they had not yet connected to the sewer, and another letter from the Health Department indicating that the septic tank that they now have is satisfactory for this use.

Mr. Kelley stated that he still feels this is overdevelopment of the property.

Mr. Runyon stated that even if he puts on only one bay, it will also be in violation. At the last meeting, the Board told him that he was justified in asking for additional bays because two bays are not financially feasible and that he should try to reduce the variance request. He has done this. He cannot put on any addition without a variance. It is

068

an odd shaped parcel and the lot is skewed. He also has a septic field which limits the buildable area of the lot. The building coverage is no where close to the fifty percent of what is allowed. He stated that he felt the Board should give the applicant some relief because of the nature of the property, for example, it is an odd shaped lot.

Mr. Davis stated that the existing station takes up 1200 square feet and even with the addition, they will not even develop one third of the property. They have tried to cut down the request, They have tired to move the addition around in every direction, but they still will need a variance. They want to up grade this old station and develop it in line with the other development in the area.

Mr. Kelley stated that this parcel is next to residential land.

Mr. Covington stated that this station certainly does not impact the area because there are gasoline station all along this street.

Mr. Smith stated that the full Board heard this case. He told the applicant he could request a deferral for a full Board if he wished.

Mr. Davis agreed.

Mr. Runyon moved that this case de deferred for a full Board and for decision only.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

Mr. Davis expressed his appreciation to the Staff for the help they had given him in putting together this application.

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DENTON, V-211-74 (Deferred for a full Board). The Board further deferred this case as there was still not a full Board.

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HUGHES, V-195-74 (Deferred for a full Board). The Board further deferred this case as there was still not a full Board.

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AFTER AGENDA ITEMS:

JAMES BOONE, Request for out of turn hearing. Mr. Smith read a letter from Mr. Boone requesting the out of turn hearing because he is already paying rent at this location and is unable to use it until he gets the Special Use Permit.

Mr. Barnes moved that the request be granted if the Clerk can get the case advertised for March 26, 1975.

Mr. Kelley seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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GULF OIL, S-25-75.

Mr. Smith read a letter from Carson Lee Fifer, attorney for the applicant, stating that they have filed a site plan with the County and have satisfied every aspect of site plan procedure. The site plan has not been finally approved and the building permit has not been issued because the Board of Supervisors is contemplating the acquisition of a large part of this parcel for an overpass of the existing railroad tracks. He enclosed a copy of a County memorandum verifying this fact.

Mr. Barnes moved that the applicant be granted a 180 day extension. He stated that the Board should know the status of the acquisition by that time.

Mr. Kelley seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

Mr. Smith stated that the Board might reconsider this case at a later date if the same conditions exist as stated in the letter.

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Mr. Kelley moved that the minutes for January 15, 1975 be approved.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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KENA TEMPLE, S-254-75.

Mr. Smith read a letter from Mr. William L. Peele, Potentate for Kena Temple, requesting an extension as their construction plans have been delayed because of economics.

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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LAKE BARCROFT

Mr. Smith read a letter from Mr. Hobson, attorney for Lake Barcroft Recreation Association, requesting that they be allowed to continue to operate without putting up the fence until such time as they sell the houses in the Cloister development. Mr. Smith requested Mr. Mitchell to check to see whether or not Lake Barcroft Recreation Association has their occupancy permit.

Mr. Mitchell stated that they have been using this facility all along. They used the pool facilities last summer. He stated that he thought they had a Court Order that said they could use the facilities.

Mr. Smith stated that he thought the Board of Supervisors gave them permission to use it.

Mr. Kelley inquired if they have the right to use the facilities before all the terms and conditions of the Special Use Permit have been met.

Mr. Smith stated that he did not think so.

Mr. Kelley stated that the County gives other people a violation notice for occupying a dwelling and conducting a use without first having obtained the occupancy permit.

Mr. Mitchell stated that he thought the situation was that they were allowed to use the facility by actions of other than the Board of Zoning Appeals and when the case was finally resolved, he assumed they did not have to stop using the facility.

Mr. Kelley stated that based on this letter, they do not know when they will build the fence and they do not have the money to build it. The Staff should check into this and see what the intention is.

Mr. Smith noted a letter that had been received from Mr. Scheps, one of the contiguous property owners, earlier setting forth some violations. Mr. Smith requested that a copy of both letters be transmitted to Mr. Ruck or Mr. Symanski and ask them to go over the letters.

Mr. Runyon suggested that the Board could ask Mr. Hobson the time limit they intend.

Mr. Smith stated that they should have a time limit on this, but Mr. Hobson says they cannot sell the lots and, therefore, do not have the money to build the fence.

Mr. Mitchell stated that there were other conditions of the Special Use Permit other than the fence.

Mr. Smith suggested that the deficiencies pointed out in Mr. Scheps letter be checked out. He inquired if they had been checked out previously since the letter was dated December.

Mr. Mitchell stated that he did not know.

Mrs. Kelsey indicated that she had given a copy of the letter to Mr. Covington.

Mr. Smith stated that he would like a report from the County attorney and a report on the inspections. He asked Mrs. Kelsey to answer Mr. Scheps letter telling him that the matter is under consideration and has been referred to the Inspection Division and the County Attorney's Office. He also asked Mrs. Kelsey to answer Mr. Hobson's letter telling him that the Board is taking this under advisement.

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The meeting adjourned at 12:10 P.M.

Jane C. Kelsey
by Jane C. Kelsey
Clerk

Daniel Smith
Daniel Smith, Chairman

Approved: APRIL 23, 1975
Date

The Special Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Wednesday, March 5, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes, and Charles Runyon. Joseph Baker was absent. Mr. Wallace Covington and Mr. Harvey Mitchell were present from the Staff. Also present were: Mr. Lee Ruck, Fairfax County Attorney; C. M. Garza Chief, Technical Branch, Office of Comprehensive Planning; Mary Margaret Goodwin, Chairman, Stream Valley Board.

Mr. Barnes opened the meeting with a prayer.

10:00 - COLUMBIA LNG CORPORATION application under Section 30-7.2.2.1.8 of the Zoning Ordinance to permit construction and operation of a 36" diameter natural gas pipeline, approximately 27 miles long, across the Springfield, Lee and Centreville Districts, from a Potomac River crossing at Mason Neck to a point on the Fairfax County/Loudoun County line approximately one and one quarter miles north of Bull Run, this high pressure line being a part of a proposed transmission line from Coves Point, Md. to the existing Watson Compressor Station in Loudoun County, S-137-74, (Deferred from 2-19-75 pending appeal to Board of Supervisors).

BACKGROUND: The original hearing before the Board of Zoning Appeals took place February 19, 1975. The proposed pipeline will originate at Cove Point, Calvert County, Maryland. It will enter Fairfax County on the north boundary of Gunston Manor Subdivision and traverse Fairfax County in a westerly direction, paralleling the Occoquan River and Bull Run Creek into Loudoun County terminating at the Loudoun Compressor Station. This request required hearings before the Planning Commission for placement on the public facilities map and for the Commission's recommendation to this Board. The Planning Commission did not approve the Company's original request, but approved an alternate proposal, "Line B, County Proposal." The Company appealed this decision to the Board of Supervisors. On March 3, 1975, the Board of Supervisors upheld the Planning Commission's decision. The ultimate decision on this request lies with the Board of Zoning Appeals. This Board can approve or deny the request, but cannot change the route as approved by the Planning Commission and the Board of Supervisors.

Columbia LNG's original proposed route met with citizen opposition because the pipeline would have to go through the Mason Neck Wildlife Refuge which is one of the few nesting areas in the United States for the American Bald Eagle. As a result of this opposition, the County is now requiring an alternate route up Gunston Cove through Pohick Bay.

DISCUSSION:

Mr. Charles Sewell, local attorney of record for Columbia LNG, voiced the Company's objections to this alternate proposal as approved by the Planning Commission and the Board of Supervisors. He felt this would place an unnecessary burden on the Company. However, the Company agreed to this hearing before this Board in a spirit of compromise and settlement. The application was amended to the County's alternate route. The basic question on the alternate proposal was whether the original route through Mason's Neck would affect the two bald eagles there. This alternate route will cost the Company initially at least four million dollars which will be passed on to Washington Gas Light customers.

The Board of Zoning Appeals discussed with the County Staff and the Company's representatives the conditions that the Planning Commission recommended be incorporated into the Board of Zoning Appeals' granting of this Special Use Permit. The specific points raised were:

1. The use of herbicides. The Company agreed that they would not use them in Fairfax County.

2. Aqueous storage. The Staff and Stream Valley Board did not agree with the Planning Commission and the Department of Interior in their recommendation that the dredged material be temporarily stored on barges or contained in an approved upland site. The Staff's data showed that the aggregate material

072

on the bottom of Pohick Bay is already clean. Therefore, aqueous storage would be acceptable and this would cause no problem with water quality.

3. Inspection by helicoptors. The Staff did not agree with the Planning Commission's recommendation that helicoptors should not be used. The Staff felt that this is the best method for checking for gas leaks and therefore recommended to this Board that these overflights be allowed.

The Board made the following resolution:

----------Resolution----------

In application No. S-137-74 as amended, application by Columbia LNG Corporation under Section 30-7.2.2.1.8 of the Zoning Ordinance, to permit construction and operation of a 36" natural gas pipeline, approximately 27 miles across Lee, Springfield and Centreville Districts, 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 February 1975 and continued to March 5, 1975.

FINDINGS OF FACT

1. That the large majority of the route crosses residentially zoned property and a small portion crosses commercially and industrially zoned property.
2. That on February 13, 1975, the Planning Commission of Fairfax County determined that the proposed route for the pipeline with the A (or Abbott) route or the B (or the County) proposal on Mason Neck were substantially in accord with the applicable comprehensive plans pursuant to Va. Code Ann., §15.1-456.
3. That upon appeal of the Planning Commission's decision, the Board of Supervisors of Fairfax County affirmed the Planning Commission's decision on March 3, 1975.
4. That the length of the pipeline route in Fairfax County is approximately 27 miles with an easement of varying widths not exceeding 75 feet in permanent width.
5. That the Federal Power Commission has issued a certificate of convenience and necessity conditioned upon federal, state and local approvals to Columbia LNG which finds, among other things, a need for the subject facility and natural gas.
6. That a decision of the Board of Zoning Appeals permitting some flexibility based on the approval of alternate routes on Mason Neck may facilitate completion of the facility based on future studies, engineering and otherwise, and that the provision for subaqueous storage is paramount to this amended "B" Route.

CONCLUSIONS OF LAW

1. That the evidence and testimony has shown, where applicable, compliance with the "Standards for Special Permit Uses in R (residential) Districts" in §30-7.1.1 of the Fairfax County Code if conditioned as hereafter set forth.
2. That the evidence and testimony has shown, where applicable, compliance with the "Standards for Special Permit Uses in C (commercial) or I (industrial) Districts" in §30-7.1.2 of the Fairfax County Code if conditioned as hereafter set forth.

NOW, THEREFORE, BE IT RESOLVED, that the subject application as amended is granted with the following conditions:
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 as amended 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 line and structures 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 alignment changes based on studies and 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.

5. That complete plans and profiles of the whole route must be filed:
   a. Showing all properties.
   b. Showing all transmission lines within the right-of-way and respective easement widths.
   c. Showing limits of clearing.
   d. Showing existing ground and proposed pipeline.

6. Strip topography and profile plans of the following streams must be filed:
   a. Sandy Run
   b. Wolf Run
   c. Popes Head Creek
   d. Little Rocky Run
   e. Cub Run

7. There will be siltation plan review and approval by the Department of Environmental Management, Division of Design Review and the Stream Valley Board. The siltation control plan shall be approved prior to the start of any clearing operation.

8. a. That herbicides shall not be used within Fairfax County as proposed by the applicant.
   b. Water used for hydrostatic testing of the pipeline will not be disposed of in Fairfax County as proposed by the applicant.

9. That criteria limiting the erosion from the construction sites to either the target erosion rates suggested for the region (Table 2 of Preliminary Engineering Analysis of Erosion Control System, Columbia Pipeline Project prepared by Parsons, Brinkerhoff, Quade and Douglas, February 10, 1975) or 1.5 times the baseline rate of the particular site are to be used for the cross-country pipeline construction sites or as amended to fit particular conditions and areas encountered.

10. That adequate safety valves be installed along the route as proposed at 8 mile minimum separation as proposed by the applicant.

11. That all construction in the waters of Gunston Cove and Pohick Bay shall be done between September 1 and February 1.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

Mr. RUNYON: I believe that covers all the standard requirements that we place in the Motion and the requirements that the Staff has suggested and the ones that we have discussed, deleted, etc. I am certain we have not exhausted all the discussions we could have, but we have included all those items unless the Board feels we should include something more.

Mr. SMITH: Mr. Runyon, you used the word amended, could we also use it at the beginning of the captioned application?

MR. RUNYON: Yes.

MR. SMITH: Could the secretary note all the conditions and number or alphabetize them in order.

MR. RUNYON: I have done that, I just didn't read them.

MR. SMITH: In referring to what we consider as 8a, in referring to herbicides, I wonder if we could prohibit the use of any herbicides. I think that was agreed on by the applicant in the earlier hearing and we could prohibit them as we have prohibited the use of them on VEPCO lines previously for either construction or maintenance purposes.

074

(After a brief discussion between the Board members, Mr. Callaghan, and Mrs. Goodman, Mr. Sewell agreed and submitted to the condition prohibiting the use of herbicides during construction and maintenance of the line).

MR. SEWELL: We will agree and submit to the condition prohibiting the use of herbicides during construction and maintenance of the line.

(Mr. Sewell questioned No. 4 in the Findings of Fact limiting the width of the easement any where in the County to 75'. He stated that that is generally acceptable, but where they come out of the water, they will need additional width for the additional equipment needed at that location).

MR. SMITH: That problem can be alleviated by substituting or adding the words, "permanent width".

(The Staff had no objection).

(Mr. Smith stated that this would leave some flexibility at the point of entry in Fairfax County and the possibility of a temporary easement to accomodate construction equipment. Mr. Sewell stated that those words would be no problem. On the provision that construction be commenced within on year or the permit expired, Mr. Sewell asked if the Board is aware that they intend to commence construction and construct a certain distance, about 17 miles in Fairfax, then stop. The following year, they would finish the construction).

MR. SMITH: You would start or begin construction, so it would be construed as meeting this requirement. As long as you begin any construction within the one year period. We are aware of the fact that you can't complete this. We haven't set a completion date on it, as long as you start construction.

MR. RUNYON: We are only proposing the B Route, which is really the only one we have to act on. I'm not too sure why we need to act on it as it has already been determined, but I guess to put the limitations on and I think we have adequately done that. (He asked if this is clear to all the Board members).

(The Board members indicated that this was clear).

MR. RUNYON: We are not talking about the Abbott or the A Route or anything else; we are just talking about the B Route subject to the final construction plans and approvals by the Department of Interior.

MR. BARNES: I accept the amendments.

(No further discussion).

The motion passed 4 to 0. Mr. Baker was absent.

MR. RUNYON: I would like to personally thank these people, as well as members of the Staff. They have put a lot of time into this.

MR. SEWELL: On behalf of the applicant, we sincerely and honestly appreciate the attitude and the consideration the Board has given us.

MR. SMITH: We all feel a little better that this is now on its way and I'm sure that any problems that may arise can be resolved within the framework of the people in this room today without any real problem.

MR. KELLEY: I agree with Mr. Runyon and take it one step further. I appreciate the attitude of the applicant. I don't think there is any question in anyone's mind as to the need of this facility and I appreciate the fact that they have worked with us in the manner in which they have.

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2:00 - BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, appl. under Section 30-6.5 of the Zoning Ordinance to appeal Zoning Administrator's decision to allow erection of addition to structure 12' from property line established by Zoning Administrator to be a side property line and contested as a rear property line, 6730 Front Royal Road, Edsal Park Subdivision, 80-2((2))218, Annandale District, R-12.5, V-41-75.

BACKGROUND: The Zoning Administrator's Office issued a building permit to Cmdr. and Mrs. Demand on February 14, 1975 to place a permanent addition on the back of their home at 6730 Front Royal Road. The Zoning Administrator interpreted the lot line closest to the addition as being a side lot line, thereby allowing the addition to be constructed within 12' of that property line. The contiguous neighbor, Mr. Harold Follack, 6713 New Hope Drive, objected to this and claimed that the addition is being constructed in violation to the setback requirements of the Fairfax County Zoning Ordinance. Mr. Follack brought this matter to the attention of the Board of Supervisors who filed this appeal on the grounds that, in its estimation, it seemed clear that the addition comes within 12' of a rear property line. The Board of Supervisors felt that the Demands have violated the provisions of the Ordinance which states that any structure must be 25' from the rear property line. The Board of Supervisors also instructed the County Attorney's office to secure a preliminary injunction against the Demands pending the outcome of this hearing before this Board as to the propriety of the Zoning Administrator's decision. The Court is anxious for this Board to make a prompt decision so that no undue inconvenience will be done to any of the parties involved.

DISCUSSION:

Mr. Shapiro presented photographs of the Demand property to the Board. He stated that it seemed clear from looking at the plat that the rear property line is the longest line of the property. The line facing Front Royal Road is clearly the front property line and the line furthest from that would be the rear property line.

Mr. Harold Follack, 6713 New Hope Drive, contiguous to this property, spoke in support of the appeal giving the following reasons.

1. This property line in question does not meet the definition of "Lot Line" under Section 30-1.4.2.4.1 of the Zoning Ordinance.

2. The lot has only one public access. Therefore, that property line fronting on Front Royal Road would be the front property line.

3. The line directly opposite would be the rear line.

4. In order to consider a lot a triangular lot, the line considered as the front of the triangle should touch two lines that are forming the rear of the triangle.

5. It is generally assumed that the rear lot line is the line that is the most distant from and most nearly parallel with the front lot line.

Mr. Gilbert Knowlton, Zoning Administrator, and Wallace Covington, Assistant Zoning Administrator, told how they arrived at their decision.

"The Zoning Administrator's interpretation of Section 30-1.4.2.4.1 of definitions as it relates to Lot 218, Section 2, Edsall Park Subdivision ... is being appealed. Section 30-1.4.2.4.1 reads as follows: "Lot, Line, rear. The lot line that is generally opposite the lot line along the frontage of the lot. If the rear lot line is less than ten feet in length or if the lot comes to a point in the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, not less than ten feet long, lying wholly within the lot line and farthest from the front lot line."

Frequently during the course of a year, this problem comes up in new construction and additions to old construction, where the lot configuration closely parallels the configuration of the lot in contention. You very seldom find any two lots that will be the exact same configuration and I feel that there is

076

enough latitude in the above definition to interpret the rear lot line as I have done in this case. Let us analyze the definition. The first sentence says the lot line that is generally opposite the lot line along the frontage of the lot. I feel the use of the word "generally" allows some latitude in establishing the rear line. Second, the lot certainly comes to a point in the rear. Third, a line drawn 10 feet from the apex of the point on the triangle generally parallels the front lot line and finally, this line is farthest from the front lot line.

This section has existed in the Code since 1959 and has been interpreted in this manner many times in the past with a certain amount of latitude being exercised in each instance.

I feel the intent of this section was to offer some additional relief to a property owner confronted with a tapering lot. This same type of help is given to corner lots by the removal of all rear yard setback requirements and substituting side yard requirements. There are Code remedies to relieve setback problems for property owners such as the 15% exception, for narrow substandard lots, 25% exception and 20% reduction for condemnations and takings.

Mr. Covington stressed that this section uses the word "or". This means either, not both. He stated that by looking at the plat of this property and imagining that one was standing in front and to the left side, one can see the apex of the corner of the property. If you come down from that corner and draw a line parallel to the front, that would be the rear. That section of the Zoning Ordinance is trying to provide some relief to the property owner. He stated that he and not the property owner is at fault in this case as he did tell the property owner that the line in question was a rear line, not a side. This is the way this section of the Ordinance has been interpreted for a long time, at least ten years.

Mr. I. N. Basay, the designer and the contractor of this addition, gave the Board a rundown on the type and style of construction he planned to build. He told the Board that this construction on this addition is now up to the rafters and that the owners have spent $10,000 on this project.

Mr. Covington pointed out to the Board that a property owner could construct a separate structure of a nonflammable material within 2' of this line, as long as he sets back 12' from the house, if the Board interprets this as a rear line. Therefore, if this is interpreted as a side line, the contiguous property owner is benefited more because it gives him more protection from encroachment on the property line.

It was Messrs. Smith and Kelly's feeling that this is a rear line because the first requirement in this section says that it be less than 10 feet or that it comes to a point. This line is not less than 10 feet and that should be the first consideration.

Mr. Knowlton pointed out that the problem with interpreting this as a rear line is that the first sentence in that section of the Ordinance is being used and the rest of the section is being ignored. This will make problems on interpretations in the future. He asked for a broader interpretation than just saying it is a side or a rear.

The Board felt that they should only interpret that section of the Ordinance as it relates to this particular lot and not how this section should be applied to any other property in the future. The Board did not feel the decision on this case would set a precedent.

It was Mr. Runyon's feeling that the section says 'or if the lot comes to a point at the rear.' The Code further says that if the lot line "shall be deemed lying wholly within the lot furthest from the front lot line ..." and the Code then interprets that line to be a rear line.

----------Resolution----------

In application No. V-41-75, application by Board of Supervisors, under Section 30-6.5 of the Zoning Ordinance to appeal Zoning Administrator's decision to allow erection of addition to structure 12' from property line established by the Zoning Administrator to be a side property line and contested as a rear property line on property located at 6730 Front Royal Road, also known as tax map 80-2((2))218, Annandale 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 5th day of March, 1975, and

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

1. That the owner of the subject property is Cmdr. & Mrs. Demand.
2. That the present zoning is R-12.5.
3. That the area of the lot is 14,492 sq. ft.

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 whereby the decision of the Zoning Administrator should be reversed.

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

Mr. Barnes seconded the motion.

The vote was 2 to 2. Therefore, the motion failed.

Mr. Runyon then moved to grant the application, but stated that he did not plan to support this motion. He stated he was doing this to get the motion on the floor.

Mr. Kelley seconded the motion.

The vote was again 2 to 2. The application was thereby denied and the Zoning Administrator's decision upheld.

The Board indicated that since the Board of Supervisors is now revising the Zoning Ordinance this would be a good time to change this section of the Ordinance.

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The meeting adjourned at 1:40 P.M.

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by Jane C. Kelsey
Jane C. Kelsey, Clerk

Daniel Smith
Daniel Smith, Chairman

Approved: April 23, 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, March 12, 1975. Present: Daniel Smith, Chairman; Charles Runyon; Joseph Baker; George Barnes, Loy Kelley, Vice-Chairman, was absent. Mr. Wallace Covington and Mr. Harvey Mitchell were present from the Staff.

Mr. Barnes opened the meeting with a prayer.

10:00 - GENERAL CINEMA CORP. OF VA. AND FRANCONIA ASSOC. appl. under Section 30-7.2.10.3.4 of the Zoning Ordinance to permit 2 motion picture theatres, Springfield Mall Regional Shopping Center, 90-2((13))5, (34.0137 acres), Lee District, (C-D), S-10-75.

Mr. Richard Hobson, 4085 University Drive, Fairfax, Virginia, attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order. Two contiguous property owners were Benjamin Rogers, 6735 Beulah Street, Alexandria, and Village Green Properties, c/o Franconia Assoc., 711 Fifth Avenue, New York, New York.

Mr. Hobson stated that this is the same Permittee that is now operating the Twin Motion Picture Theatres that are currently in existence in Springfield Mall. It will also be the same type theatre as the existing theatres. This will be Cinema 3 and 4 located in the new wing of this regional shopping center. The seating capacity is 478 for each theatre, for a total of 956 seats. The theatre is 130' by 110'. It is on a parcel of land which is 13 acres. The property is under a sale, lease-back type financing in which the legal title owner is Authur Viner, Trustee, and it is leased back to Franconia Associates for 50 years.

The hours of this theatre are 9:30 A.M. to 1:00 A.M. This corporation operates 600 theatres in the United States. They have submitted a retabulation of the parking and they meet the required number of 239 spaces. There is an excess of parking spaces for the whole shopping center after these theatre spaces are calculated. Mr. William McCarthy, construction supervisor for General Cinema, is present today. He was present at the time of the original hearing for the other two theatres for this center.

Mr. Hobson stated that he has a letter from Antonia Caggiano, Vice-President of Springfield Mall, supporting this operation. The entrance to the theatres will be on the ground floor and people can enter onto the parking lot. It will be the same traffic pattern for persons coming to the shopping centers as now come to shop. There will be no additional hazards. The layout of the theatre will be harmonious with that of the shopping center.

He submitted several photos to show the design of the inside of the proposed theatre.

There was no one to speak in favor or in opposition to the application.

----------Resolution----------

In application No. S-10-75, application by General Cinema Corp. of Virginia & Franconia Assoc. under Section 30-7.2.10.3.4 of the Zoning Ordinance, to permit 2 motion picture theatres, on property located at Springfield Mall Regional Shopping Center, also known as tax map 90-2((13))5, 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 March, 1975.

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

1. That the owner of the subject property is Arthur W. Viner, Tr.
2. That the present zoning is C-D.
3. That the area of the site is 34.0137 acres.
4. That parking provided is adequate.

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. Baker seconded the motion.

The motion passed 4 to 0. Mr. Kelley was absent.

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10:20 - JOSEPH GUGLIELMELLO, JR. appl. under Section 30-6.6 of the Zoning Ordinance to permit addition closer to side lot line than allowed by Ord., (12' required, 10' from side requested), 7902 Foote Lane 79-2((3))(19)4, (11,475 sq. ft.), Annandale District, (R-12.5), V-11-75.

Mr. Guglielmello represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Richard Schnorf, 7900 Foote Lane, Springfield, Virginia and Jac Halterman, 7904 Foote Lane, Springfield, Virginia.

Mr. Guglielmello's main point of justification under the Ordinance was that to place the proposed structure to the rear would place it at the retaining wall. This wall is at the base of an embankment that elevates seven feet in about twelve feet and continues to about fifteen feet in twelve feet in the adjoining property. This, in effect, creates a dam to large amounts of runoff water that now uses that area to dissipate. It would divert the water to the side lot, aggravating existing water problems created by runoff from higher elevations. He further explained the drainage problem on his lot and what has been done to try to correct it, but to no avail.

081

He stated that the proposed use will be used as a dining room and den for his family and is not for resale purposes. The dimensions of the proposed addition are 11' x 26.5' as shown on the plat. It will be constructed of brick and frame so as to blend with the existing structure. Landscaping and screening will be in conformance with existing plans and will blend into existing landscape design.

There was no one to speak in favor or in opposition to this application.

----------Resolution----------

In application No. V-11-75 application by Joseph Gugliemello, Jr. under Section 30-6.6 of the Zoning Ordinance, to permit addition with side yard of 10' in lieu of required 12' on property located at 7902 Foote Lane, also known as tax map 79-2((3))(19)4, 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 12th day of March, 1975, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Joseph, Jr. & Shirley H. Guglielmello.
2. That the present zoning is R-12.5.
3. That the area of the lot is 11,475 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) exceptional topographic problems of 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 requirement 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.

10:40 - SEVEN CORNERS ANIMAL HOSPITAL, INC., & DR. JAMES G. O'NEIL appl. under Section 30-7.2.10.5.2 of Ord. to permit change of owner on existing use permit for animal hospital, 6300 Arlington Blvd., 51-3((1))37, (8,298 sq. ft.), Mason District, (C-G), S-12-75.

Mr. William Hansbarger, attorney for the applicant, testified before the Board.

Notices to property owners were in order.

A Special Use Permit, S-755-67, for operation of an animal hospital was granted to Herbert and Lillie Nagin on March 12, 1968. This application is to change the owner and operator to Dr. James O'Neil. Dr. O'Neil plans no changes in the operation.

082

Mr. Hansbarger stated that the corporation has not yet been formed. The application was amended to show only the name of Dr. O'Neil.

There was no one present to speak in favor or in opposition to this application.

----------Resolution----------

In application No. S-12-75, application by Dr. James G. O'Neil under Section 30-7.2.10.5.2 of the Zoning Ordinance, to permit change of owner on existing use permit, on property located at 6300 Arlington Blvd., also known as tax map 51-3((1))37, 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 March, 1975.

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

1. That the owner of the subject property is Dr. Herbert & Lillie Nagin.
2. That the present zoning is C-G.
3. That the area of the lot is 8,298 sq. ft.
4. That a Special Use Permit, S-755-67, now exists in the name of the owner.

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 those 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 shall be 9 A.M. to 7 P.M.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Kelley was absent.

Page 83, March 12, 1975
Arif H. Hodzic

11:00 - ARIF H. HODZIC, appl. under Section 30-6.6 of the Zoning Ordinance to permit addition 7' 6" from side lot line (2' 6" variance), 7401 Tower St., 50-1((2))91, (11,431 sq. ft.), Providence District, (R-10), V-13-75.

Mr. Hodzic represented himself before the Board.

Notices to property owners were in order. The two contiguous property owners were Mrs. Deemer, 7321 Tower Street, Falls Church and Mrs. John Hollinger, 7403 Tower Street, Falls Church.

Mr. Hodzic stated that he proposes to build an addition that is 410 square feet and contains two rooms. The existing house is not parallel to the property line; therefore, one corner of the new addition is 12' 6" from the property line. The other corner is 7' 6" from the property line. He needs a variance of 2' 6" in order to construct this addition. The lot is exceptionally irregular. This addition is for the use of Mr. Hodzic's family and is not for resale purposes. The addition is to be constructed of brick similiar to the existing house.

Mrs. Ross McDonald, 7400 Tower Street, neighbor across the street, spoke in support of the application.

There was no one to speak in opposition to the application.

----------Resolution----------

In application No. V-13-75, application by Arif H. Hodzic, under Section 30-6.6 of the Zoning Ordinance, to permit addition closer to side property line than allowed by Ord. (7' 6" from side; 10' required), on property located at 7401 Tower Street, also known as tax map 50-1((2))91, 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 12th day of March, 1975, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Arif H. & Vukosava Hodzic.
2. That the present zoning is R-10.
3. That the are of the lot is 11,431 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. 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.

11:20 - JOSEPH HOANG THANH TU appl. under Section 30-6.6 of the Zoning Ordinance to permit enclosing of carport 6' from side property line (12' required), 9004 Stratford Lane, 111-1((3))(3)521, (13,985 sq. ft.), Mt. Vernon District, (R-12.5), V-14-75.

Mr. Tu represented himself before the Board.

Notices to property owners were in order. The contiguous property owners were Mr. and Mrs. Robert Henchee, 9000 Stratford Lane, Alexandria, and Mr. and Mrs. Carroll Rush, 9006 Stratford Lane, Alexandria, Virginia.

Mr. Tu's justification was that of the location of the existing house on the lot and the fact that he has a steep slope to the rear of the lot.

There was no one to speak in favor or in opposition.

Mr. Runyon stated that this variance is a large amount to grant. However, if one looks at the houses along this street, this addition will blend architecturally with the existing houses in the area. Even though there are other places Mr. Tu could put an addition to his home, it would not be economical nor practical. The cluster ordinance requires a minimum of 20' total side yard and this would be over that total. This is not a cluster development, but he stated that he was using that as a standard. He stated that he had looked at the site and looked at the houses in this area and this addition would not disrupt the intent of the Zoning Ordinance.

----------Resolution----------

In application No. V-14-75, application by Joseph Hoang Thanh Tu under Section 30-6.6 of the Zoning Ordinance to permit enclosure of carport 6' from side property line on property located at 9004 Stratford Lane, also known as tax map 111-1((3))(3)521, Mt. Vernon 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 12th day of March, 1975, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Joseph & Bui Thi Huyer Hoang Thanh Tu.
2. That the present zoning is R-12.5.
3. That the area of the lot is 13,985 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.

084

Page 85, March 12, 1975
Joseph Hoang Thanh Tu (continued)

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

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. The 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.

12:00 - PRINCE WILLIAM ELECTRIC COOP. appl. under Section 30-7.2.2.1.2 of the Zoning Ordinance to permit transmission line and power substation from existing substation on Route 658 to Upper Occoquan Sewage Authority Main Treatment Plant Compton, and substation on Upper Occoquan Sewage Authority property, 65((1))44A, 47, 47B, 48, 50A and 73((1))4, Centreville District, RE-1, S-22-75.

Mr. Ronald Skewes, engineer for Prince William Electric Coop., represented the applicant. He stated that they did not send out notices as required. He requested that the case be deferred until March 26, 1975.

Mr. Barnes so moved that the case be deferred until March 26.

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

The case was set for 12:40 P.M.
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DEFERRED CASES:

12:20 - POTOMAC BROADCASTING CORPORATION, 101-2((1))10E, S-4-75 and V-5-75 (Deferred from 2-26-75 for full Board).

Mr. Smith read a letter from Mr. Hansbarger, attorney for the applicant, requesting that this case be deferred to March 26, 1975, as the representative from the company could not be present.

Mr. Barnes so moved.

Mr. Runyon seconded the motion.

The motion passed 4 to 0. Mr. Kelley was absent.

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12;40 - WILLIAM T. MASINGILL, 7314 Dunston Street, 71-3((4))(26)9, V-6-75 (Deferred from 2-26-75 at request of applicant).

The Board deferred this case until April 9, 1975 with the concurrence of Mr. Masingill for a full Board.

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C. HUGHES CO., 8815 Old Mt. Vernon Rd., 110-2((1))24, V-195-74 (Deferred from 12-18-74 and subsequent dates for decision only).

The Board again deferred this case until March 19, 1975, or until such time as there is a full Board. This will be for decision only. The applicant concurred with the deferral.

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MARCH 12, 1975
BOBBY G. JONES, 6260 Old Dominion Drive, 31-3((1))116, S-203-74 and V-204-74 (Deferred from 1-8-75 and subsequent dates for decision only).

The Board deferred this case until March 19, 1975 or until such time as there is a full Board. This will be for decision only. The applicant concurred with the deferral.

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IRVING R. DENTON, V-211-74. MARCH 12, 1975

This case was deferred from 12-18-74 and subsequent dates for decision only.

The Board again deferred this case until March 19, 1975 or until such time as there is a full Board.

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AFTER AGENDA ITEMS: MARCH 12, 1975

ST. MARK'S MONTESSORI SCHOOL, 5800 Backlich Road, Springfield, Virginia 80-1((5))(7)1, A and 80-2((1))20, S-178-73

Mr. Smith read a letter from Mrs. Esther Guerra, Director of the school, requesting the Board change the permitted hours from 9:00 a.m. to 2:30 p.m. TO: 7:30 a.m. to 6:00 p.m.,

It was the Board's decision to allow this change to Condition No. 7 of the Resolution granting this Special Use Permit.

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AFTER AGENDA ITEM: MARCH 12, 1975

AMERICAN HEALTH SERVICES, INC. (BARCROFT INSTITUTE), 2960 Sleepy Hollow Road, S-178-70

Mr. Covington advised the Board that Barcroft Institute was requesting a building permit to construct two quiet rooms within the building for the use of the psychiatric patients.

It was the Board's decision that this request for these two quiet rooms would require a public hearing and a formal application.

Mr. Barnes so moved that they file a new application and that the Board hold a public hearing on this request.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Kelley was absent.

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The meeting adjourned at 1:15 P.M.

Jane C. Kelsey
By Jane C. Kelsey
Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED: April 23, 1975
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Wednesday, March 19, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Charles Runyon and George Barnes. Joseph Baker was absent. Mr. Wallace Covington and Mr. Harvey Mitchell were present from the Staff.

Mr. Barnes opened the meeting with a prayer.

10:00 - BROOKFIELD SWIMMING CLUB, INC. application under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit change in name and change in hours of operation to extend to maximum of 12 midnight, and other minor changes for existing community pool, (2.6166 acres), 44-2((1))15 Centreville District, (R-12.5), S-16-75.

Conrad Waters, attorney for the applicant, testified before the Board.

Notices to property owners were in order. The Fairfax County Park Authority and Mr. Davis were the contiguous property owners.

Mr. Waters gave the background of this club, A Special Use Permit, S-515-67, was granted for a swimming pool and related community recreational facilities to the builder, Thomas Cary, on January 24, 1967. This application is to change the name of the permittee to the present corporation, and to change the hours of operation. They have already been using the requested hours of operation for at least two years. He submitted a letter to the Board setting forth the requested hours. The previous Special Use Permit stated that they could begin their operation on Memorial Day and close on Labor Day. If the weather is still warm after Labor Day, they would like to keep the pool open for one or two more weeks. They begin operation during the week at 8:00 A.M. for swim team practice and continue with activities throughout the day until 9:00 P.M. They hold three supervised teen parties per year from 7:00 P.M. to 11:00 P.M. On Saturday the pool is open from 9:00 A.M. to 8:00 P.M. for general swimming and from 8:00 P.M. to 12:00 midnight for adults. One of the problems is, if they have to get special permission to be open late, and if they are limited to 6 per year, then if the weather is bad on the day scheduled, they lose out. In addition, they really never know if there is going to be enough interest to keep the pool open late until Saturday morning. There has never been any complaints filed on any of their activities. This site is located quite a distance from the neighbors.

The Board discussed this at length. Mr. Kelley stated that he did not know why it would be a problem to walk into the Zoning Office on Friday morning and request a late hour party for the next day. He stated that it would only take five minutes to issue permission for that. He stated that it would not be fair to allow this applicant to stay open until midnight without first getting special permission and make everyone else close at 9:00 or 10:00 P.M.

Mr. Covington suggested that the applicant continue to get special permission but that the Board not limit this applicant to six per year unless there are complaints.

There was no one present to speak in favor or in opposition to the application.

In application no. S-16-75, application by Brookfield Swimming Club, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance, to permit change in name and change in hours of operation and other minor changes, on property located at 13611 Pennsboro Drive, Centreville District, also known as tax map 44-2((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 19th day of March 1975.

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 2.8864 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable County and State codes is required.
6. That Special Use Permit, S-515-67 was granted to Thomas A Carey, Inc. on January 24, 1967, for a swimming pool and related facilities on subject 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. That the maximum number of family memberships be 300.
7. That the hours of operation shall be 8:00 A.M. to 9:00 P.M.
8. Any after hours events or parties will require permission from the Zoning Administrator in writing prior to such event, with no limit placed on the number of such parties.
9. All lights and noise shall be confined to said property.
10. All landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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10:20 - GERALD D. COOPER, application under Section 30-6.6 of the Zoning Ordinance to permit carport to remain closer to side lot line than allowed by Ordinance (12' required, 1.8' from line), 5224 Kepler Lane, 70-4((8))(9)1, (11,164 sq. ft.), Annandale District, (R-12.5), V-17-75.

Mr. Cooper represented himself before the Board.

Notices to property owners were in order.

Page 89, March 19, 1975
Gerald Cooper (continued)

Mr. Cooper had installed a patio cover over a concrete slab within 1.8' of the side property line. The minimum requirement is 7 feet. The applicant needs a variance of 5.2 feet in order for the patio cover to remain.

Mr. Cooper stated that because this is not a permanent structure he did not think he needed a building permit. He obtained a building permit when he converted his carport into a recreation room.

Mr. Runyon asked him to explain his justification under the Zoning Ordinance that would permit this Board to grant this variance.

Mr. Cooper stated that he made a mistake and that is his only justification. He stated that he did not need a patio cover any place else.

Mr. Runyon stated that the Board is not empowered to grant a variance unless it is a mistake that is made after a surveyor stakes out the property and after one has obtained a building permit.

There was no one to speak in favor or in opposition to the application.

Mr. Runyon moved that the case be deferred to allow the applicant to review the Zoning Ordinance and determine whether or not he has a justification under the Ordinance.

The case was deferred to April 9, 1975.

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

// 10:40 A.M. - SEE PAGE 89 A and B. BIBLEWAY CHURCH OF FAIRFAX, S-18-75.

11:00 - RONALD VOLLSTEDT, appl. under Section 30-6.6 of the Zoning Ordinance to permit building to be constructed closer to zoning boundary line than allowed by Ordinance (25' from zoning boundary line required or distance equal to height of the building whichever is greater), and to permit partial bluestone parking area, 6726 Beddoo Street, 93-1((1))21, (1.006 acres), Mt. Vernon District, (CG), V-20-75.

RONALD VOLLSTEDT, appl. under Section 30-7.2.10.5.4 of the Zoning Ordinance to permit sales lot for used, small cars and a Virginia inspection station, 6726 Beddoo Street, 93-1((1))21, (1.006 acres), Mt. Vernon District, (CG), S-19-75.

Mr. Vollstedt represented himself before the Board.

Notices to property owners were in order.

The contiguous owners were the Fairfax County Fire Department and Esso Oil Company.

Mr. Vollstedt was granted a Special Use Permit, S-172-71, for a sales lot for automobiles and a variance V-215-71 to allow an office building within 9 feet of the side property line at this location on October 17, 1973. The Board of Zoning Appeals denied a second request for an extension of time and the use permit expired.

This application is to renew S-172-71 and amend it by the addition of a Virginia Inspection Station and by altering the arrangement of buildings so that the variance previously granted is not needed. However, a variance is needed to permit a commercial building closer to a zoning boundary line than allowed by the Ordinance.

The current application requests that he be allowed to use bluestone parking for his display vehicles and, because of the amendment to the Zoning Ordinance, to allow a commercial building closer to a zoning boundary line than allowed by the Ordinance.

The Board discussed the previous applications and why Mr. Vollstedt had not moved forward with his site plan.

10:40 - BIBLEWAY CHURCH OF FAIRFAX, application under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit church addition, 4340 Ox Road, 57-4 & 57-3((1))2, (22,500 square feet), Annandale District and Springfield Districts, (RE-1), S-18-75

Mr. John Allen represented the applicant before theBoard.

Notices to property owners were in order. The contiguous owners were William Jones, 4348 Ox Road and Benjamin Tillery, 4336 Ox Road.

Mr. Allen explained that this application is for an addition to their existing church. The addition will have 120 seats and they are providing 25 parking spaces.

Preliminary Engineering's comments stated that provision for the future widening of Route 123 will be made at the time of site plan submission.

Mr. James Hricko, architect working with the church, stated that it was his understanding that the plans for widening Route 123 were indefinite at this time.

There was no one to speak in favor or in opposition to this application.

----------RESOLUTION----------

In application No. S-18-75, application by Bibleway Church of Fairfax, under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit church addition, 4340 Ox Road, Annandale and Springfield Districts, also known as tax map 57-4 & 57-3((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 19th day of March, 1975.

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 22,500 square feet.
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.

0893

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 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 theproperty 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 proposed number of seats for the additon is to be 120.

7. The minimum number of parking spaces is to be 24.

8. All landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

Mr. Vollstedt stated that they now have a site plan done by the McLaughlin and Ghent engineering firm, but they cannot even submit this plan until this variance and Special Use Permit are granted.

Mr. Smith stated that he could not see any necessity for further compounding the problems by granting additional variances on this property.

Mr. Vollstedt stated that he moved 9' from the zone line. In the original application, they were 9' from the property line. Therefore, they have actually moved the proposed building farther away from the property line. The property is zoned C-G and the adjacent property is used for parking for the Fire Department. Therefore, the adjacent property is used for a commercial use and he feels this variance is justified because if it were actually zoned commercial, they could build right up to the property line.

Mr. Runyon asked why he could not move this building over 50' from the property line.

Mr. Vollstedt stated that to move the building over 50' would put the building right in the middle of the property and would not use the property to its full advantage.

Mr. Runyon stated that if he moved the building over 50', he would still be 80 feet from the other property line. He stated that he could not understand the magnitude of the hardship request.

Mr. Vollstedt stated that if he builds where he is proposing, he will be keeping the used cars away from the residential property. He could move the building on the line next to Esso, then the whole impact of the sales and used car lot would impact the neighbors in the back. In addition, he stated that he would have to remove four 36" oaks.

Mr. Runyon asked him to speak to Section 30-6.6 of the Ordinance under which he is applying. He asked if this is an irregular shaped lot, narrow lot or just what part of that section is his particular hardship. He stated that he did not see anything unusual about the location of the existing building.

Mr. Vollstedt stated that the hardship was created when someone drew the zone line through his property, rather than on the property line. If the Fire Department had applied for a change of zoning, they would be C-G and they could move to within 25' without difficulty. That lot is not used for residential purposes.

Mr. Smith stated that it seemed to him that he was trying to crowd the building development all in one area of the property, rather than utilizing the land that he has available to him. This variance seems to be for the applicant's convenience rather than a hardship. He told Mr. Vollstedt that he had had since 1972 to resolve the problems with the existing building with the County Site Plan Department.

Mr. Runyon asked if the problem with the existing building was settled.

Mr. Smith stated that it is not. The Board granted a variance on it, if he could bring it into compliance, but apparently he has not cooperated as far as the County is concerned. He stated that he did not believe Mr. Vollstedt has an occupancy permit yet, but he is still operating.

Mr. Vollstedt stated that he could not get an occupancy permit because the site plan was not approved. The County said the whole thing had to be in conformance at once. The building permit people would not come down to inspect the existing building without a building permit being filed.

There was no one to speak in favor or in opposition to the application.

Mr. Runyon moved to defer this case until April 9, 1975, for decision only and for viewing.

Mr. Barnes seconded the motion.

The motion passed unanimously with the members present. Mr. Baker was absent.

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11:20 - ENGLESIDE CHRISTIAN SCHOOL, application under Section 30-7.2.6.1.3.2 & 30-7.2.6.1.11 of Ordinance to permit portable buildings for use as school of general education and Sunday School classrooms by existing church, 8428 Highland Lane, 101-3((4))33, 34, 35 and 36, (94,957 sq. ft.), Lee District, (R-17), S-23-75.

ENGLESIDE CHRISTIAN SCHOOL, application under Section 30-6.6 of Ordinance to permit portable classrooms closer to rear property line than allowed by Ordinance (25' required, 4.2' from line), 8428 Highland Lane, 101-3((4))33, 34, 35 and 36, (94,957 sq. ft.), Lee District, (R-17), V-24-75.

Mr. Dale Sherwin, 2418 Londonderry Road, Alexandria, Virginia, represented the applicant.

Mr. Lenn Thomason, pastor of the church, obtained the signatures on the notices. The notices were in order. The contiguous property owners were the Euckers, 8416 Highland Lane, lot 32, and the Nicelys, 8425 Leaf Road, Alexandria, Virginia.

Mr. Sherwin stated that they would like to have additional space for their school. They plan to put portable, temporary classrooms near the back of the property in such a way that they will have a good access to the existing church building. This will facilitate the use of the lunch room and the restroom facilities. They do not plan to have any additional children. They were granted a Special Use Permit, S-51-70, on April 21, 1970, to have a maximum of 300 students at any one time, ages 2 to 18 between the hours of 7:00 A.M. to 6:00 P.M. They now have 200.

The size of the proposed structure is 94.37 by 42 feet and is within 6.4 feet of the rear lot line. The requirement is 25 feet. Therefore, they need a variance of 18.6 feet. This structure will have four classrooms with 25 or 30 children to a room. They accept four year olds through the 11th grade. The Church does not know how long they plan to use this temporary facility. They are in a growing stage and may soon have to find a different location or purchase additional property. They have just recently purchased an additional parcel next door to Mr. and Mrs. Eucker. This parcel is contiguous to their original parcel.

Mr. Kelley stated that he would not be in favor of granting this variance this close to the residential area for this intense use, particularly when the applicant does not know how long they need to use these temporary structures.

Preliminary Engineering Branch's comments were that all proposed and existing parking lots must be paved with a dustless surface unless a variance is granted by the Board of Zoning Appeals.

There was no one present to speak in favor or in opposition.

Mr. Smith read a letter from Mr. and Mrs. Swinks, who live across the street at 8425 Highland Lane, in opposition to the application. They complained about the noise that the school is already creating and stated that this use has grown into a commercial facility. Their house is in view of the parking lot where the school parks huge busses.

There were also letters in the file from the Fletchers, the Alfords, the Nicelys, the Linders, the Euckers and the Foxes in opposition.

The Board amended the application to include the name of the church.

Mr. Runyon stated that this seems like a large variance and the people along the church's property line to the rear do object to this building. He stated that he did not see the hardship portion of the application. It seems they are trying to get a lot of structures on the lot.

Mr. Kelley agreed and stated that the applicant agreed earlier that he could move the building back away from the property line. He stated that he would like to give them an opportunity to reconsider the location of the building.

Mr. Sherwin stated that, if they move the building, part of the parking lot would be inaccessible.

Mr. Kelley stated that he felt that people who buy residential property are entitled to the setbacks that are required by the Ordinance.

Mr. Smith stated that if they moved it 12' from the property line, it would give them enough room to screen the building.

Mr. Runyon moved that the Board defer this application for a period of two weeks to give the applicant a chance to reconsider the location of the trailer and to consider the adjoining property owners. There are copies of the letters in the file and the applicant should see if they could readjust this application request in light of the discussion that the Board has had.

Mr. Kelley seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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11:45 - CONGRESSIONAL SCHOOL, INC. application under Section 30-7.2.6.1.3.2 of Ordinance to amend existing special use permit to permit use of three outside classrooms, construction of a guardhouse and sentry fence along the back property line, approximately 500' long, to be added to existing use permit, and all other structures, buildings and construction shown on the plat, 3229 Sleepy Hollow Road, 61-1((1))5, (39.4 acres), Mason District, (RE-0.5), S-29-75.

Mr. Royce Spence, attorney for the applicant, testified before the Board.

Notices to property owners were in order. Some of the contiguous property owners were William Welsh, 3233 Sleepy Hollow Road, Frances G. Strauss, 3129 Sleepy Hollow Road, and Katherine Reiss, 3327 Valley Lane.

The applicant operates a private school pursuant to Special Use Permit, S-174-73, granted October 10, 1973, with the stipulation that it was granted for the buildings and uses indicated on the plats submitted with the application. The school has been operating since 1958. It was originally under a Special Use Permit granted to Malcolm B. and Evelyn G. Devers. A notice of violation was issued on October 16, 1974 to William W. Devers, son of the original applicants, for using classroom trailers as an expansion of the Special Use Permit without the approval of the Board of Zoning Appeals. This hearing was originally set for February 12, 1975, but the applicant requested a deferral. At that time the Zoning Inspector, Gerald Carpenter, stated that they are also constructing a guard house on the property. Therefore the application was amended, readvertised, reposted and additional notices were sent.

Mr. Spence stated that these trailers are the same type as are used by the public schools. Each trailer holds about 20 students. The size of the trailer is 11' x 46'. Two have plumbing and electricity. The school felt that because the trailers were there only for a temporary use, they did not have to come before this Board. They were made aware of this requirement and are here to rectify the mistake.

Mr. William Devers, president of the school, stated that his father had passed away last summer and he was under the impression that his father had gotten the necessary permits. After his death, it came to light that he did not have the permits. They admit their error and they want to obtain the necessary permits. They started erecting the small guard house for a guard they will employ to check the automobiles that come on the premises. This is for the safety of the children. They also plan to add a fence along a portion of the property line where Rutland Place deadends onto their property to discourage trespassers. If this fence does not keep the trespassers out, they will come back to the Board and request that they be allowed to extend the fence along the full perimeter of the property.

They expect to use the trailers for about three years. Then they plan to go ahead with their planned expansion. He showed a model to the Board of the planned expansion. The present enrollment is 550 students. They have plans to expand to 1000 to 1200.

In answer to the question regarding the animals they keep on the property, he stated that they have a school farm on the other side of Tripps Run. They have been keeping animals for fifteen years. They have a pig and a goat at the present time.

In answer to Mr. Smith's question, Mr. Covington stated that they can keep animals on this property by right as long as they have them housed 300 feet from any dwelling. He stated that in view of the closeness of this use to residences, he did not think it was an ideal situation. In order to keep animals, the Zoning Ordinance requires that they have two acres of land. There are 35 acres here. The Zoning Office has had complaints about them.

Mr. Claude Kennedy stated that he had been asked to get answers to the questions the Board raised at the meeting of February 12, 1975. He stated that he had checked on the violations that existed on the property.

1. The violation from the arborist has been released. They were cutting trees without a permit. They have now ceased to do so.

2. The Zoning Office has the applicant under two violations because of the trailers and the guard house. The trailers are no longer being used and the guard house is about 90 percent finished. They were not working on it on the date of the inspection.

3. There was a violation notice issued from Public Utilities on the grading. They were installing a storm drain without a site plan and proper permit. A site plan waiver required them to submit plans for the storm drain that they were putting in. They have now submitted the plans and have obtained the permits.

4. The building inspections office has given a notice for constructing the guard house without a permit, and for the erection of three classrooms without proper permits.

5. They received a building permit for the existing gasoline pumps in 1961 for the installation of a 3,000 gallon underground storage tank and pumps. This was signed off by the Fire Marshall's Office. The Fire Marshall made an inspection this morning. They passed inspection.

Mr. Covington explained that any residence can get one of those type tanks if they get a permit and set it back 25' off the property line.

Mrs. Sue Neese, 6440 Queen Anne Terrace, Falls Church, spoke in opposition. Her statement is in the file. She also submitted four photographs. She cited specific instances where the applicant has violated the Fairfax County Code and the Special Use Permit. She stated that she feels there should be no expansion before a thorough study is made in conjunction with PLUS to determine the effects on projected traffic density and patterns, noise and other environmental impact. Therefore, she stated that she strongly opposes approval of the three trailers in question as outdoor classrooms.

Mr. Larry Byrne, 6442 Queen Anne Terrace, Falls Church, property owner adjoining on the south side, spoke in opposition. The school has, in his opinion, failed to live up to its obligations as a neighbor and its obligations to abide by the Fairfax County Codes. He did not feel the school should be allowed to continue. He also objected to the proposed fence because it would make the school look like a military encampment, to the public address system which the school uses to play loud music as late as 1:00 A.M. in the morning, and to the school's allowing the students to rum rampant onto his and other neighbor's properties. He submitted some photographs to the Board.

In answer to Mr. Runyon's question, he stated that he had lived at 6444 Queen Anne Terrace from August 1971 until August 1973 and at his current residence since then. In answer to Mr. Runyon's question, he stated that the school was there before he moved there.

Mr. Nathan R. Fuller, 6444 Queen Anne Terrace, submitted four letters from four other property owners in objection to this application. He also submitted a copy of his statement for the file in opposition to this application.

Mr. Spence spoke in rebuttal to the opposition again stating that they do admit their errors, but they want to rectify them and that is why they are before this Board.

They do have a site plan waiver granted October 1974 and they did not realize that the three trailers were a change in use.

Mr. Kelley expressed his concern about this operation and the violations that have occurred. The language of the Special Use Permit that was granted on October 10, 1973, spells out in detail that there can be no expansion of the use without first coming back to the Board. He stated that he fails to understand how an operation of this size can just ignore the rules.

Mr. Spence stated that it is unfortunate that the sins of the father have to be transmitted to the son, but the son just took over this operation after the death of his father last year and did not know all the rules and regulations. He has been trying to make this a good school and a good operation.

Mr. Devers stated that he disagreed with the statements that have been made about this school and the children in the school. He stated that they run one of the finest schools in Northern Virginia. Their application has been accepted to the Southern Conference of Private Schools. All the teachers are certified by the State.

Mr. Kelley stated that he was not questioning the school itself, but the violations that have occurred. He moved to defer this application for three weeks for viewing.

Mr. Runyon seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

Mr. Smith stressed that the temporary classrooms were not to be used until this is cleared up. He stated that their State accreditation would be in jeopardy if they use a structure that is not approved by the State and County Codes.

Mr. Carpenter stated that he made inspections on the trailer March 3, 5, and 7 and they were not in use.

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DEFERRED CASES:

12:15 - FLYING "A" ENTERPRISES, INC. appl. under Section 30-7.2.6.1.3 of Ord. to permit day care center for 15 children, infants to 4 years, 7 A.M. to 6 P.M., 5534 Sheldon Dr., 81-1((4))(K)7, Bren Mar Park Subdivision, (8,401 sq. ft.), Mason District, (R-10), S-9-75, (Deferred from 2-26-75 for proper notices. FULL HEARING).

Mr. James Whytock, P. O. Box 158, Springfield, Virginia 22150, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Lot 10, directly in the back, Claude Sheridan, 5333 Hershey Lane and Lot 11, Mr. Hill, 5331 Hershey Lane.

The property contains 8,401 square feet of land. The house is a brick and frame split level similar to the other houses in the neighborhood. Sheldon Drive is paved and has sidewalks on both sides. There is a public bus route at the intersection of Sheldon and Burrell to the north of the subject property. Mrs. Archie is proposing to have a day care center for no more than 15 children. This will require a play area of 2,300 square feet as shown on the plat. The only outside changes that will be made to the property will be the fence around the play area, the screening as required by the

County, the extension of the driveway along the south side of the property and the creation of the two parking spaces in the back of the house. It is anticipated at the moment that most of the children who will be using the facility will be walking to the property. Most of the children live within walking distance. There is a bus stop at the corner. The parents can bring the children by bus, drop them off and continue on to work. However, in considering the traffic for the maximum impact, as the parents might not always bring the children by bus, they have estimated that there will be a maximum of 40 trips a day, coming and going for 15 children, 2 employees and services for the center. The children will be divided into groups therefore, there will be no more than six children outside at any one time for a period of one hour for each group. There will be three supervisors. The food will be catered. No food will be prepared on the premises.

He went into Mrs. Archie's previous experience in child care, which included the operation of a day care center for 25 children in Texas, and helping form day care programs for two churches, which included planning the programs and hiring the teachers.

Mr. Whytock defined the area along Edsall Road and Bren Mar Parkway where these children live. Mrs. Richardson lives on Sheldon and she has two children she would like to send. Mrs. Sorrenson on Sheldon Drive has one child she would like to send. Along the west portion of the property, there are some apartments; and 85% of the people on the list that was submitted came out of the apartments. He submitted letters from Linda Adams, Micheline and J. Wilkie Darisme, 6251 Bren Mar Drive, Patricia Chambers Portion, 5615 Sheldon Drive and a petition with 100 signatures.

Col. Jones, owner of the property, residing at 10600 Norman Avenue in the City of Fairfax, spoke in support of the application.

Mr. Walter Richardson, resident of Bren Mar Park Subdivision, public school guidance counsellor, spoke in support of the application. He stated that his wife works and it is very difficult to find good babysitters to take care of their two children. They have had six sitters since they came to this area. None of the sitters that they have had have the experience that Mrs. Archie has had. This neighborhood needs Mrs. Archie's services.

Mr. Murray Wheeler, 5603 Sheldon Drive, president of the Bren Mar Civic Association, spoke in opposition to this application. He stated that there are now 54 present in objection to this. They had 66 present earlier, but some of them had to leave as this case came up much later than they had planned. One of the contiguous property owners, Mr. Claude Sheridan, was present to speak in objection, but he had to leave at 3:00 P.M. Mr. Hill is also contiguous as one corner of his fence adjoins this property. He is a widower with a teenage son. They are not at home much, therefore, this use will not affect them as it will the rest of the neighbors.

He brought up several points made by Mr. Whytock. He stated that to his knowledge, there are only three children within walking distance that will use this facility, therefore the traffic problem is a legitimate one. They are not talking about the qualifications of the applicant, but the affect this use will have on this neighborhood. Col. Jones who spoke in support of this application lives in another neighborhood, therefore, this will not affect him, other than monetarily. He presented a resolution passed at a special meeting of the Bren Mar Civic Association. There were 96 or 100 people present at that meeting. The vote was unanimous* The resolution was not based on the number of children Mrs. Archie plans to have, but the fact that this is a commercial operation. Mr. and Mrs. Archie were present at the meeting. They were invited to both the general meeting and the executive meeting to make their presentation. *to request denial.

Last fall the Fairfax County School Board did a survey to determine whether or not they should begin a kindergarten in the local school. There were only 9 children who would use that service, therefore, the School Board felt that it was not a significant enough number to start the operation. The neighborhood feels this service should be provided for this community, but not in the center of these ten lots where there is so little room between the houses. The original application requested 30 children and they planned to use the upstairs portion of the building. The Fire

Marshall told them they could not use the upstairs; therefore, they reduced the number to 15. In both the executive and the open meeting which the Archie's attended, it became very clear to them that the Archies were not looking to operate a small 8 to 12 child center for the neighborhood. They want to go into business. They are looking at 40 to 50 children and this facility will not handle that many at this time. If they start here, they will be back just like Congressional School. He suggested that they use the Baptist Church which is nearby. (He indicated the church on the map). He stated that he discussed this with the church and the Board of Directors and they said that they would be most happy to work out some arrangement. He stated that he did not have a written communication from them, however. He suggested that if she did not like the idea of the facility being in the church, she might put it in one of the apartment complexes that is nearby, or at the Charter House Motel. Again, the manager of the Charter House indicated that he is extremely interested in this as a commercial venture. He did not have anything in writing to this effect.

Mr. Wheeler stated that the Archies rent the house and live in the house that belongs to Col. James Bachman. He is in Ft. Knox, Kentucky and the rental of this house is handled by a realtor. Mr. Wheeler stated that he called Col. Bachman. Col. Bachman stated that he had not been informed about this proposed use of the property next door. When Col. Bachman was asked if he planned to sell his house, he answered that he would if he was offered enough money for it. Assuming that this application might be approved, if the Archies could buy the property next door to this proposed use, they could plan on expanding the child care facility to the adjoining property.

Mr. Daniel Ganby spoke in opposition to the application.

Laura Beth Yergovitch, 6301 Beryl Road, spoke in opposition to the application stating that she felt this would be a foot in the door for commercial ventures in this neighborhood.

Mr. Whytock spoke in rebuttal. For the record he asked that it be indicated the number of people present in support of the application. There were five. He stated that they had lost two or three due to the lateness of the hearing. He stated that Sheridan Drive is not being used to capacity at the present time. It can take an additional 40 vehicle trips per day that this operation might create without taking it over capacity for that street. He submitted two additional letters addressed to Mr. Archie in support of the application.

Mr. Kelley stated that he could understand the supporters' feelings that these day care centers do serve a useful purpose. He stated that he feels there are places where they should be and places they should not be.

Resolution

In application No. S-9-75 application by Flying "A" Enterprises under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit day care center for 15 children, infants to 4 years of age, on property located at 5534 Sheldon Drive, Bren Mar Park, also known as tax map 81-1((4))(K)7, 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 March, 1975.

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

1. That the owner of the subject property is Malcolm S. & Christine Jones.
2. That the present zoning is R-10.
3. That the area of the lot is 8,401 sq. ft.

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. He stated that he felt the impact of this on the immediate community would be too great.

The motion passed 3 to 0 to deny. Mr. Smith abstained.

Mr. Baker was absent.

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LORRINE M. VAUGHN, appl. under Section 30-6.6 of Ordinance to permit less frontage on 2 corner lots than allowed by Ord. and to vary the front setback requirements for 2 houses on the corner lots, (75' required from center line of easement serving proposed lot 10A), 11216 Chapel Road, 76((5))10, (9.0808 acres), Springfield District, (RE-1), V-3-75, (Deferred from 2-12-75 for new plats).

Proper plats had been received.

----------Resolution----------

In application No. V-3-75, application by Lorrine M. Vaughn under Section 30-6.6 of the Zoning Ordinance, to permit less frontage on two corner lots than allowed by Ordinance on property located at 11216 Chapel Road, Springfield District, also known as tax map 76((5))10, 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 February, 1975 and deferred to the 19th day of March, 1975, 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 9.0808 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. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, 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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BOBBY G. JONES, appl. under Section 30-7.2.10.2.1 of the Zoning Ordinance to permit addition to existing station, 6260 Old Dominion Drive, 31-3((1)) 116, (17,760 sq. ft.), Dranesville District, (CN), S-203-74, (Deferred from 1-22-75 at request of applicant, For decision only--full Board).

BOBBY G. JONES application under Section 30-6.6 of Ord. to permit addition to be constructed closer to rear property line than allowed by Ord., (24' from property line, 50' required), 6260 Old Dominion Drive, 31-3 ((1))116, (17,760 sq. ft.), Dranesville District, (CN), V-204-75, (Deferred from 1-8-75, 1-22-75 and again 2-26-75 for decision only and a full Board).

The new plats showing a reduction in the amount of variance requested had been submitted to the Board at the meeting of February 26, 1975. This plat shows the proposed addition to be 20' from the side and 34' from the rear of the property adjoining the Chesterbrook Methodist Church.

Mr. Gary Davis, attorney for the applicant, submitted a letter from the Church stating that they have no objection to the granting of this variance.

Special Use Permit
----------Resolution----------

In application No. S-203-75, application by Bobby G. Jones under Section 30-7.2.10.2.1 of the Zoning Ordinance to permit addition to existing station on property located at 6260 Old Dominion Drive, also known as tax map 31-3((1))116, 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 January and deferred to March 19, 1975.

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

1. That the owner of the subject property is Bobby G. & Marie M. Jones.
2. That the present zoning is CN.
3. That the area of the lot is 17,760 sq. ft.
4. 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.

Page 99, March 19, 1975
Bobby G. Jones (continued)

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 not be any display, selling, storing, rental or leasing of automobiles, trucks, trailers or recreational vehicles on said property.

Mr. Barnes seconded the motion.

The motion passed 3 to 1. Mr. Smith abstained.

Variance
----------Resolution----------

In application No. V-204-75, application by Bobby G. Jones under Section 30-6.6 of the Zoning Ordinance, to permit addition to be constructed closer to rear property line, on property located at 6260 Old Dominion Drive also known as tax map 31-3((1))116, 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 they by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, 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 January, 1975, and deferred to March 19, 1975.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Bobby G. and Marie M. Jones.
2. That the present zoning is CN.
3. That the area of the lot is 17,760 sq. ft.
4. That compliance with Site Plan Ordinance is required.
5. That the rearward property owner has no objection to the request subject to landscaping and screening.

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 present a uniform, continuous structural appearance.

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. Mr. Smith abstained. Mr. Baker was absent.

Mr. Davis stated for the record that the applicant would comply with any screening request that the church makes.

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ANGRET KUTHE & SYLVIA DECLUE, S-172-74 -- Request for rehearing.

On January 3, 1975, Mr. Hansbarger, attorney for the applicant, requested a rehearing on this case. The Board felt that he had not presented the new evidence which could not have been presented at the time of the original hearing and requested Mr. Hansbarger to submit the particular information and the Board would again consider it. Mr. Hansbarger has submitted this information. (See letter date March 14, 1975).

Mr. Smith read a letter from Mr. William Hansbarger, explaining the need for this use and stating that the applicants were not aware at the time of the hearing of the necessity for establishing that this day care facility would have the support of the immediate neighborhood. He also enclosed a petition signed by 22 people indicating the need for this day care center in this area.

Mr. Runyon moved that the request be denied.

Mr. Kelley seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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LOYAL ORDER OF MOOSE, Arlington Lodge No. 1315, 5710 Scoville Street, Request that they be allowed to put in parking lot lights. (See letter dated March 17, 1975 and attached plats).

The Board discussed the case and the minutes of the meeting granting this use to see whether or not lights were mentioned. They were not.

Mr. Barnes moved that the Board ask them to come back in for a reevaluation hearing. This would not require a fee. The property would have to be posted and neighbors notified.

Mr. Runyon seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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EVANS FARM INN

Mr. Smith read a letter from Mr. Evans requesting an extension.

Mr. Runyon moved that the Board grant a six month extension. He asked the Clerk to notify Mr. Evans that this is the last extension that the Board can grant.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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POTOMAC EQUITATION, JACQUELINE S. NOVAK, T/A POTOMAC EQUITATION, S-10-70

Request for extension of Special Use Permit dated March 7, 1975.

Mr. Smith read a memo from Mr. Lenn Koneczny, Senior Zoning Inspector regarding complaints on this use.

The Board discussed this case at length. Mr. Covington and Mr. Barnes had also been to view this property.

Mr. Barnes moved that the applicant be advised to file a new application and come back to the Board for a full hearing.

Mr. Runyon seconded the motion.

The motion passed 4 to 0. Mr. Baker was absent.

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The meeting adjourned at 6:05 P.M.

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Jane C. Kelsey

JANE C. KELSEY, CLERK TO THE
BOARD OF ZONING APPEALS FOR
FAIRFAX COUNTY, VIRGINIA

Daniel Smith

DANIEL SMITH, CHAIRMAN
BOARD OF ZONING APPEALS FOR
FAIRFAX COUNTY, VIRGINIA

APPROVED April 23, 1975
(DATE)

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Wednesday, March 26, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Charles Runyon, and Joseph Baker. Mr. George Barnes was absent. Mr. Wallace Covington and Mr. Harvey Mitchell were present from the Staff.

Mr. Covington opened the meeting with a prayer.

10:00 - MRS. AND MRS. LAWRENCE S. GOLDBERG, application under Section 30-6.6 of Ordinance to permit addition closer to front property line than allowed by Ordinance (28' from front line, 45' required), 2219 Marthas Road, 93-3((4))104, (24,881 sq. ft.), Mt. Vernon District, (R-17), V-25-75.

Mrs. Joanne Goldfarb, architect who designed this addition, represented the applicants before the Board.

Notices to property owners were in order. The two contiguous property owners were Mr. and Mrs. Howard Johnson, 7301 Rebecca Drive, Alexandria, Virginia and Mr. and Mrs. Homer Blackwell, 2217 Martha's Road, Alexandria, Virginia.

Mrs. Goldfarb's main points of justification were:
1. The original house was built prior to 1959 and already stands closer to the street than the present 45 feet required.
2. The house is located on a corner lot causing the front setback requirement to be used on three sides of the existing dwelling.
3. Several nearby houses come this close to the street.

Mr. Kelley stated that this addition looks to be almost as large as the existing house.

Mrs. Goldfarb stated that this addition is one-third the size of the existing house.

Mr. Kelley stated that personal reasons as stated in the written justification are not proper under the Ordinance, such as the addition being needed for a ceramic studio for Mrs. Goldfarb.

Mr. Runyon stated that this is a corner lot with a double setback requirement In addition, the way the house is placed on the lot causes some hardship because, if it were placed parallel to the property lines, they would not need as great a variance. This is a large lot for the R-17 zone, It has 24,881 square feet.

Mr. Smith stated that usually variances are granted for family use. This is for convenience or uses other than those normally presented. However, this again is not something with which the Ordinance deals.

Mr. Kelley stated that the uses such as a ceramic studio seem to be of a commercial nature.

Mr. Smith asked if Mrs. Goldfarb manufacturers some of the ceramic items from her home.

Mrs. Goldfarb stated that she does part of her ceramic work at the Torpedo Factory in Alexandria where they have an art center which opened earlier this year. This is her hobby. She explained how the house is presently designed and how the living quarters will be arranged when the addition is complete. The Goldbergs have two children and only have three bedrooms. There is no basement.

Mr. Kelley inquired if they could put the addition in the back or at some other location on the property without a variance.

Mrs. Goldfarb stated that they could not because of the way the existing house is designed.

Page 103, March 26, 1975
Mr.& Mrs. Lawrence S. Goldberg (continued)

Mrs. Goldfarb submitted photographs of other houses in the area that have additions that have been constructed within 30' of the street. One was located at 2112 Popkins Lane. She stated that the neighbors have submitted a statement saying they have no objection to this addition. They have given their support and indicated that the addition is consistent with the other additions in the Hollin Hills area. (This statement is in the file).

Mr. Kelley stated that he still did not feel they have a hardship. If the Board grants the variance based on the fact that this is a corner lot and the house was built closer to the street than the present Ordinance requires, the Board will have to grant variances to any other property owner in the area with similar requests.

Mr. Runyon stated that if this was a cluster subdivision, it could be constructed within 30' of the street.

Mr. Kelley stated that he felt this is an overwhelming variance request.

There was no one present to speak in favor or in opposition to the application.

Mr. Smith questioned whether or not the ceramic work was allowed in the home.

Mr. Covington explained that it is allowed as a hobby, but she would not be allowed to manufacture and sell from the home.

Mr. Runyon stated that perhaps the Board could defer this case to allow the applicants time to decide if a reduction or relocation would be possible. Perhaps they could scale the addition down to meet Mr. Kelley's basic objection. The applicants agreed to the deferral on the basis of Mr. Runyon's statements. Mr. Runyon moved that the case be deferred until April 16, 1975.

Mr. Baker seconded the motion.

The motion passed 4 to 0.

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10:10 - CARROL DOUGLAS AND PEGGY ROSE PROFIT, application under Section 30-6.6 of Ordinance to permit subdivision of lot 17 into two lots, one with less area than allowed by Ordinance, 7201 Popkins Farm Road, 93-3((1))17, (35,700 sq. ft.), Mt. Vernon District, (R-17), V-26-75.

Mr. Edward Holland, engineer, represented the applicant.

Notices to property owners were in order. The contiguous owners were the Civic Association of Hollin Hills, 1600 Paul Spring Road, Alexandria, and John B. O'Donnell, Jr., 7217 Popkins Farm Road, Alexandria.

The applicants want to subdivide their property into two lots. The total area would be sufficient to do this except that they are required to dedicate a 10 foot strip along the front of the property for the widening of Popkins Farm Road. This dedication reduces the overall area of the two lots to 200 square feet less than the 17,000 square feet required by the Zoning Ordinance. Because of the position of the structures on lot 1, the area of one of the lots is 882 square feet less than the 15,000 square feet minimum area required.

Mr. Holland submitted a tabulation of the land area before and after dedication for each lot and the required area for each of the lots. He stated that the owners are forced into violation of the Zoning Ordinance by this dedication for public purposes. The applicant needs the lot cut into two lots so that members of their family might reside close to home. For the most part the houses in this subdivision are owned and occupied by members of these two families. All the land at the rear of these lots is now zoned RT-10.

In answer to Mr. Kelley's question, Mr. Holland stated that the owners of the house at 7211 are the Profits.

----------Resolution----------

In application No. V-26-75 application by Carrol Douglas and Peggy Rose Profit under Section 30-6.6 of the Zoning Ordinance, to permit subdivision of lot 17 into two lots with less area than required by Ordinance, on property located at 7201 Popkins Farm Road, also known as tax map 93-3 ((1))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 26th day of March, 1975, 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.
3. That the area of the lot is 35,700 sq. ft.
4. That the Fairfax County Division of Design Review requires a 10' dedication along the full frontage of the lot.

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 lots 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 approval by Design Review is completed 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 4 to 0. Mr. Barnes was absent.

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10:30 - CLIFTON PAUL CRAVEN application under Section 30-6.6 of Ordinance to appeal decision of Zoning Administrator to permit sale of items related to horticulture and floriculture from residential property, and from a wayside stand, 9023 Arlington Boulevard, 48-4((1))44, (3.7168 acres), Providence District, (RE-1), V-27-75.

Mr. Craven represented himself before the Board.

Mr. Craven presented notices to adjoining property owners which were in order.

Mr. Craven stated that there is a desire and need for agricultural uses in Fairfax County. The Code of Virginia in Chapter 231, Section 3.11-6 — classifies a farmer as any person producing produce for market.

Mr. Smith stated that he assumed that this meant producing produce on the premises.

Page 105, March 26, 1975
Clifton Paul Craven (continued)

Mr. Craven stated that the State Code goes into the broad realms of horticulture and floriculture and anything to do with the nursery business. It does not limit it in any way. It simply sanctions it.

Mr. Smith asked if Mr. Craven produces the products he sells.

Mr. Craven stated that he is not limited in the sale of the farm products. He is limited by Mr. Covington and Mr. Knowlton in the sale of the accessory items such as fertilizer.

Mr. Smith stated that then he is limited to the sale of plants at a wayside stand.

Mr. Craven stated that when he went into this business, he talked with Mr. Vernon Long in the Zoning Office. Mr. Long wrote a letter to him that said he could sell plants or any produce of an agricultural nature on his land. Mr. Craven did not have a copy of the letter with him. He stated that his justification for the request is based on the Zoning Ordinance under Section 30-2.2.2, Column 1, Uses Permitted By Right, No. 2 all agricultural uses, No. 4 home occupations and professional offices, and No. 10 wayside stands for the sale of agricultural products grown in the immediate vicinity, or products of any home occupation conducted on the same property.

He stated that in his letter he restricted himself to the sale of items that are directly related and incidental to the sale of plants from the nursery side such as pine bark, peat moss, top soil, stones, rocks, fertilizers, insecticides, fungicides and railroad ties. Items he would like to sell from the greenhouse would be pots, macrame, potting soil mixes, insecticides, and fungicides. Mr. Covington feels that making and selling the ceramic flower pots would be a manufacturing business which is not permitted. He stated that he lives on the premises and is in the home occupation of horticulture and floriculture. His concern is the health of plants just like a dentist is concerned about the health of the teeth. He asked the Board if it would limit a dentist to identifying cavities, but not allowing the dentist to fill them. He stated that his operation was no different from Cappers Nursery or Campbells and Ferrara Nursery and they are allowed to sell these incidental items which are related to a nursery.

Mr. Smith stated that these two nurseries are non-conforming uses that existed prior to the current Ordinance. These uses are not allowed under the existing Ordinance.

Mr. Runyon stated that he felt Mr. Craven had a good case, but one could stretch that same concept a long way. He stated that Kenny Roberts tried to get the same thing started in Fairfax County but could not, so he moved into Fairfax City. He stated that he did not feel the Board has the power to permit the expansion of this use. By the theory that Mr. Craven uses, he could then say that people who come into the nursery also need to be fed lunch and he could open a lunch room.

Perhaps this additional selling of related nursery items might not cause an adverse impact at this specific location with the limitations that Mr. Craven says he will place upon himself, but if this is allowed for this individual, someone else might want the same thing who would not be as concerned as Mr. Craven is. He stated that he felt that the Board should uphold the Zoning Administrator's decision.

Mr. Craven interposed and stated that he did not plan to put in a sandwich stand. He stated that his request is no different from any other professional office that is allowed by right in a residential zone. The Ordinance gives several examples, such as doctor, dentist, land surveyor or similar professional person.

Mr. Runyon stated that Mr. Craven has been operating as a wayside stand. Where does the County stop allowing residentially zoned property to sell retail items? That same theory could be taken an awfully long way. The line has to be drawn or the County is being unfair to many other uses that must locate in a commercial zone. The Zoning Administrator has been lenient in the enforcement of that section of the Ordinance. He stated that he did not feel the Board of Zoning Appeals or the Zoning Administrator

has the power to allow any more than what is being done now. For a different interpretation, there must be a change in the Ordinance, and not in the theory of the existing Ordinance.

Mr. Knowlton stated that the question is where you draw the line between that which is residential or agricultural and that which is commercial in nature. It has been the Zoning Office's opinion that it is drawn at a certain place and Mr. Craven claims it should be drawn at a different place. Anything is up for interpretation. First the home professional office lists a ~~number of very specific~~ uses which in most cases have a great deal in common -- most are professionals which are licensed by the State. These professionals do not sell products; they sell services. Home occupations are customarily conducted entirely within a dwelling and carried on solely by the inhabitants thereof. The use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes. As for the manufacturing of pots on a commercial scale for sale, a line has to be drawn on the other side of that. He stated that he had answered Mr. Craven's letter and a copy of that answer is in the Board's file. In this letter, he takes up each item point by point.

Mr. Covington stated that in the C-N zone, commercial nurseries or greenhouses are permitted by right. Under that zone, he would be able to sell fertilizer and other related items.

There was no one to speak in favor or in opposition to the application.

Mr. Smith stated that the Board is in receipt of a letter from the Mantua Citizens Association asking the Board to support the Zoning Administrator.

----------Resolution----------

In application No. V-27-75, application by Clifton Paul Craven under Section 30-6.6 of the Zoning Ordinance, to appeal decision of the Zoning Administrator to not allow sale of items related to horticulture and floriculture from residential property and wayside stand on property located at 9023 Arlington Blvd., also known as tax map 48-4((1)) 44, 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 26th day of March, 1975, 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 3.7168 acres.

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

1. That the applicant has not satisfied the Board that the Zoning Administrator's decision is invalid.

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.

In answer to Mr. Craven's question, Mr. Smith stated that he could appeal this decision to the Circuit Court.

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10:40 - ACCA DAY CARE CENTER, ANNEX #1, application under Section 30-7.2.6.1.3 of Ordinance to permit continued operation of day care center with increase in children to 50, ages 2-9 years, Monday through Friday, 7 A.M. to 6 P.M., 5901 Leesburg Pike, 61-2((1))25A, (2.2626 acres), Mason District, (R-12.5), S-28-75.

Dr. Marian Houk, 6218 Beachway Drive, Falls Church, represented the applicant before the Board.

Notices to property owners were in order. Mr. Frogate and Ms. Hazel Smouse were two of the contiguous owners.

Dr. Houk stated that they now have 45 children enrolled in this day care center and they wish to increase this number to 50. Dr. Houk stated that ACCA stands for Annandale Christian Community for Action and is a private, non-profit corporation which encompasses the social action program of 25 local churches. ACCA is involved in efforts to help families which lack necessary food, furniture, clothing and money. ACCA participates in the Northern Virginia Hotline and in the Meals on Wheels program. The organization also owns and operates a Youth House which serves as a home for 7 adolescent girls. ACCA operates two Day Care Center which serve the children of low income families with working mothers. The Centers are subsidized by Fairfax County as well as by the sponsoring organization. The ACCA Centers provide transportation, an extensive health program (through Fairfax County Health Department), an elaborate education program, a full nutritional program and appropriate recreational facilities and activities. They employ a social worker to provide guidance for the families whose children are enrolled in the Centers.

In this center, they operate from 7 A.M. to 6 P.M., Monday through Friday. They are open all year. They employ two full time and from three to five part time teachers and teachers aides. They also employ a bus driver, a bus driver aide, and a custodian.

The ACCA Center at Culmore is primarily designed to serve school age children who attend Kindergarten and Primary Level classes at nearby public elementary schools, but they also serve a small group of preschool children.

The Health Department report indicates that the building is adequate for 50 children and that the facilities are adequate and separate to allow simultaneous operation of this day care center and the NVCC Child Care Center which also operates at this location under Special Use Permit, S-12-74.

Mary Lou Bateman, 3825 Oliver Avenue, Annandale, Virginia, Day Care Co-Ordinator for Fairfax County spoke in support of this application.

----------Resolution----------

In application No. S-28-75, application by ACCA Day Care Center, Annex #1 under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit continued operation of day care center with increase in children to 50, ages 2-9 years, Monday through Friday, 7 A.M. to 6 P.M. on property located at 5901 Leesburg Pike, also known as tax map 61-2((1))25A, 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 26th day of March, 1975.

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

1. That the owner of the subject property is the 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 the property is presently operating under Special Use Permit S-25-70 granted 3-17-70.

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. 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. Barnes absent.

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11:00 - BURKE VOLUNTEER FIRE DEPARTMENT, INC. application under Section 30-7.2.6.1.2 of the Zoning Ordinance to permit addition to existing fire station, 9501 Burke Lake Road, 78-1((1))23, and 24, (2.9815 acres), Springfield District, (CN), S-30-75.

Mr. William Berch from the Fire Department at Burke represented the applicant before the Board.

Notices to property owners were in order. The only contiguous owner was Mrs. Skinner, 9634 Blake Lane, Fairfax, Virginia.

Mr. Berch stated that this addition will accommodate sleeping quarters, toilet and shower facilities and a day room for 14 to 16 employees at the station. The original Special Use Permit was granted September 26, 1973 for the fire station. This will be a second story addition to the existing facility.

He submitted the building plans to the Board. He stated that the new building addition area will be 1,493 square feet. The existing building area is 6,323 square feet. The facade will be of face brick to match existing brick.

There was no one to speak in favor or in opposition to the application.

----------Resolution----------

In application No. S-30-75, application by Burke Volunteer Fire Department Inc. under Section 30-7.2.6.1.3 of the Zoning Ordinance, to permit addition to existing fire station on property located at 9501 Burke Lake Road, Springfield District, also known as tax map 78-1((1))23 and 24, 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 March 26, 1975.

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 2.9815 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 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.
6. Architectural detail shall conform to that of the existing building.
7. All other provisions of the existing Special Use Permit shall remain in effect.

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

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110

11:20 - SHARON CHAPEL DAY SCHOOL, application under Section 30-7.2.6.1.3 of Ordinance to permit increase in number of children for nursery school from 30 to 40 children, 3421 Franconia Road, 82-2 and 82-4((1))40 and 49, (6.03 acres), Lee District, (R-17), S-31-75.

Reverand Lester Shimpfey, 4021 Franconia Road, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Casey Swaitlowski, 5830 Bethel Road, Alexandria, and Franklin Pepper, 5959 Welton Road, Alexandria, Virginia.

The applicant is operating a nursery school and kindergarten for 30 children under Special Use Permit S-714-67 granted October 24, 1967. They would like to increase the maximum number of children to 40. They have three and four year olds in separate programs, three days and five days per week, respectively. They are a non-profit organization and their tuitions cover teachers' salaries and administration costs. The school meets from 9:00 A.M. to 12:00 noon. The students are carpooled by the parents. The students are drawn from Rose Hill, Wilton Woods and Virginia Hills subdivisions.

There was no one to speak in favor or in opposition to this application.

----------Resolution----------

In application No. S-31-75, application by Sharon Chapel Day School under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit increase in number of children for nursery school from 30 to 40 on property located at 3421 Franconia Road, also known as tax map 82-2 and 82-4((1))40 and 49, 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 26th day of March, 1975.

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

1. That the owner of the subject property is Trs. of All Saints, Sharon Chapel Episcopal Church.
2. That the present zoning is R-17.
3. That the area of the lot is 6.03 acres.
4. That the property is presently operating under Special Use Permit S-714-67 granted 10-24-67.

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 the Departments of the County of Fairfax during the hours of operation of the permitted use.

6. All other provisons of the existing Special Use Permit shall remain in effect.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes was present.

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11:40 - JAMES H. BOONE T/A JAMES II AUTO SALES, application under Section 30-7.2.10.5.4 of Ordinance to permit sale of used cars, 6236 Richmond Highway, 83-3((1))22A, (20,310 sq. ft.), Lee District, (CG), S-33-75.

Mr. Rinaldi, attorney for the applicant, 4085 Chain Bridge Road, Fairfax, Virginia, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Dwyer, Inc., 3320 Duke Street, Alexandria, Virginia and Eugene Schonberger, Trustee, 1300 Knox Square, Alexandria, Virginia.

Mr. Rinaldi stated that Mr. Boone is under lease at the present time. The lease is a five year lease and he can extend it for one year. He plans to display ten cars at a time at this location. He has previously been the general manager of a large new car sales dealership in Maryland. Should his inventory run larger than ten cars, he has a storage area in Maryland. There will be no resale facility here, only a sales operation. This use will be a transitional use for a period of no more than 5 years until this entire parcel can be redeveloped. He stated that this use will not increase traffic. In fact, the use will generate far less traffic than the use on the adjacent property. The previous use of this property was a mobile home sales facility. These mobile home vehicles were eleven feet high. The use provided here will be far less of an impact on the area. The display area is not in the 50' required setback area that is required in this C-G district. The neighboring uses are a shopping center and other more intense commercial uses. This property is accessible by right turns in all directions. The area will be landscaped.

Mr. Baker stated that this property could use some cleaning up.

Mr. Rinaldi stated that his operation will be from 9:00 A.M. to 6:00 P.M. and closed on Sundays.

Mr. Runyon stated that the Board should include some provision for landscaping around the building to clarify any questions for Design Review.

There was no one to speak in favor or in opposition to this application.

----------Resolution----------

In application No. S-33-75, application by James H. Boone T/A James II Auto Sales under Section 30-7.2.10.5.4, of the Zoning Ordinance to permit sale of used cars on property located at 6236 Richmond Highway, Lee District, also known as tax map 83-3((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 26th day of March 1975.

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

1. That the owner of the subject property is Dwyer, Inc.
2. That the present zoning is CG.
3. That the area of the lot is 20,310 sq. ft.
4. That compliance with Site Plan Ordinance is required.
5. That 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 C or I Districts as contained in Section 30-7.12 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.
6. The maximum number of cars allowed on the lot for resale purposes at any one time shall not exceed 10.
7. All lights, speakers and noise shall be confined to said site.
8. The hours of operation shall be 9 A.M. to 6 P.M., Monday through Saturday.
9. Landscaping and/or screening to be provided to the satisfaction of the Director of Environmental Management.

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

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Page 113, March 26, 1975
Rudolph Investment Corp.

12:00 - RUDOLPH INVESTMENT CORP. application under Section 30-6.5 of Ordiance to appeal Zoning Administrator's decision to refuse application for Special Use Permit to permit parking on residential land for cars and trucks used in conjunction with Krispy Kreme operation in commercial zone, 6400 Richmond Highway, 83-3((5))(1)10, (.3087 acres), Mt. Vernon District, (R-17), V-42-75.

Mr. Richard Hobson, attorney for the applicant, stated that the application has been amended and accepted by the Zoning Office. It is now in the process of scheduling for the Board of Supervisors. They plan to submit a Court Order on that case tomorrow. He asked that the case be deferred generally. The only reason it would again come up would be if the case was not heard by the Board of Supervisors.

Mr. Baker so moved that the request be granted.

Mr. Kelley seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

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12:00 - BOWL AMERICA, INC. application under Section 30-6.5 of Ordinance to appeal Zoning Administrator's decision to refuse application for Special Use Permit to permit parking on residential land for commercial use on commercial property, 1108 Dranesville Road, 5((1))1, (4.4 acres), Dranesville District, (RE-1), V-43-75.

Mr. Richard Hobson, attorney for the applicant, requested that the Board take the variance case first. The appeal of the Zoning Administrator's decision might not be necessary depending on the Board's decision on this variance.

The Board agreed to hear V-44-75 first.

BOWL AMERICA, INC. application under Section 30-6.6 of the Zoning Ordinance for variance from strict application of Section 30-3.2.1.1 to allow access through residential district to a commercial use, 5((1))1, (4.4 acres), Dranesville District, (RE-1), V-44-75.

Mr. Hobson presented waivers of notice signed by five property owners, two were contiguous to the subject property.

Mr. Smith stated that the Board has always been reluctant to accept a waiver of notification.

Mr. Hobson stated that the reason for these waivers is the result of a Court hearing. There was an agreement between his client and the County Attorney's office that this case would go to this Board as soon as possible.

Mr. Donnelly, Assistant County Attorney, stated that there was an understanding that the requirement for notices would be waived. However, Mr. Hobson is correct in his statement that a waiver of notice will suffice legally. This case comes up for a hearing in Court tomorrow and a determination on this variance request would be helpful.

The Board agreed to accept these waivers of notification.

Mr. Hobson stated that this variance application is here today to see if some questions can be resolved before the Court hearing tomorrow. The subject property lies, as shown on the map before the Board, part in Loudoun County and part in Fairfax County. The portion in Loudoun was zoned PDCH, commercial in 1975. The portion in Fairfax County is zoned RE-1, residential. There is no road access to this commercial property in Loudoun County. They are requesting a variance to the requirement of Section 30-3.2.1.1 that says that the commercial district had to exist at the time of the adoption of this chapter in 1959. In answer to Mr. Smith's question, Mr. Hobson stated that they have made no effort to have this land in Fairfax County rezoned and Mr. Monahan would explain why.

114

Mr. Monahan, attorney, 9 East Market Street, Leesburg, Virginia, stated that the land was rezoned commercial in Loudoun County in 1975 for the specific use of a bowling alley. (Mr. Monahan was the attorney for the applicant at the time of the rezoning in Loudoun County). At the time of the rezoning hearing, there was discussion as to the access to this property. The Zoning Administrator for Fairfax County appeared at that hearing and spoke in opposition to the case. The Loudoun County Planning Commission was told that it would require a Special Use Permit to get access through the residentially zoned land in Fairfax County to a commercial use in Loudoun County.

He stated that when they first were interested in this property in 1973, they made inquiry to the Fairfax County Staff about what would be required to obtain approval for access and parking for this use in Loudoun County. He purchased a Zoning Ordinance and spoke with Mr. Mohammadi in the Zoning Office of Fairfax County. Mr. Mohammadi told him it was not necessary or useful to have the land rezoned when he could apply for a Special Use Permit. Mr. Mohammadi told him that these typesof permits have been regularly issued to permit parking in a residential zone. He said it would take from 6 to 8 weeks for the Special Use Permit and 18 months for the rezoning. Bowl America did not apply for a Special Use Permit at that time because the nature of the Special Use Permit would be contingent on the rezoning they were seeking in Loudoun County. He did not feel they could get parking for a commercial use until they had the rezoning for that commercial use. They went to Loudoun County and asked for C-1, commercial, but Loudoun County suggested PDCH.

In answer to Mr. Baker's question, Mr. Monahan stated that the land on either side of the subject property is zoned residential, although it is in the plan for commercial.

Mr. Hobson presented a copy of the Loudoun County Planning Commission's minutes to the Board for the record. This included the Zoning Administrator's testimony in opposition to the case there.

Mr. Smith stated that he would accept that portion of the record pertaining to the Zoning Administrator's testimony. He stated that he did not see where any other part would be pertinent.

Mr. Hobson stated that the purpose of this testimony has been to show that the applicant did make a good faith attempt to comply with the proper procedures in both counties. You have to start in one County first. They started in Loudoun County because the bowling alley was to be in Loudoun County. They were told that they did not have to have a rezoning in Fairfax County, that the proper procedure was to file for a Special Use Permit for parking and access. They have done so and that application has been refused. The County Attorney and he have discussed this issue. The Zoning Adminstrator's position is that the only way they can get access through that portion of land in Fairfax County is by a variance from this Board.

Mr. Smith asked Mr. Monahan if, when he discussed this procedure for a Special Use Permit for access through residentially zoned land, he discussed any of the criteria for accepting the application. If he purchased a copy of the Zoning Ordinance, Mr. Smith said he assumed that he read that Section pertaining to access. That Section says that you may obtain a Special Use Permit through residential land to a commercial use provided there is no other land available and provided that the land was zoned for commercial or industrial prior to the adoption of Chapter 30 of the Zoning Ordinance in 1959.

Mr. Monahan stated that he was looking for a rezoning when he came in and Mr. Mohamadi said he saw no problem with getting this Special Use Permit. Therefore, he asked no more questions. He stated that he was aware that, actually, he was just getting information and that the Board would have to give approval.

(The Board recessed for lunch at 1:20 P.M. and returned at 2:25 P.M. to continue with this case.)

Page 115, March 26, 1975
Bowl America, Inc. (continued)

Mr. Hobson stated that the justification for the request for the variance is that there is no access to their commercial property in Loudoun County, and this property is bisected by the County line. This is the unusual circumstance, not generally applicable to other parcels in the area.

Mr. Smith stated that the applicant in this case is only a contract purchaser. He asked Mr. Hobson to speak to this point as the Ordinance refers to the aggrieved party as being the property owner.

Mr. Hobson stated that there is a letter in the file confirming that he is also agent for the property owner and agent for the contract purchaser.

Mr. Sylvester Sybanaski, Executive Vice President of Bowl America, 3915 Pineland Street, Fairfax County, Virginia, spoke to the Board concerning the financial hardship they are under and that will be caused if the Board does not grant this variance. Mr. Sybanaski then discussed the traffic generation of this use on Route 228. Bowl America operates 20 bowling centers in Northern Virginia. The traffic patterns and the bulk of the traffic is during off-rush hour times, after 9:00 A.M. and after 6:00 P.M. The maximum traffic peak is reached somewhere between 8:30 P.M. and 9:30 P.M. Mr. Sybanaski referred to a letter written by Mr. Monahan to Mr. Henry Chadwick, property development agent for Bowl America, dated January 12, 1973, in which Mr. Monahan stated that he had had a conference with appropriate authorities in Fairfax County and the results were that there was an 18 month delay to get a rezoning in Fairfax County but that it was possible to apply for a variance for access and parking. He stated in the letter that the chance for success would be increased and the case could be heard in 2 or 3 months.

Mr. Smith asked Mr. Sybanaski if he was familiar with Section 30-3.2.2.1 of the Ordinance which permits the Board to grant a Special Use Permit for access over residential property. He stated that even at the time they were checking into the rezoning in Fairfax County, the Ordinance would not have permitted a Special Use Permit for access over residential property because of the wording of that Section of the Ordinance.

Mr. Sybanaski stated that they had no knowledge of this, nor was it called to their attention by appropriate authorities at any time at any of the public hearings.

Mr. Hobson stated that they are asking for a variance from that Section of the Ordinance to build this private driveway. He stated that they have received the consent and support of the adjacent property owners, Mr. Farnam Johnson and Mr. Donald Moore, Trustees. They own a strip 28' wide adjoining Bowl America's property in the north. They have requested that the road be placed partially on Bowl America's strip and partially on theirs so that each would have a private driveway. He stated that Bowl America has agreed to do this if this variance is approved.

Mr. McLaughlin, with the engineering firm of McLaughlin and Ghent, submitted new plats showing the new location for the driveway explaining exactly where it would be.

Mr. Smith asked what Bowl America's interest is in the contiguous property.

Mr. Hobson answered, "None." Bowl America will give them and they will give Bowl America right of way on their portion.

Mr. McLaughlin stated that this new proposal will eliminate one of the entrances that now exists. The two entrances that exist are the entrance off Route 228 into the subject property from the northeast corner and another entrance immediately adjacent to that entrance on the contiguous property. They are proposing to merge this into one entrance to serve both properties. This will minimize the entrance situation that now exists for these two properties. The land is immediately to the west approximately 9 acres in size and will have some sort of development that will come out over this strip into Route 228. Route 228 is a two lane road with a State Primary classification. It has a long sight distance to the south, and adequate sight distance to the north insofar as the vertical alignment is concerned. The horizontal alignment can be improved

by trimming some brush that is on the State right of way. Route 228 is in the process of being upgraded by the State Highway Department. The right of way project plans are already completed but the construction project has been delayed because of the fund moratorium. Nobody knows how long the delay will be. The situation that now exists is certainly acceptable for the amount of traffic that will be generated by this bowling alley. This shift serves no particular purpose other than to further improve the entrance situation. The shift is not needed nor required by the owner.

Mr. Donald E. Mowe, real estate broker located in Falls Church for the last 16 years and resident of Loudoun County, stated that he had been asked by Bowl America to join in with them in creating a better access to their property. He stated that they entered into a right of way agreement whereby they have given Bowl America permission to use 28' of their property and they would be allowed to use 22' of Bowl America's property. This makes a 50' driveway to both properties. The property is zoned residential. They have no present plans for it at all. They do not plan to develop it as single family residential in the future, because they feel the area will develop into a higher density use. They would not plan to put single family residential uses next to the bowling alley. Their only access to Route 228 is also through Fairfax County. They own 28.5' and they have a private road back to their 9 acres of land.

Mr. Smith stated that this would not permit access to a commercial development.

Mr. Mowe stated that this road would be sufficient for a condominium development private road -- either condominium warehouse or office condominium development.

Mr. Covington stated that he did not know what type of building they could put in Loudoun County.

Mrs. Sally Breedon spoke in support of the application stating that the people in the surrounding area would like to see the bowling alley put in at this location.

Mr. Hobson submitted a letter in support of the application from the Sugarland Run Homeowners Association stating that they look forward to the development of this facility.

Mr. Hobson stated that this is the minimum request that would afford some relief. The application is in accord with the purposes and intent of the Zoning Ordinance and the Comprehensive Plan. He also called the Board's attention to a court case in the Supreme Court of Appeals, 201 Va. 636, Azalea Corp. vs. City of Richmond, where the Azalea Corp. proposed to establish a shopping center in the County of Henrico, but the City of Richmond denied it permission to construct driveways across the narrow strips which bordered two streets in the City of Richmond because that portion of land in the City was zoned residential. The Supreme Court of Appeals reversed the decision to deny stating that, while financial loss alone will not establish a situation of hardship sufficient to justify the granting of a variance, it is a factor that should not be ignored. This variance will create no substantial impact on the adjacent property owners. He submitted for the record a copy of the Azalea case.

Mr. Hobson submitted for the record two letters, one dated March 26, 1975, to him from Mr. Rosser Payne, AIP. Mr. Payne was at one time Planning Director for Fairfax County. In that letter, Mr. Payne refers to an earlier letter, which he had written to Mr. Monahan dated April 23, 1974, dealing with the planning considerations of how this property, in his opinion as a professional planner, could be wisely developed. The letter also deals with what the Fairfax County plan was and discusses the Ordinance section that Mr. Smith just read. He discusses Section 30-3.2.2.1.1 regarding access drives and walks. In his letter, he stated that, after a thorough study of the Loudoun County and Fairfax County plans, he found it difficult to see why Fairfax County officials oppose the case.

He stated that at the public hearings in Loudoun County citizens from both Fairfax and Loudoun Countys did not oppose this rezoning. He also stated that, as a planning matter, he did not think that Fairfax County should attempt to prevent anyone from obtaining access over this land to a Virginia primary highway on which that parcel has frontage.

Mr. Smith stated that, if he remembers correctly, the property involved in the Azalea case was not under contract, but involved the owner. Azalea Corp. was the actual owner of the property.

Mr. Hobson presented two versions of the Upper Potomac Plan for that area. One reflected the Staff's original proposal showing a generally residential classification in the area, with a small C-G portion in the area.

Mr. Smith stated that the Board has to look at the parcel as a whole and consider the parcel under the Fairfax County Ordinance. Apparently, the proposal is that Loudoun County gets the construction and the taxes and Fairfax County gets the traffic and parking. He stated that that would not enter into his decision.

Mr. Hobson stated that the Board should consult the County Attorney because there is an opinion of the County Attorney regarding taxes in this type of situation. The County Attorney feels that the taxes should be shared. That opinion involved the City of Fairfax and the Pickett shopping center. Mr. Hobson also submitted for the record a copy of a letter dated September 19, 1974, from Mr. Wallace Covington, Assistant Zoning Administrator, to Mr. Fifer of his law firm, discussing alternative methods of access. At the time Mr. Covington wrote this letter, he did not know when the land was rezoned in Loudoun County. He read the letter into the record. Mr. Hobson stated that they could provide enough parking on the Loudoun County land without requesting parking in Fairfax County. He stated that, if they get a valid permit for parking in Fairfax County, they will park in Fairfax County. He stated that they do need parking in Fairfax County if they are going to straighten out the road in Loudoun. Mr. Hobson stated that the applicant's contract runs out on June 30, 1975. In answer to Mr. Smith's question, Mr. Hobson stated that he felt that the applicant would accept as a condition that they withdraw the request for the parking.

Mr. John Harrington, engineer with Comprehensive Planning for Fairfax County, spoke about the traffic situation in this area. He stated that the sources the Staff has, give the traffic generation of a bowling alley as approximately 300 vehicles per day per acre which, for the size of the Bowl America's land, would be close to 900 vehicles per day. Dranesville Road is a narrow two-lane road and where it could handle free flow traffic, once it reaches the traffic light at Route 7, it is no longer free flow and the Staff does not believe the traffic intersection could handle much more additional traffic. As far as the land being useable as a residential use, as far as engineering is concerned, the Staff sees no reason why it cannot be used. The Planning Staff has discussed this with the Department of Environmental Management and that department foresees no objections from a physical standpoint either. The source of their information on traffic generation for bowling alleys was obtained from a traffic generation study done by the Counsel of Governments in Arizona who drew on sources across the country.

In answer to Mr. Hobson's question, Mr. Harrington stated that he had seen plans of the Highway Department to widen Dranesville Road. The State does not know when it will be scheduled and the ones that have been scheduled, have to be pulled beaause of finances. In addition, there may be additional traffic impact on this road from the Woodstone development in Loudoun County which will exit onto Sugarland Road to 604 and will have traffic coming up this direction. This will increase the traffic generation considerably.

Mr. Runyon asked Mr. Harrington if this would mean that perhaps Dranesville Road improvements will come sooner as the volumn increases.

Mr. Harrington stated that the State has to determine that. This road has about 4500 vehicles per day while a road like Gallows Road has 16,000 and they have not improved that yet.

Mr. Runyon asked if perhaps the bowling alley traffic is at a different time other than peak flow times.

Mr. Harrington stated that it is true that the bowling alley does not have a peak time like that of an office building.

Mr. Runyon stated that then the traffic would not be a clogging factor except about 9:00 at night when they change lanes.

Mr. Harrington stated that it would have an impact on the road when the road is less impacted by other sources.

Mr. Harrington stated that the 1973 count was about 3700 vehicles per day which was an increase of about 1300 over 1971. Projecting that, it would be about 4500 to 5000 vehicles per day now. The State Highway Department does a traffic count every two years. The 1975 count will not be available until probably the early part of 1976. The capacity as a rural highway would be adequate to handle it. The capacity of the intersection at Route 7 is about 720 vehicles per hour. During the peak period of the volumn on the road, it could easily exceed that by 50 to 100 cars. The peak hour normally is between 5:00 and 6:00 P.M.

Mr. William Donnelly, Assistant County Attorney, referred to the portion of the Upper Potomac Comprehensive Plan which Mr. Hobson put into the record. If the Board will look on that, it will see that the Fairfax County portion of the subject parcel is shown in Neighborhood 5 and the dots shown there represent residential planning. The area to the south and west of this site is planned for residential purposes. The section sheet on the screen shows that the parcel, with the exception of Bowl America's property in Loudoun, is virtually surrounded by existing residential zoning. To the north there is some commercial zoning. However, to the south and east there is considerable residential zoning. He referred the Board to Section 15.1-495 b3 of the State Code which lists one of the conditions that must be satisfied before the Board can grant a variance. "...the authorization of such variance will not be of substantial detriment to adjacent property and the character of the neighborhood will not be changed. Technically the land will remain zoned residential. Yet, for all intents and purposes with the commercial access from the bowling alley, that parcel really becomes commercial if the variance is granted. He asked that the Board bear in mind the effects that that would have on the existing residential character of the neighborhood. The law is clear that the hardship in question must relate to the particular parcel for which the variance is sought. The variance is sought for the residentially zoned parcel. Mr. Harrington testified that the residential parcel could be developed for conforming uses. There was no evidence offered by the applicant to show that he could not develop residential uses on the residential parcel. Therefore, whatever hardship may exist does not relate to this parcel. A case directly to the point is C & C Incorporated vs. Simple, a 1966 decision of the Supreme Court of Virginia. In that case, there was a commercially zoned parcel of land that needed accessory parking. The individual in that case bought the adjacent parcel which was zoned residential and went in to apply for a variance to enable him to park on the residential property. The Court said that the hardship in that case related to the commercial property, not to the residential property for which the variance was sought. A variance could not be granted because the residential parcel could have been used for residential purposes. There has been no evidence in this case to show that they cannot build two or three houses on that residential parcel, so that the hardship does not relate to that parcel in question. As the Chairman pointed out, when you read the Azalea case you will find that that case is distinguishable on the facts. In that case, they found that they could not use the residential land for residential purposes, which is different from this one. There was no testimony in that case as to adverse traffic impact. There was no evidence that the variance would adversely impact the neighborhood and it is quite contrary here. This variance will have a substantial impact on the residential character of the neighborhood. He then suggested that the Board deny the variance application.

Page 119, March 26, 1975
Bowl America, Inc. (continued)

Mr. Runyon asked Mr. Donnelly what would be the difference in detrimental impact if they have an access road 50' wide right along the Loudoun County line headed north to the C-G property than if they use this property for access.

Mr. Donnelly answered that the impact would be on commercial land, not on residential land. If they had a northerly access, it would impact one small residential parcel of ground, but it would empty on Route 7 where there is a shopping center already in existence. If they take the proposed route, it will empty out across the street from residentially zoned land. It will have much more direct impact on residential land.

Mr. Runyon asked Mr. Donnelly why he felt the traffic would have a detrimental impact since it will be occurring over a long period and not all during the peak rush hour period.

Mr. Donnelly stated that that was not a legal judgement for him to make. That is a judgement for the Board to make. He stated that he did not mean to characterize Mr. Harrington's testimony and he would let it speak for itself.

Mr. Hobson, in rebuttal, stated that Mr. Donnelly is not saying to this Board that it does not have the power to grant a variance. He says that he does not think it should.

Mr. Donnelly confirmed this. The Board does have jurisdication to hear and decide this case, but in his view, the application does not meet the conditions of the State Code that he read previously.

Mr. Hobson stated that that provision of the State Code is for every variance that comes before this Board. It is a question of judgement and degree to weigh the strict interpretation against this property owner's hardship. Factually, the property across the road is in flood plain. There is a creek over there, not houses sitting across the road. A substantial portion of Bowl America's property is in flood plain. The commercial zoned land in the back cannot be used without this access. He placed in the record a copy of a portion of the Loudoun County Zoning Ordinance which prohibits residential uses in commercially zoned land.

There was no one else to speak in favor or in opposition to this application

Mr. Hobson stated that they do not have adjacent property owners objecting. Mr. Nolan is the other property owner who waived notice. Neither of the contiguous owners feel the driveway will be detrimental to their property. He referred back to Mr. Payne's letter to the portion which states that "...there is no traffic overload on Route 228 ...recent court cases in Fairfax and traffic consultant studies in late 1973 have proven this point. The total average daily traffic on Route 228 between Route 7 and Herndon in 1972 was 2,445 vehicles which is probably less than one-half its current capacity..." Mr. Hobson stated that Mr. McLaughlin has testified about a current project for widening Route 228. The Highway Department has the project planned, has the land acquired, and the drawings are in the works for this road. This is much further along than it is on many of the roads in Fairfax County. This will happen when the present monetary crunch lets up. Mr. Hobson submitted a copy of the contract to purchase for the record. He stated that his clients would be willing to agree that a condition to the granting of this variance be no parking in Fairfax County. He stated that that does not preclude them from applying for a rezoning to get a commercial use on it, but they agree that there would be no commercial parking on this residentially zoned land in Fairfax County.

Mr. Covington stated that he believed Section 30-3.2.1.1 of the Code was intended to relieve hardships created by the passing of the 1959 Ordinance. To preclude the use of this Section being carried forward, that last paragraph was inserted. It was done initially to protect already zoned property and to preclude this type of situation.

Mr. Smith asked Mr. Covington if he felt the Board could grant a variance on that section of the Ordinance.

Mr. Covington stated that he did not believe it could because that section is very specific. It says that the commercial property must have been zoned prior to the adoption of this section which was in 1959, and it was not. He stated that for the Board to grant this would be tantamount to a rezoning or amending the Ordinance by a variance.

Mr. Runyon stated that that section does not say anything about an applicant's property when part of that property lies in another jurisdiction.

Mr. Smith stated that it is difficult to conclude that this is anything but a partially self imposed hardship.

The Board recessed for 15 minutes.

The Board returned to take up the other deferred items and returned to this case last before adjourning.

Mr. Runyon stated that in this application, V-44-75, the Board would be speaking to the first plat that the applicant submitted which shows the road on the 4.4 acres of property in Fairfax County. The entire road is on the applicant's property. He returned the plats Mr. Hobson had earlier submitted to Mr. Hobson.

----------Resolution----------

In application No. V-44-75, application by Bowl America, Inc. and Barbara J. AhlGren under Section 30-6.6 of the Zoning Ordinance, for variance from strict application of Section 30-3.2.1.1 to allow access through residential property to a commercial use, on property located at 1108 Dranesville Road, also known as tax map 5((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 local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 26th day of March, 1975, and

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

1. That the owner of the subject property is Barbara J. Ahlgren.
2. That the present zoning is RE-1.
3. That the area of the lot is 4.1656 acres.
4. That the applicant owns the 2.48 acres to the rear in Loudoun County, now zoned commercial.

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 land 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 specific 4.1656 acres in Fairfax County, shown on the plat included with the 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.

Page 121, March 26, 1975
Bowl America, Inc. (continued)

3. There shall be no parkingon the Fairfax County portion of the property to serve commercial uses so long as the property remains zoned residential.
4. The road is to remain private, solely for ingress and egress for the bowling establishment only with no parking thereon unless otherwise provided by subsequent action of this Board.

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

Mr. Smith asked if he was basing his resolution on a site plan done by Mr. Upernick showing a proposed bowling center for Loudoun County, dated 1-30-73, and on the plat drawn and signed by Mr. McLaughlin, certified land surveyor, showing the access road lying solely on the property of the applicants and the contract purchaser.

Mr. Runyon answered that he was. Mr. Runyon stated that this is to give some relief for something that must be done in order to meet the requirements of this particular parcel of ground, being in the same ownership, the portion zoned commercial in Loudoun County and having a total of 6 + acres.

(Mr. Smith, Mr. Runyon and Mr. Hobson signed the appropriate plat after the Resolution was granted).

Mr. Smith stated that this is a rather unusual situation and one the Board has never been confronted with previously — to have a commercially zoned parcel of land in one County and access in Fairfax County. He stated that the Board, in taking this action, has taken these factors into consideration, although they are not the prime factors of fact. This is a reasonable approach providing that it can be assured that there will be no commercial impact other than that impact provided by the ingress and egress from the commercially zoned tract of land. He stated that it is a rather unusual situation and it has been a very difficult decision for the Board members. But, after having heard the pros and cons and in order to come up with a reasonable decision, this seems to be a reasonable approach. He stated that he still thought it was a partially, if not completely, self imposed hardship, as far as the applicants are concerned. But since the land is under one ownership it will lessen the impact with which this Board is concerned. He supported the Resolution to grant for these reasons.

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DEFERRED CASES:

12:20 - POTOMAC BROADCASTING CORPORATION, application under Section 30-7.2.2.1.3 of Ordinance to permit construction of small addition to the existing building, east end of Augustine Street and immediately south of U. S. Government property, 101-2((1))10E, (11.2489 acres), Lee District, (R-12.5), S-4-75.

POTOMAC BROADCASTING CORPORATION, application under Section 30-6.6 of Ordinance to permit increase in height of existing 400' tower to 508', closer to the property line than allowed by Ordinance (tower must be a distance from the property line equal to the height of that tower), east end of Augustine Street and immediately south of U. S. Government property, 101-2((1))10E, (11.2489 acres), Lee District, (R-12.5), V-5-75.

Mr. William Hansbarger, attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were the Fairfax County Park Authority, P. O. Box 236, Annandale and Mr. Joseph Baker, 4510 Tarpon Lane, Alexandria, Virginia.

The applicant operates a radio transmitting facility WPIK and WXRA. They now have two towers on the property, one 225' and the other 408'. The latest Special Use Permit, S-101-65, was granted June 22, 1965. This application is a request to add 100' of height to the 408' tower and to allow that tower closer to the property lines than a distance equal to its height. This tower was constructed in 1959. At that time there was no height limit in effect as far as the Ordinance was concerned. That height limit came into effect with the Pomroy Ordinance later in 1959. They have received complaints in Fairfax County because the FM reception is not clear. They have received clearance from the FAA for this tower construction. The purpose of the addition to the building is to install equipment that will permit a more efficient filtering of the air entering the building which houses the transmitters. The request for the increased height of the tower is to get better and clearer reception in the service area of the Potomac Broadcasting Company. The area of the addition to the building is 6.5' by 8.8'.

Mr. Matthew Vlissides, engineering consultant, 7601 Burford Drive, McLean, Virginia, spoke to the Board regarding the safety factor of the existing tower and the proposed tower. He submitted a computer structural analysis and evaluation of the 500 foot proposed WPIK-FM GUYED tower for the record. Mr. Vlissides reminded the Board that he was the engineering consultant a couple of years ago on WMOD, Falls Church radio station case that was before the Board. Mr. Vlissides explained how he would reinforce the tower to make it completely safe. He stated that he had done a detailed inspection a few weeks ago on this tower and its condition is excellent.

There was no one to speak in favor or in opposition.

Special Use Permit
----------Resolution----------

In application No. S-4-75, application by Potomac Broadcasting Corporation under Section 30-7.2.2.1.3 of the Zoning Ordinance, to permit construction of small addition to existing building on property located at east end of Augustine Street, also known as tax map 101-2((1))10E, County of Fairfax, Mr. Kelley moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 12th day of March, 1975, and deferred to the 26th for full Board.

WHEREAS, the Beard 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 11.2489 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 applicants operate a radio transmitting facility with a 400' antenna tower on property located at the east end of Augustine Street and immediately south of U. S. Government property in Lee District, pursuant to Special Use Permits, the latest of which (S-101-65) was granted June 22, 1965.
7. This application seeks to permit an addition to the existing building on the property and an increase in the height of the antenna tower to 508'.

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

VARIANCE

----------Resolution----------

In application No. V-5-75, application by Potomac Broadcasting Corporation, under Section 30-6.6 of the Zoning Ordinance to permit increase in height of 400' tower to 508' closer to property line than allowed by Ordinance, on property located at east end of Augustine Street, also known as tax map 101-2((1))10E, Lee 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 March, 1975 and deferred to the 26th for a full Board, 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 11.2489 acres.
4. That the request is to increase the height of the antenna tower to 508 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 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, Non-Residential Use Permits and the like through the established procedures.

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

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PRINCE WILLIAM ELECTRIC COOP. appl. under Section 30-7.2.2.1.2 of the Zoning Ordinance to permit transmission line and power substation from existing substation on Route 658 to Upper Occoquan Sewage Authority Main Treatment Plant Compton, and substation on Upper Occoquan Sewage Authority property, 65((1))44A, 47, 47B, 48, 50A and 73((1))4, Centreville District, (RE-1), S-22-75, (Deferred from March 12, 1975).

Mr. Ronald L. Skewes, representing the applicant, testified before the Board.

Notices to property owners were in order. The contiguous owners were Northern Virginia Regional Park Authority, 10680 Main Street, Fairfax, and Rosey Naylor, 7108 Ordway Road.

Mr. Skewes explained that this is to provide electric service to the Upper Occoquan Sewer's main plant. The Board of Supervisors on December 10, 1975, granted a Special Use Permit to the Upper Occoquan Sewage Authority for its Regional Wastewater Reclamation Plant on a 268 acre tract of land. The Planning Commisssion approved the public facility on March 16, 1972. A new high power 69KV transmission line from the Harrison Substation in existence just across Compton Road from the Authority's will be added to run parallel to an existing transmission line and a new substation will be located within the Authority's plant complex. The only place where adjacent land would be affected is about 300 feet along the south boundary where the Authority's property abuts undeveloped land belonging to the Regional Park Authority.

The Planning Commission on February 27, 1975, under the provisions of Section 30-6.13 of the Zoning Ordinance, recommended to this Board that no special conditions be imposed on the Special Use Permit.

In answer to Mr. Smith's question, Mr. Skewes stated that Prince William Electric does not use any herbicides.

In answer to Mr. Runyon's question, Mr. Skewes stated that this is the second line. The primary reason for it is to provide two separate and independent sources of power, even to the point of building dual stations just in case one should fail.

----------Resolution----------

In application No. S-22-75, application by Prince William Electric Coop. under Section 30-7.2.2.1.2 of the Zoning Ordinance to permit transmission line on property located at Upper Occoquan Sewage Authority also known as tax map 65((1))44A, 47, 47B, 48, 50A, and 73((1))4, County of Fairfax, Mr. Runyon moved that the Board of Zoning Appeals adopt the following resolution:

Page 125, March 26, 1975
Prince William Electric Coop. (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 12th day of March, 1975 and deferred to the 26th.

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

1. That the owner of the subject property is Prince William Electric Coop.
2. That the present zoning is RE-1.
3. That the area of the lot is per the plats.
4. That the Planning Commission recommended unanimous approval of the application.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance, 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 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 4 to 0. Mr. Barnes was absent.

TYSONS CORNER REGIONAL SHOPPING CENTER, V-15-75.

Mr. Smith read a letter from the applicant requesting that this case be deferred due to the illness of a primary witness.

The Board deferred the case until the meeting of April 9, 1975.

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BARCROFT INSTITUTE, Special Use Permit granted to American Health Services, Inc., S-178-70. The Board was in receipt of a letter from Mrs. Jakaboski, Administrator of Barcroft Institute, dated March 20, 1975, stating that the only notation on the requested sign would be "BARCROFT INSTITUTE". A sketch of that sign was enclosed with her letter dated February 19, 1975. That letter also stated that the sign that was in front of the building read "Fort Buffalo" was removed since the name of the facility was changed to "Barcroft Institute". The sketch of the sign showed the sign to be 5 feet from the top of the sign to ground level. The sign itself would be 2 feet x 3 feet and would have 5 inch lettering, black on white back.
It was the Board's decision to approve this sign as long as it conforms to the sign ordinance.

IRVING AND HELEN DENTON, V-211-74, (Deferred for full Board).

The Board deferred the case with the applicant's attorney's consent until April 9, 1975, for a full Board.

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C. HUGHES CO., V-195-74, (Deferred for full Board).

The Board deferred the case with the applicant's attorney's consent until April 9, 1975 for a full Board.

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AFTER AGENDA ITEMS:

INEZ FLETCHER, PALNEZ SCHOOL, SPECIAL USE PERMIT NO. 1677, Granted 4-21-53.

The Board discussed this case with Mr. Covington and agreed that the applicant would have to come back to the Board with a new application.

The Board considered a letter written to Mr. Knowlton from Inez Fletcher, Director of Palnez School at 8133 Leesburg Pike, Vienna, Virginia. In the letter she stated that for about four years prior to this past October, the school was under new management. She stated that apparently the County did not require a new occupancy permit for the new management. Therefore, the April 15, 1954 certificate of occupancy must still be current and valid.

The Board then discussed a proposed letter answering Mrs. Fletcher's letter stating that the County's records indicate that there was an occupancy permit issued to a Mr. Dimin, Creative County Day School in Virginia, Inc. on 1-28-71. This issuance of this permit nullified the certificate of occupancy and Special Use Permit. Mr. Knowlton advised Mrs. Fletcher to refile for both the Special Use Permit and the occupancy permit.

The Board agreed with this action.

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FLYING "A" ENTERPRISES

The Board read a letter from Supervisor Magazine and requested the Staff to prepare an appropriate reply answering the questions and problems set forth in the letter.

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Mr. Kelley moved that the minutes for January 22, 1975 be approved.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

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The hearing adjourned at 6:05 P.M.

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by Jane C. Kelsey
Jane C. Kelsey, Clerk to the
Board of Zoning Appeals
Submitted to Board on April 23, 1975.

Daniel Smith
Daniel Smith, Chairman
Board of Zoning Appeals

APPROVED: May 21, 1975
Date

The Regular Meeting of the Board of Zoning Appeals was Held in the Board Room of the Massey Building on Wednesday, April 9, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes, Joseph Baker and Charles Runyon. Mr. Harvey Mitchell and Mr. Wallace Covington were present from the Staff.

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

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10:00 - VIRGINIA ELECTRIC AND POWER COMPANY, appl. under Section 30-7.2.2.1.3 of the Zoning Ordinance to permit construction, operation and maintenance of microwave tower on and in connection with existing electrical substation site, Ox Substation, 97-3((1))14, portion of 96-4 & 106-1, (61.3 acres), Springfield District, (RE-1), S-21-75.

Mr. Randolph W. Church, 4069 Chain Bridge Road, Fairfax, Virginia, attorney for the applicant, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Mary Moss, 3800 Seminary Road, Alexandria and Richard Ober, 8600 Ox Road, Fairfax.

Mr. Church stated that this tower will be used for protecting VEPCO's equipment. When equipment is in trouble, it will provide means for cutting off the equipment and rerouting the power. The tower will pick up trouble before it occurs. Ox Substation is one of the most important substations in Northern Virginia. There is several million dollars worth of transformers there. Virtually all of the power comes through that substation. In addition to providing protective relaying, it will send signals to Richmond so that they can pick out the less expensive source of power through the eastern United States.

In answer to Mr. Smith's question, Mr. Church stated that this microwave tower will be used for VEPCO and the other electrical developers in the eastern United States and no other uses will be made of it. PEPCO will have an interest in this tower, but only from the electrical standpoint.

Mr. Allen Todd, substation superintendent for the Northern Division of VEPCO, spoke to the Board regarding the technical facts about the tower. He stated that this tower will be within VEPCO's existing Ox Substation. This substation is constructed on approximately 43 acres of land and its facilities have been approved by this Board in increments over the years. No additional land is needed for this project.

Presently, the relaying of this information Mr. Church spoke of is being performed by carrier signals on VEPCO's existing transmission lines, but these facilities have some limitations and provide a limited number of paths. A greater number of channels is needed than the existing system is capable of providing and a guarantee of a higher level of reliability for these communications is also needed.

This protective relaying will guard the equipment itself from damage in the event of a downed line, failure in a breaker or a defect in a transformer. One of the weaknesses in the present system is that communications may be lost if a line goes down. When a power failure occurs, the relaying system can accurately locate the problem, minimize outages and permit maximum utilization of other equipment to restore full service. The operator of the substation can detect problems with equipment which is experiencing difficulty, but which has not yet failed, and provide the Company with an opportunity to correct such problems before an outage has occured.

The system will provide continuing information to VEPCO's load control computer, which can determine the amount of generation needed at any moment and call on the most efficient generation sources both within VEPCO's system and in neighboring utilities to supply it. As VEPCO's interconnections with its neighbors increases, so does the need for increased communication capabilities both from the standpoint of reliability and the standpoint of being able to call on the least expensive source of generation to supply electricity.

He showed the Board several exhibits of a portion of the microwave system under construction by VEPCO and PEPCO; the existing facilities at Ox substation, the location of the proposed tower, two 8 foot by 12 foot one-story structures which house equipment, photographs of the existing facilities at Ox Substation and a similar tower at another substation.

128

The proposed tower is 260 feet tall and is 320 feet from the nearest property line. It will be constructed in accordance with standards of the Electronic Industries Association. It will be virtually unmanned and will not cause noise, dust, smoke or odor and will not require sewage facilities. It will not interfere with radio or television signals. It has been approved by the FCC and the FAA.

Ox Substation is located in a fairly remote section of the County. The tower will not be detrimental to the character of the land nor the value of the adjacent land.

Mr. Kelley stated that the advertisement gives the acreage for this parcel as 61.3 acres and the Staff report gives the acreage as 43.2 acres.

Mr. Church stated that the 43.2 acres is correct.

There was no one to speak in favor or in opposition to this application.

Mr. Smith read a memo into the record from the Planning Commission recommending that the application be granted in accordance with the Staff Report.

Mr. Smith questioned the use of herbicides by VEPCO.

Mr. Church stated that he did not know whether VEPCO was still using herbicides or not, but he would check on it and report back to the Board.

Mr. Smith stated that if VEPCO is still using herbicides, it may be necessary to bring all the cases back for reevaluation. He stated that he thought the Board had placed a prohibition on the use of herbicides on VEPCO locations. He asked Mr. Church to communicate with the Clerk by letter in the next two weeks.

Mr. Church agreed to do this.

----------RESOLUTION----------

In application No. S-21-75, application by Virginia Electric and Power Company under Section 30-7.2.2.1.3 of the Zoning Ordinance to permit construction, operation and maintenance of microwave tower on and in connection with existing electrical substation site, on property located at Ox Substation, West Ox Road, also known as tax map 97-3((1))14 and portion of 96-4 & 106-1, 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 9th day of April 1975.

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 43.2 acres.
4. That compliance with Site Plan Ordinance is required.
5. That the applicant is presently operating on said site pursuant to Special Use Permit S-143-72, granted October 18, 1975.
6. That on April 8, 1975, the Planning Commission approved the above application under the provision of the Code of Virginia, 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 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. All terms and conditions set forth in Special Use Permit S-143-72 shall remain in effect.
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. Barnes seconded the motion.

The motion passed 5 to 0.

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10:20 - SANDRA R. WARD, appl. under Section 30-7.2.8.1.2 of the Zoning Ordinance to permit construction of barn, installation of lights around riding ring and other minor changes to existing riding school, 6718 Clifton Road, 75((1))6, 15C, 15, (7.89 acres). Springfield District. (RE-1, S-32-75

Sandra Ward represented herself before the Board.

Notices to property owners were in order. The contiguous owners were Gerald Hennessy, 6811 White Rock Road, Clifton and Edward Weiland, Compton Road, Clifton, Virginia.

Ms. Ward stated that this application is for improvements to her riding facility, Bay Ridge. It is not an expansion. She has been operating there for seven years and would like to build a new barn, take the existing stalls out of the garage and put the horses in the new barn, and demolish the temporary structure on the property. The bathrooms are now in her house with outside entrances. She plans to put the bathrooms in the garage and also build a dressing room where the students could change their clothes.

She now has 12 horses in the lean-to and 6 in the garage. This does not include the horses she boards. All the horses are housed on the 78.9 acres of land.

Mr. Smith stated that under the new ordinance, she would be restricted to one horse per acre. Should she happen to loose the lease on the 113 acres she would only be able to keep 8 animals.

The Board discussed the plats and found several deficiencies. The property is now owned by Routh M. Robbins and Sandra R. Ward. The plats show the property to be owned by C. W. Ward and Sandra R. Ward.

Ms. Ward, in answer to Mr. Smith's question, stated that Clifton Investment Properties still own the 100 acre parcel.

Ms. Ward stated that she teaches approximately 240 students total. There are only 6 or 7 students in her classes and 15 to 24 on the premises at any one time. She has six instructors, total, but they are not on the property at any one time either. She begins the classes around 9:30 a.m. and the latest class would be around 6:30 p.m. It is not a consistent schedule. These are the maximum hours.

The request for lights was made because in the winter when it gets dark early, they are needed by her boarders and her so they can school the horses. They are used about twice a week. She has had the lights up since last fall, but the County told her that she could not have them without the permission of this Board, so she turned the lights off and they haven't been on again.

In answer to Mr. Kelley's question, Ms. Ward stated that she has seven open horse shows per season. These horse shows are for the local area. Bay Ridge benefits from these shows; but, the Southwestern Youth Association also benefits because it runs the food stand. SYA had a benefit horse show there this spring. This created a problem on the road leading back to the houses on White Rock Drive. The back part of that drive is a private road and the front part is her road. She stated that she would have eliminated the problem of this parking on the road had she known about them, but at that time she was working back at the show area.

Mr. Smith questioned whether or not these horse shows are allowed. When there are large open horse shows with a large group of people congregating on this small portion of land, there are going to be problems. He did not question horse shows for the school participation.

Ms. Ward stated that the horse shows are held on the back 100 acres of land.

Mr. Smith stated that the rings on that property did not show the setback. He questioned whether they are 100' from the property line.

Mr. Runyon stated that they were 100'.

Lloyd Glover, 12824 Great Oak Lane, Clifton; Mr. Dowdy, 7709 Manor House Drive; Mary Lou Hopkins, 128 Chestnut Street, Clifton; Mr. Ediden, 6915 Clifton Road, one-half mile south of Bay Ridge; Mrs. Betsy Wede, residing in Loudoun County and Mrs. Bean, member, Board of Directors for SYA, spoke in support of the application. *

Mr. Frederick Smith, 6627 Clifton Road, across from the main riding ring; Gerald Hennessy, 6811 White Rock Road, contiguous property owner; Mr. Gibson, White Rock Road; and Mr. Moore, spoke in opposition to the application **

Mr. Baker asked for a show of hands of the people who were present in favor of the application that live within a one-mile radius of the facility. He then asked for a show of hands of those in the same radius who were in opposition.

There were six hands in favor and eight hands in opposition.

Mr. Kelley stated that he is familiar with the road. He felt that these people are entitled to a residential area. This is a commercial operation.

Ms. Ward, in rebuttal, stated that she owns the easement road, pays taxes on it and has the right to use it. However, she stated that she would see to it that, in the future, no one parks on that road. She apologized to Mr. Moore because her horses got out. She stated that the only time anyone has parked on the road was during the SYA benefit show. March was extremely muddy and the conditions were very bad. However, the show had been scheduled. A lot of work goes into the preparation for these shows. The lights are off and have been off since she learned she was not supposed to have them without the Board's permission.

Mr. Kelley made a motion to deny the application.

Mr. Baker stated that he was in favor of deferral.

Mr. Runyon seconded the motion to get it on the floor for discussion; however, he stated that he did not intend to support it.

Mr. Barnes stated that he felt this operation has gotten out of hand, but he still feels it has a lot of merit. The citizens have a right to complain, but he felt there must be some way to work out the problems

Mr. Smith stated that there is no question about the fine reputation of the school. The only question before the Board is whether or not to allow the expansion.

*The citizens in support spoke to the need for these improvements, that these improvements would improve the appearance of the facility and therefore would not adversely affect the neighbors. They also spoke to the well run operation.

**The opposition spoke to the problems that presently exist at the facility; noise, dust, horses getting out, traffic congestion and parking problems and stated that for these reasons, they were asking the Board to deny the application.

The question was called on the motion and the vote was 3 to 2. Messrs. Kelley and Smith voting Aye; and Messrs. Runyon, Barnes and Baker voting No. Therefore, the motion failed.

Mr. Runyon moved that this case be deferred for two weeks to give the Board members a chance to look into the merits of the case, determine if additional facilities are needed, and find some way to limit the number of horse shows and the type of horse shows on this site.

Mr. Baker seconded the motion.

The motion carried 3 to 2 with Messrs. Runyon, Baker and Barnes voting Aye. Messrs. Smith and Kelley voting No.

The case was deferred until April 23, 1975 for decision only.

Mr. Smith stated that the Board would accept any additional written information prior to the 20th of April.

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10:40 - SYLVIA M. SHORT, application under Section 30-7.2.6.1.5 of the Zoning Ordinance to permit continued operation of one chair beauty shop in home, 7020 Grove Road, 92-2((19))174, (11,739 square feet), Lee District, (R-17), S-34-75.

Mrs. Short represented herself before the Board.

Notices to property owners were in order.

Mr. Mitchell, in answer to Mr. Smith's question, stated that there have been no complaints on this operation.

Mrs. Short stated that she wishes to continue to operate this one-chair beauty shop in her home just as she has been doing since June 15, 1971 when the original permit was granted.

----------RESOLUTION----------

In application No. S-34-75, application by Sylvia M. Short, under Section 30-7.2.6.1.5 of the Zoning Ordinance to permit continued operation of one chair beauty shop on property located at 7020 Grove Road, Lee District, also known as tax map 92-2((19))174, 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 April, 1975.

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 11,739 square feet.
4. That the applicant operates a one-chair beauty shop in her home pursuant to SUP S-101-71, granted June 15, 1971.

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

1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance 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 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 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 a period of 5 years.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Kelley abstained.

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10:50 - PEDRO GONZALEZ, application under Section 30-6.6 of Ordinance to permit enclosed carport to remain closer to side and front lot line than allowed by Ordinance, (6.77' from side line, 12' required) 37' from front line, 40' required), 40-2((31))14, 2104 Haycock Road, (11,138 square feet), Dranesville District, (R-12.5), V-35-75.

Mr. Gonzalez represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Walter Poole, 6542 Placid Street, Falls Church, Virginia and Col. John Talsrok. 16401 Waterfall Road, Haymarket, Virginia.

Mr. Gonzalez stated that he obtained a building permit to construct a carport. He did not realize that it would be considered a closed structure if he closed in the back and side wall, so he did so. He was informed by the County after he finished that this was not permissible. The front of the carport is still open.

Mr. Paragil, 2901 Haycock Road, presented a letter from Mr. Paul Culler, also property owner on Haycock Road stating that Mr. Gonzalez has improved the property and it is in no way detrimental to the neighbors. They do not object to the way Mr. Gonzalez has constructed his carport, but they would object if he puts up a garage door. In fact, they would be very much against the application should he propose to put up a door. He asked that the Board make that a restriction if the Board grants this variance.

Mr. Gonzalez stated that he made a mistake in closing this area to the side. There is a storage room to the rear of the carport. There is no place on the lot where he could put a carport or garage as he has a corner lot with two front setbacks. He has owned the property for two and one-half years. He is a mechanic working for Cavalier Cars and has worked there for four years without loosing a day of work.

Mr. Smith stated that the only way this variance could be granted is under the mistake section of the Ordinance.

Mr. Kelley stated that he would support the granting of this request only if the applicant agrees to leave the doors off. (Mr. Gonzalez agreed)

There was no one else to speak in favor or in opposition to this application.

----------RESOLUTION----------

In application No. V-35-75, application by Pedro Gonzalez, under Section 30-6.6.5.4 of the Zoning Ordinance to permit enclosed carport to remain closer to side and front lot line than allowed by the Zoning Ordinance, on property located at 2104 Haycock Road, also known as tax map 40-2((31))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 9th day of April, 1975, and

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

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

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

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. That the front side will be left open without doors.
4. That this Resolution shall be placed in the chain of title of this property among the land records of Fairfax County, Virginia.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

// 11:00 A.M. -
HOPE BAPTIST CHURCH, appl. under Section 30-7.2.6.1.11 of Ord. to permit use of existing structure for church services and church related activities, 1906 Anderson Road, 40-1((16))210, (32,890 sq. ft.) Dranesville District (R-10), S-36-75.

HOPE BAPTIST CHURCH, appl. under Section 30-6.6 of Ord. to permit second floor addition to existing structure which is closer to side property line than allowed by Ord., 1906 Anderson Road, 40-1((16))210, (32,890 sq. ft.) Dranesville District, (R-10), V-37-75.

Rev. Bell, pastor of the church, testified before the Board.

Notices to property owners were in order.

Rev. Bell stated that this is an application for a Special Use Permit for a church in an existing, remodeled, residential structure. Construction for the remodeling had begun prior to his taking over as pastor in December. They were confronted with the fact that the building permit for the remodeling had indicated that it is for a parsonage. They want to use it for a church. Therefore, they are before this Board. There is a restrictive covenant for the Pimmit Hills subdivision that requires that they get permission from specific homeowners in the area. They do not yet have all the required signatures.

The plans that are before the Board were drawn up in 1972 and show a proposed church which they were planning to put on the site beside this existing building. They do not now plan to build that building within the year. In addition, they understand that they will have to remove the parking from the front setback area and 25' from the other property lines. The existing building is within 5' of one of the property lines. The building is not being used.

Mr. Claude Kennedy, Zoning Inspector, told the Board that the plans for remodeling and raising the building showed that the closest point would only be 5' to the property line which isn't allowed under the present Ordinance. He did not know if there were any other structures in this subdivision that are within 5' of the property line. This garage permit was obtained in January, 1959 prior to the church's ownership. That was also before the Pomroy Ordinance and garages could go within 5' of the property line.

Rev. Bell stated that there will be approximately 200 seats in this proposed building.

Joe Turner, 1922 Storm Drive, President of the Pimmit Hills Citizens Association, spoke in support of the application. He stated that they had met with Rev. Bell and other members of the church. It is the general feeling of the people in the subdivision that there will be no strong objections to the church being at this location with three stipulations:

1. That their residential covenants be upheld.
2. That the church provide adequate parking facilities for complete off-street parking.
3. That construction of this church be completed within a reasonable time.

Mr. Smith stated that churches are permitted in residential areas. The Courts do not consider churches anything but residential as they pertain to covenants.

Mr. Smith read a letter from Mr. Kraus, 8809 Montpeliar Drive, Laurel, Maryland, one of the contiguous property owners, objecting to the granting of these applications.

The Board deferred this case for a maximum of 60 days to allow the applicant to revise the plat showing exactly what they plan to do, to show the existing building and the setbacks, to remove the proposed building and to revise the parking to conform with the Ordinance as it pertains to a Group 6 use.

Mrs. Hockman and Donna Fields spoke in support of the church and asked that, when the church brings in the additional information, the Board act affirmatively. Their funds are very short and they need to know if the Board is going to let them use the building for a church before they spend the money for the new plans.

Mr. Kelley stated that he had not heard anyone speak in objection to this application.

Mr. Smith stated that there will not be any additional testimony taken. This deferral is for decision only. He stated that as far as he is concerned personally, he would vote for approval of this application, and he would assume that since there is no major opposition, what they need to do now is comply with the request of the Board for new plats.

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11:20 - CHRISTIAN ASSEMBLY, appl. under Section 30-7.2.6.1.11 of Ord. to permit construction of church, 2218 Cedar Lane, 39-4((1))2 & ((2))1, 2, 3, & 4, (7.0095 acres), Providence District, (R-17), S-38-75.

Mr. Robert Kohlhaas, attorney for the applicant, 6400 Arlington Boulevard, Suite 325, represented the applicant before the Board.

Notices to property owners were in order.

Mr. Kohlhaas stated that the construction of the building will probably be masonry cinderblock. The church hasn't made an ultimate decision on that. He believed there had been a meeting with the Staff who had requested that the architect provide various information and he assumed that the architect

Page 135, April 9, 1975

had put that on the site plan.

The Board members agreed that the plats did not show all of the information that would be necessary in order to make a decision on this case.

There was no one present to speak in favor or in opposition to the application.

Mr. Runyon moved that in application S-38-75 that this case be deferred for a period of one month, or until May 14, 1975, for additional information as the Board had just discussed and new plats showing
(1) adequate setbacks
(2) size of the building
(3) which phase is to be constructed at this time
(4) the disposition of Bell Lane and the proper setbacks for parking.

Mr. Baker seconded the motion.

The motion passed unanimously.

Mr. Smith added that the applicant should also ascertain the type of material to be used. This was agreed on by the Board members.

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11:30 - BOWL AMERICA, INC., V-53-75

This case was withdrawn without prejudice by the Board at the request of Mr. Richard Hobson, attorney for the applicant.

11:40 - COLLEGE TOWN ASSOCIATES, appl. under Section 30-7.2.10.3.4 of Ord. to permit three enclosed theatres, intersection Braddock Road and Ox Road, 68-1((1))9, (26.9231 acres), Springfield District, (C-D), S-40-75.

Mr. Robert Lawrence, attorney for the applicant, 4084 University Drive, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were John Johnson, 5100 Portsmouth Road, Fairfax and Charles WEller, 5102 Portsmouth Road, Fairfax.

Mr. Lawrence stated that the seating capacity for the three theatres is 511. They have provided 6 spaces per 1,000 square feet of retail space. The net retail space is 136,108 sq. ft. minus 8,400 for the theatres. They must provide 772 spaces for the retail shops based on the square footage and 128 for the theatre making a total of 900. 926 spaces are proposed.

Mr. Leon Ross from the Middleridge Citizens Association spoke in support of this application.

Mr. Runyon stated that it appears that all the pertinent information is in the file and that this request meets the standards set forth in the Ordinance for a Special Use Permit.

----------RESOLUTION----------

In application No. S-40-75, application by College Town Associates, under Section 30-7.2.10.3.4 of the Zoning Ordinance to permit three enclosed theatres on property located at intersection of Braddock and Ox Roads, also known as tax map 68-1((1))9, County of Fairfax, Mr. Runyon moved that the Board adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by this Board, and

WHEREAS, following proper notice to 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 9th day of April, 1975.

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

1. That the owner of the subject property is E. M. Elliott, Ann F. Rothrock and Viola F. Orr.
2. That the present zoning is C-D.
3. That the area of the lot is 19.44530 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 inC 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. Total seating - 511 seats with parking of 128 spaces.
   Total parking on site of 900 spaces, minimum.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

DEFERRED CASES -- APRIL 9, 1975
WILLIAM T. MASINGILL, V-6-75 (Deferred from 2-26-75 at the request of the applicant as he was going to be out of the country; deferred from 3-12-75 because there was not a full Board.)

Mr. Masingill by letter to the Board again requested deferral until May 7, 1975. However, the Board does not meet on May 7. The Board deferred the case until May 14, 1975 with the stipulation that either the applicant or his agent be present or the Board would dispose of the case for lack of interest.

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DEFERRED CASES -- APRIL 9, 1975
IRVING L. AND HELEN DENTON, V-211-74 (Deferred from meetings since January 22, 1975, for decision only, for full Board.)

Page 137, April 9, 1975

Mr. Kelley stated that he had viewed this property on three occasions. This case has been waiting for a full Board. There was some indication that the County was at fault but he stated that he couldn't see where it was. This is a hard decision to make. The applicant went ahead and did the work and then came in and asked for a variance. They put the Board in a spot.

----------RESOLUTION----------

In application No. V-211-74, application by Irving L. and Helen Denton, under Section 30-6.6/8 and 30-6.5.4 of the Zoning Ordinance, to permit completion of carport and storage area closer to side/and front property lines than allowed by Ordinance, (5.12' from side; 12' required; 38.3' from front, 40' required), 3911 Moss Drive, also known as tax map 60-4((16))(F)5, 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 this Board held on the 22nd day of January, 1975, and deferred at subsequent hearings until the 9th day of April, 1975.
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 15,422 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 buildings involved.

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

Mr. Barnes seconded the motion.

In the discussion that ensued it was concluded that the only difference the granting of the variance would make is the door to the storage area underneath the carport would have to be closed in because the distance from the property line to the structure is measured to the posts of the structure and not the wall because the wall is a retaining wall. The applicants are extending the overhang in the front as it now exists on the rest of the house. They are allowed a 3' overhang into the front yard and they have a 2' overhang.

Mr. Kelley's motion passed 4 to 1. Mr. Runyon voted No.

The application was denied.

DEFERRED CASE: APRIL 9, 1975
C. HUGHES COMPANY, V-195-74 (Deferred from 12-18-74 and subsequent meetings for decision only for full Board)

Mr. Hansbarger, attorney for the applicant, stated that if the Board doesn't grant this variance, there will be a 6' fence all along the front property line up to the point of the chain link fence where it will drop down to 4'. He submitted a copy of the building permit to the Board. Mr. Knowlton had approved the rest of the fence The Board recessed this case until Mr. Gilbert Knowlton, Zoning Administrator, could come over to the Board room and explain the circumstances surrounding this change.

Mr. Knowlton arrived and explained that the only part of the fence that is in violation is the portion around the recreation area. You have a condominium development which by State law must be treated the same as a conventional development. Consequently we have to look at this in the light that this was divided into lots in which case we have a private street running through it and providing access to the narrowest frontage of through lots and the two houses fronting on that are internal lots fronting on a private street and backing to the road (Old Mount Vernon Road). By an opinion several years ago by one of the County Attorneys, a through lot has a front and rear and a wall up to 7' is permitted on the rear. The lot fronting Old Mount Vernon is a rear lot and can have a 7' fence except that portion of the recreation area which would have to be no higher than 4'. This is a corner lot because it is where Old Mount Vernon Road and the private street intersect. That is why they have need for a variance at that location.

Mr. Runyon stated that it looked like the Board would not accomplish a whole lot by dropping the fence to 4' on the corner. He felt that the Ordinance should be revised to state more emphatically if there should not be any fences in the front setback area. It should say, 'no fence along a road'.

Mr. Smith stated that as far as he is concerned the Ordinance could be changed to allow a fence in the front yard, but this Board now has to make a decision on this 7 1/2' fence based on the existing Ordinance.

Mr. Runyon stated that the height of the fence depends on which side of the fence you are on.

Mr. Kelley stated that he agreed that if the brick fence is allowed all along the front property line then drops down to 4' on this lot, you would actually see more of this 10' chain link fence than you would if you continued with the same height of the brick fence all along. That is, if the Board is going to grant the 10' chain link fence variance. He stated that he was in favor of living with the Ordinance. He helped measure this fence and in some places it is 7 1/2 feet.

Mr. Smith stated that if the Board is going to allow this chain link fence to remain, then everybody else should be allowed to have one too. He didn't see a problem with putting a fence in the front yard, if the Ordinance will permit it.

Mr. Smith stated that the applicant was allowed to build the 10' chain link fence under site plan and he questioned whether he needs a variance on that or not.

----------RESOLUTION----------

In application No. V-195-75, application by the C. Hughes Company, under Section 30-6.6 of the Zoning Ordinance to permit a 6' high brick wall to remain in the front setback around the recreation area on Old Mount Vernon Road and to allow a 10' chain link fence to remain on property located at 8815 Old Mount Vernon Road, Mount Vernon District, also known as tax map 110-2((1))24, 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 18th day of December, 1974 and deferred at subsequent meetings until the 9th day of April, 1975.

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 5.4302 acres.

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

Page 139, April 9, 1975

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:

2. That the Board has found that non-compliance was the result of an error in the location of the wall subsequent to the issuance of a building permit, 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 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.

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 buildings permits, residential use permits and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed 3 to 2 with Messrs. Baker and Smith voting No.

Mr. Runyon stated that the Board should clarify that it is basing the granting of this variance for the brick wall at this location on the fact that it will blend with the brick fence that is already approved along the rest of the property line on Old Mount Vernon Road.

CONGRESSIONAL SCHOOL, INC., S-29-75 (Deferred from 3-19-75 for viewing. Decision only.)

The Board discussed the signs that now exist in front of the school.

Mr. Claude Kennedy stated that another inspection was made this past week. The trailers were not being occupied. The guard house is still in need of more construction before it can be occupied and there was no evidence that they were working on it that day.

Mr. Runyon suggested to the Board that it put this Special Use Permit on a one-year basis.

Mr. Smith stated that it may become necessary to put a fence all the way around this school.

Mr. Kelley stated that he viewed this property and felt that the pigs would not be a problem as long as the Health Department does periodic inspections.

Mr. Smith read a letter from Barcroft Lake Management. The residents of the area are concerned that these animals will contaminate the waters of Tripp Run. He stated that if the Board is going to allow the animals to remain, it should restrict the number and require Health Department approval of the method of disposal of the waste and should determine whether it would contaminate Tripps Run.

Mr. Kelley stated that Mr. Devers has about ten buses which are not painted.

Mr. Devers stated that he could comply with the painting, lettering, etc. of these buses within a year. The request for the trailers is for two years.

----------RESOLUTION----------

In application No. S-1-75, application by Congressional School, Inc. under Section 30-7.2.6.1.3.2 of the Zoning Ordinance to permit use of three temporary trailers for classrooms at existing school* on property located at 3229 Sleepy Hollow Road, also known as tax map 61-1((1))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,

WHEREAS, following proper notice to 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 19th day of March and deferred to April 9, 1975.

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 39.14 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 is operating a private school on said property pursuant to SUP S-174-73 granted October 10, 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 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 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 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 terms and conditions set forth in SUP S-174-73 which was granted October 10, 1973, shall remain in effect.
7. This permit is to be reevaluated one (1) year from this date.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

Mr. Runyon explained to Mr. Devers that this would be a docket item for April 8, 1976, just a matter of re-evaluation.

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*construction of guardhouse and sentry fence along back property line approximately 500' long, to be added to existing use permit and all other structures, buildings and construction shown on plat)

Page 141, April 9, 1975
DEFERRED CASE:
TYSONS CORNER REGIONAL SHOPPING CENTER, appl. under Sec. 30-16.3.3 and 30-6.6 of Ord. to permit erected freestanding sign to remain, V-15-75 (Deferred from 3-12-75 and subsequent meetings for full Board - full hearing.)

Mr. Jeffrey Dierman, General counsel for Tysons Corner Regional Shopping Center, represented the applicant before the Board.

Notices to property owners were previously presented at the originally scheduled hearing date and were in order.

Mr. Dierman stated that this sign was intended solely as an internal traffic directional and information sign showing the location of the lower level shops area at Tysons Corner known as the "Village Shops". The stores presently located in that area are so situated so as not to have frontage readily visible from Route 123 or from the internal roadways within the shopping center. Thus, the subject sign was erected in the parking lot immediately adjacent to the entrance to direct the attention of shoppers to the lower level stores located within that "Village Shops" area. The sign contains only the words "Village Shops" and is not used for advertising any particular tenant in that area. The location of the sign is shielded from Route 123 by landscaping and is, in fact, not visible at all to traffic proceeding southerly on that highway. The approximate size of the sign is 70 square feet and does not reach a height of more than twenty-six feet above the center line elevation of Route 123. He admitted they were wrong in erecting the sign and stated that they had felt it was an internal sign. This sign is 270' from the road.

Mr. Chuck LaPon, Director, Leasing Division, Lerner Corporation, spoke before the Board. In answer to Mr. Smith's question, he stated that they have no justification for erecting the sign without a permit. They talked with the people from the Patrick Sign Company in Maryland. As Mr. Dierman stated, they viewed this sign as an internal sign and did not think it was visible from Route 123.

Mr. Covington stated that the Zoning Office requires permits for any of the signs erected inside the mall because they can be seen from Route 123.

Mr. LaPon stated that the area of the shops has not been leased in seven years because it is a less than desirable area underneath the main area. This is the only area at Tysons Corner where they are requesting this type sign. He submitted three letters from the tenants of that area in support of the sign and stressing the need for it as their shops cannot be seen from the road. There are 125 stores in Tysons Corner, but only three businesses at the Village Shops.

There was no one to speak in favor or in opposition to the application.

----------RESOLUTION----------

In application No. V-15-75, application by Tysons Corner Regional Shopping Center, under Section 30-16.3.3 and 30-6.6 of the Zoning Ordinance, to permit erected free standing sign to remain on property located at Tysons Corner Center, also known as tax map 29-4((1))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 property owners and a public hearing by the Board of Zoning Appeals held on the 9th day of April, 1975, and

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.

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) 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 sign with lighted letters 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 is the only additional free standing sign permitted on the Tysons tract.

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 permits and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed 3 to 2 with Messrs. Smith and Baker voting No.

DEFERRED CASE - APRIL 9, 1975
GERALD D. COOPER, V-17-75 (Deferred from 3-19-75 to allow applicant to submit justification under the Ordinance for his request.)

Mr. Cooper was not present, nor had he submitted any additional information as the Board had requested.

----------RESOLUTION----------

In application No. V-17-75, application by Gerald D. Cooper, under Section 30-6.6 of the Zoning Ordinance to permit carport* to remain closer to side lot line than allowed by Ordinance on property located at 5224 Kepler Lane, also known as tax map 70-4((8))(9)1, County of Fairfax, Mr. Runyon moved that the Board of Zoning Appeals adopt the following resolution:

*unenclosed covered patio

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

WHEREAS, following proper notice to 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 19th day of March 1975 and deferred to the 9th day of April, 1975.

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 11,164 sq. ft.

AND, WHEREAS, the Board 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.

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Mr. Barnes left the meeting at 5:25 P.M.

Page 143, April 9, 1975

RONALD VOLLSTEDT, S-19-75 and V-20-75 (Deferred from 3-19-75 for viewing. Decision only)

The Board read a memo from the County Arborist, Richard Hoff, dated April 9, 1975, recommending that the setback variance should be approved in order to save the large hardwoods on the site. He stated that with limited maintenance and minimal site disturbance in the immediate area of the trees, life expectancy would be long enough to warrant their protection and preservation.

----------RESOLUTION----------

In application No. S-19-75, application by Ronald Vollstedt, under Section 30-7.2.10.5.4 of the Zoning Ordinance to permit sales lot for small cars and a Virginia Inspection station on property located at 6726 Beddoo Street, also known as tax map 93-1((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

WHEREAS, following proper notice to the public 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 19th day of March, 1975 and deferred to April 9, 1975 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 Ronald and Ursula Vollstedt.
2. That the present zoning is C-G.
3. That the area of the lot is 1.006 acres.
4. That compliance with Site Plan Ordinance is required.
5. That the property is subject to Pro Rata Share for off-site drainage.

AND, WHEREAS, the Board 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 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 3 to 1. Mr. Smith voting No. Mr. Barnes had left the meeting.

In application No. V-20-75, application by Ronald Vollstedt, under Section 30-6.6 of the Zoning Ordinance to permit building to be constructed closer to zoning boundary line than allowed by the Ordinance*on property located at 6726 Beddoo Street, also known as tax map 93-1((1))21, County ofFairfax, Virginia, Mr. Runyon moved that the Board of Zoning Appeals adopt the following resolution:

*and to permit bluestone parking lot

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

WHEREAS, following proper notice to 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 19th day of March, 1975 and deferred to April 9, 1975, and

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

1. That the owner of the subject property is Ronald and Ursula Vollstedt.
2. That the present zoning is C-G.
3. That the area of the lot is 1.006 acres.
4. That compliance with Site Plan Ordinance 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 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.

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 3 to 1. Mr. Smith voted No. Mr. Barnes had left the meeting earlier.

For clarification the Board stated that this would completely take care of the variance requirements as far as this Board is concerned and they hoped that Mr. Vollstedt would move forward now.

ENGLESIDE CHRISTIAN SCHOOL, S-23-75 and V-24-75 (Deferred from 3-19-75 for decision only)

The applicant had submitted new plats showing their proposed trailer to be 13' from the property line.

Mr. Runyon stated that he was hoping the church would take a hard look at this request. It is an extremely small site for what they are trying to do. By locating this trailer as they have, it will affect the property owners behind them. This is a little more than two acres, but it is surrounded by residents who have lived here a long time. He stated that he didn't think the traffic impact would be that much greater, but the

volumn of land use to the volumn of land is what concerned him. He had visited the site and it looked like the building could be moved forward a lot more than they had moved it.

Mr. Smith stated that perhaps this lot is too small. He would like to find some way to move that building in order to comply with the rear yard requirements.

In answer to Mr. Baker's question regarding the amount of play area they have, the Pastor of the Church stated that the play ground equipment will have to be moved to put in the trailer. The back of the existing parking lot is now used as a play area.

Mr. Runyon inquired about their plans to alleviate these problems in the future.

The Pastor stated that it has not yet been determined if they will stay at this location or move. This is not the typical type portable classroom. They can be moved, but they are very substantial.

In answer to Mr. Kelley's questions, he stated that they park the buses along the back part of the building. They have eight vehicles in all, including both vans and buses.

Mr. Runyon compared this school with two acres of land and 200 students with Congressional School which has 40 acres and 500 students. This school has an existing Special Use Permit for 300 students by a previous action of this Board.

Mr. Kelley questioned how this location was ever authorized 300 students on this small portion of land.

The Pastor stated in answer to Mr. Smith's question that the trailers are constructed and are awaiting approval of this Special Use Permit before moving them on the property. They have made a $14,500 down payment. The total price is $72,000. These are all steel buildings.

Mr. Runyon stated that the Board could ask the Planning Commission to hear this case for a recommendation as to land use.

Mr. Smith did not agree with this suggestion.

Mr. Baker stated that he could not support the application.

----------RESOLUTION----------

In application No. S-23-75, application by Engleside Christian School and Engleside Baptist Church, under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit portable buildings for use as school of general education and Sunday School on property located at 8428 Highland Lane, also known as tax map 101-3((4))33, 34, 35, 36, 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 Board of Zoning Appeals, and

WHEREAS, following proper notice to 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 on the 19th day of March, 1975 and deferred to April,9, 1975.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Trustees of Engleside Baptist Church.
2. That the present zoning is R-17.
3. That the area of the lot is 94,957 square feet.
4. That the applicant school is operating pursuant to SUP S-51-70, granted April 21, 1970.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has not presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

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. Barnes had left the meeting earlier.

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VARIANCE RESOLUTION

In application No. V-24-75, application by Engleside Christian School and Engleside Baptist Church under Section 30-6.6 of the Zoning Ordinance to permit portable classrooms closer to rear property line than allowed by Ordinance on property located at 8428 Highland Lane, also known as tax map 101-3((4))33,34,35 & 36, County of Fairfax, Mr. Kelley moved thatthe Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to 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 19th day of March, 1975 and deferred to April 9, 1975.

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

1. That the owner of the subject property is Trustees of Engleside Baptist Church.
2. That the present zoning is R-17.
3. That the area of the lot is 94,957 square feet.
4. That the applicant is requesting a variance to the rear setback requirement of the Ordinance.

AND, WHEREAS, the Board 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 3 to 1. Mr. Smith voting No. Mr. Barnes had left the meeting earlier.

DEFERRED CASE: APRIL 9, 1975
WILLA F. ECKLES (PETER PIPER SCHOOL), S-131-74 (Deferred since October 16, 1974 for decision only, for additional information such as new plats showing dedication and a copy of the deed of dedication. A copy of the deed and new plats were in the file.)

----------RESOLUTION----------

In application No. S-131-74, application by Willa F. Eckles T/A Peter Piper School, under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit continued operation of nursery school with maximum 25 children, on property located at 1351 Scotts Run Road, also known as tax map 30-1((9))1, County of Fairfax, Mr. Kelley moved that the Board adopt the following Resolution:

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

WHEREAS, following proper notice to 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 20th day of October, 1974 and deferred until April 9, 1975.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Howard H. and Willa F. Eckles.
2. That the present zoning is RE-1.
3. That the area of the lot is 2.3843 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable County and State Codes is required.
6. Applicant has been operating a nursery school at this location pursuant to S-175-70, granted October 13, 1970 for a 3 year period. That permit expired October 13, 1973, a Notice of Violation was issued on May 7, 1974 for operating without the required special use permit, and this application seeks to clear the violation and permit continued operation of a nursery school for a maximum of 25 children per day.
7. The Health Department reports that the facilities are adequate for a maximum of 32 children for 4 hours or less daily, and that the outside play area is adequately fenced.

AND, WHEREAS, the Board 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 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 maximum number of children shall be 25, ages 3 to 5 years.
7. The hours of operation shall be 9:00 a.m. to 12:00 Noon, 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. The minimum number of parking spaces shall be 8 and said parking spaces shall be paved with a dustless surface.

Mr. Runyon seconded the motion. The motion passed 4 to 0. Mr. Barnes had left the meeting earlier.

AFTER AGENDA ITEMS,
JANE C. BURSENOS, V-183-74, application to permit 6' fence to remain, The Board on February 12, 1975 deferred for a maximum of 45 days to allow applicant to obtain compliance with requirements of Ordinance. The applicant is now requesting an extension of 45 days.based on the fact that she has been in the hospital.

Mr. Runyon moved that the request be granted.

Mr. Baker seconded the motion.

The motion passed unanimously.

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BZA MEETING DATES

The Board was advised by the Clerk that the Board of Supervisors would be using the Board Room on several Wednesdays throughout the summer and into October. It was the Board's decision to change the meeting date to Tuesday on those weeks when the Board of Supervisors need the Board Room on Wed. As the schedule now stands, those new Tuesday meeting dates are: June 3, 1975; July 22, 1975; September 16, 1975; October 7 and 14, 1975.

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AFTER AGENDA ITEMS - APRIL 9, 1975

McLEAN PRESBYTERIAN CHURCH, RE: SCREENING

SARATOGA SWIM CLUB, RE: LANDSCAPE PLAN

The Board was in receipt of a memo from Preliminary Engineering regarding these two items.

It was the Board's decision that the Resolution granting these two Special Use Permits provided enough flexibility that would allow the recommendations as set forth in this memo.

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LAKE BARCROFT RECREATION ASSOCIATION, APRIL 9, 1975

The Board was in receipt of a letter from Mr. Goodell, one of the contiguous property owners to the subject parcel.

The Chairman asked that copies of this letter be made for Mr. Covington and Mr. Knowlton and each of the Board members. He asked Mr. Covington to check and make sure that the areas of contention were not duplicated by the previous letter from Mr. Sheps, another contiguous property owner. He asked Mr. Covington to address an answer to Mr. Goodell's letter.

Mr. Knowlton stated that as a matter of policy, a lot of the mail comes in misaddressed. This is an open case in which the Board has asked for information and it hasn't come back yet. The Staff brings items of this nature back to the Board either for the Board's information, or if the letter is addressed to the Board.

Mr. Smith asked that the Staff also address a reply to Mr. Scheps letter as soon as they have the necessary information.

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AFTER AGENDA ITEM - APRIL 9, 1975
BARCROFT INSTITUTE -- AMERICAN HEALTH SERVICES, INC.

Mr. Covington brought to the Board a copy of a building permit request to put in a platform for a generator behind the building.

After looking over the permit and plats, the Board's decision was that this would be permissible providing they get all the necessary permits and comply with all State and County Codes.

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Page 149, April 9, 1975

EDUCATIONAL INSTITUTIONS, S-48-72

One of the Zoning Inspectors, Mr. Gerald Carpenter, had a question regarding the fence requirement for this school.

He told the Board that there was an existing fence on one side of the property belonging to one of the contiguous property owners. The fence had blown down and the property owner felt the school should replace it.

The Board felt that the property owner was being arbitrary. The Board decided that it could not require the school to put the property owner's fence back up. If the children become a nuisance because of the lack of fencing around the school, the Board will have to bring them back in for reconsideration.

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The Board meeting adjourned at 6:30 p.m.

Jane C. Kelsey
By Jane C. Kelsey
Clerk
Board of Zoning Appeals
Submitted to the Board on May 14, 1975

Daniel Smith
DANIEL SMITH, CHAIRMAN
BOARD OF ZONING APPEALS

APPROVED May 21, 1975
DATE

150

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Wednesday, April 16, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Joseph Baker; George Barnes; and Charles Runyon. Wallace Covington and Harvey Mitchell were present from the Staff.

Mr. Barnes opened the meeting with a prayer.

10:00 - RICHARD P. BROWN, V-39-75

Mr. Brown, 9 South Ingram Street, Alexandria, Virginia represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Richmond Land Corp., Broad Street Station, Richmond, Virginia and Henry I. Schwartz, c/o Phillip Katz, 13114 Marigold Lane, Silver Spring, Md.

Mr. Brown stated that he had owned this lot for 10 years. He does not have any contiguous property. There is a 100 year flood plain immediately in the rear of the proposed house, therefore, he cannot move it back. The house is 28' in width by 42' in length. There is a 7' concrete patio planned in the rear.

Mr. Smith stated that a 5' variance would give him a foot from the 100 year flood plain. This would meet FHA standards.

Mr. Brown in answer to Mr. Smith's question stated that he is not planning to ever build another house on this lot.

There was no one to speak in favor or in opposition to this application.

----------RESOLUTION----------

In application No. V-39-75 by Richard P. Brown under Section 30-6.6 of the Ordinance to permit construction of house closer to front property line than allowed by Ordinance on property at 7124 Barry Road, Windsor Estates, 90-4((8))40, 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,

WHEREAS, following proper notice to 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 16th day of April, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 55,122 sq. ft.
4. That the applicant is requesting a 10' variance from front setback requirement of 50 feet.
5. That the proposed location of the house is within 10 feet.

WHEREAS, theBoard 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) 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. A variance of 5 feet is hereby granted.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be 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. Mr. Runyon had not yet arrived.

10:10 - DR. JAMES GERALD O'NEIL, JR., appl. under Section 30-7.2.10.2.6 to permit small animal hospital in existing building, 2935 Chain Bridge Road, 47-2((6))6B, (18,401 sq.ft.) Providence District, (C-N), S-45-75

DR. JAMES GERALD O'NEIL, JR. appl. under Section 30-6.6 of the Zoning Ord. to permit remodeling of existing structure which is less than 50' from front prop. line, 2935 Chain Bridge Road, 47-2((6)) 6B, (18,401 sq.ft.), Providence District, (C-N), V-46-75.

Mr. O. G. Cramer represented Dr. O'Neil.

Notices to property owners were in order. The contiguous owner was Katherine Ribble, Route 1, Clarksville, Texas 75426.

Mr. Cramer stated that this is a contract to purchase. This property is owned by Gulf Oil Corporation and he is Gulf's real estate representative.

Mr. Smith inquired why the applicant needs a variance since the station is already existing and there are no additions planned.

Mr. Covington stated that he did not feel the applicant does need a variance.

Mr. Smith suggested the Board drop the request for a variance as this is a non-conforming structure. The Board members agreed.

Mr. Cramer stated that they plan to remodel this existing building in accordance with all State and County Codes. There will be no crematory facilities here. The Health Department has indicated that the septic field can handle 4,000 to 5,000 gallons and the maximum usage will be no more than that. Dr. O'Neil is now operating the Seven Corners Animal Hospital.

Mr. Cramer stated that as far as Preliminary Engineering comments are concerned, there is already planned an unobstructed passage of approximately 23'. There is no setback requirements for the parking because this property abuts commercially zoned property.

The materials to be used will be a stucco finish and a mansard roof. He submitted a sketch of the building as it is planned.

There was no one to speak in favor or in opposition.

----------RESOLUTION----------

In application No. S-45-75 by Dr. James Gerald O'Neil, Jr., under Section 30-7.2.10.2.6 of the Zoning Ordinance to permit small animal hospital in existing building on property at 2935 Chain Bridge Road, 47-2((6))6B, County of Fairfax, Mr. Runyon moved that the Board adopt the following Resolution:

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

WHEREAS, following proper notice to the public 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 16th day of April, 1975.

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

1. That the owner of the subject property is Tremarco Corp. c/o of Gulf Oil Corp.
2. That the present zoning is C-N.
3. That the area of the lot is 18,401 sq. ft.
4. That compliance with Site Plan Ordinance is required.

Page 153, April 16, 1975

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 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 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.

10:30 VITO W. BASSI, V-47-75

Mr. Bassi represented himself. Notices to property owners were in order. The contiguous owners were Donald O'Donnell, 3153 Southfield Drive, Herndon and Stephen Vehec, 12513 N. Falls Court, Herndon, Virginia.

Mr. Bassi stated that due to the slope of the lot, it becomes very difficult to try to construct a pool in the back. In addition, there are also overhead telephone and power lines under which they cannot construct a pool. There is also a septic field and tank on the property which limits the use of the property. The in-ground pool is 22' x 35'.

Mr. Covington stated that the applicant would need a variance any place he tried to put this pool on this lot. He stated in answer to Mr. Smith's question that Mr. Bassi could construct a 7' fence around the pool at this location.

There was no one to speak in favor or in opposition.

---------- RESOLUTION ----------

In application No. V-47-75, application by Vito W. Bassi under Section 30-6.6 of the Zoning Ordinance to permit construction of pool closer to side property line than allowed by Ordinance on property located at 12515 Northern Valley Court, Southfield Subd., 35((5))22, 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 Board of Zoning Appeals, and

WHEREAS, following proper notice to 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 16th day of April, 1975, and

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

BASSI (continued)
1. That the owner of the subject property is Vito W. & Armanda Bassi.
2. That the present zoning is RE-1 C.
3. That the area of the lot is 20,475 sq. ft.
4. That the applicant's request is for a 15.1 feet variance to the requirement of 20.1 feet.

WHEREAS, the Board 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. There shall be no overhead structure constructed over the pool.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be himself responsible for fulfilling his obligation to obtain building permits, residential use permit and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

10:40 - MIDAS CORP. & MARY ALVIS HARLOW, V-48-75

Mr. Gordon Keiser, repreesentative for Midas, submitted notices to the Board. The contiguous owners were Edward Cate, 3450 Rock Spring Avenue and Charles O'Shaughnessey, 5708 Leesburg Pike, Falls Church, Virginia.

Mr. Keiser in answer to Mr. Smith's question stated that this is a 20 year lease agreemnnt between Midas and Harlow to operate a muffler repair shop.

Mr. Smith stated that the Board should drop Midas from the application as under the Zoning Ordinance only the owner of the land can have a hardship. for a variance.

Mr. Keiser stated that this is an abandoned service station. The development would include the existing building plus adding an addition to the left side of the building. The existing building is 33' from the front property line. This was brought about by a recent taking by the Highway Dept. of 25' across the front for the widening of Leesburg Pike for an overpass.

In answer to Mr. Smith's question as to why they need a variance, Mr. Runyon explained that the Zoning Office can allow up to 20 percent variance in a case such as this, but over that 20 percent requires a variance from the BZA.

Mr. Smith stated that there is some justification for this variance, but actually the new addition does not enfringe on the setback any greater than the existing setback for the existing building. The existing building is non-conforming.

Mr. Keiser stated that the contiguous property owner has no objections.

They are asking relief to be able to build and improve this site. They plan to have 3 service bays in the addition and 3 in the existing building.

In answer to Mr. Kelley's question, Mr. Keiser stated that he does have a letter of permission from Mr. Cate, the contiguous property owner, to build within 25' of the rear property line. He submitted a copy of that letter for the file.

Mrs. Gladys Beavers, owner of lot 9 and 11, spoke on behalf of she and Mr. and Mrs. Cate. She stated that they have no objection to this development

providing that the agreement made between Midas is fulfilled for an 8' fence of solid construction between the Midas property and the Cate property. An 8' fence is necessary in order for it to tie in with the 6' that now exists. The 6' fence is on land that is 2' higher than the Midas land.

In answer to Mr. Smith's question, Mr. Keiser confirmed that this would be a brick fence.

Mrs. Beaver stated that her primary concern here is the parking on the street which has been a bad problem for a long time.

Mr. Smith stated that this request should be made to the Board of Supervisors There can be no parking for this use on a public street. This Board can only limit the use that is under a Special Use Permit. It is also a requirement of the Zoning Ordinance that all parking for this use be on-site.

The Board continued to discuss this problem with Mrs. Beaver at some length.

Mr. Larry McDermott, Administrative Assistant to the Supervisor for Mason District, Allen Magazine, spoke before the Board. He stated that he was asked to come to this meeting by Mr. Cate, who is one of the contiguous property owners, to tell the Board that there is an agreement between Mr. Cate and the applicant that there will be an 8' fence along the property line. With regard to the parking problem, this land is owned and maintained by the State Highway Department. The only thing the Board of Supervisors could do would be to request that Deparmtment to post no parking signs on that street. He stated he would be glad to do everything possible to help solve this problem.

Mr. Smith thanked Mr. McDermott for coming to the meeting and asked him if he could keep Mrs. Beaver advised as to what is happening on this parking problem. Mr. Smith suggested that the Board of Supervisors suggest to the Police Department that the trucks be marked and then ticketed.

There was no one else to speak on this case.

----------RESOLUTION----------

In application No. V-48-75, application by Mary Alvis Harlow, under Section 30-6.6 of the Zoning Ordinance to permit addition to existing service station closer to front property line than allowed, on property located at 5622 Leesburg Pike, also known as tax map 61-2((22))2 & 4, 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,

WHEREAS, following proper notice to the public 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 16th day of April, 1975, and

WHEREAS, the Board 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 17,573 sq. ft.
4. That the applicant is requesting a variance of 16.8 feet from the front property line where the required setback is 50 feet.

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/or buildings involved:
(a) The taking of 25' by V.D.H. for the widening of Leesburg Pike, Route 7, along the frontage of 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 structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. That an 8' brick wall is to be built along the rear property line next to Mr. Cate's property.
4. That there shall be no off-site parking for this operation.

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. Barnes seconded the motion.

Mr. Smith stated that it should be brought out that this is a change in use. To bring about an economical use of the property, this variance is necessary. In doing this, the pump islands will be removed and there will be no outside use. All the use will be contained in the building in the future. All the parking connected with the use will be on the site itself and not on the contiguous proeprty or on the public street.

The Board members agreed.

The motion passed 4 to 0. Mr. Runyon abstained because he had prepared the plats for this application.

11:00 - CHILDRENS ACHIEVEMENT CENTER, S-49-75

Mr. Robert McIntyre, Director of the school, testified before the Board. He presented notices to property owners which were in order. The contiguous owners were Stanley Mehr, 7166 Old Dominion Drive, McLean and Robert Alden, 7136 Old Dominion Drive, McLean.

Mr. McIntyre stated that the Children's Achievement Center is a private, non-profit corporation, that now uses the educational facilities of the McLean Presbyterian Chruch for special education classes for children with learning, language and emotional disorders. The majority of the classes and offices of the Center will continue to be housed at 6519 Georgetown Pike, however, they need this additional space for the upper elementary and early adolescent program. The ages of the children are 9 - 15 years. They will operate from 8:30 a.m. until 5:00 p.m. five days a week. They request permission to have 40 children. All their buses are in accordance with the State Code requirements. They expect to maintain their program in this building until they can locate facilities of their own. This Center is approved and licensed by the State and County. (See file for list of each Department.)

Mr. Alden, one of the contiguous property owners, 7136 Old Dominion Drive, McLean, spoke in support of the concept and of the granting of this use on a temporary basis. There have been a few problems that he would like to see corrected such as, the school's using the land on their property, using their fence as a backboard for playing ball, allowing the instructors to blow shrill whistles. He suggested that the buses load and unload by the new sanctuary and in general stay on church property. He submitted a copy of his statement for the record.

Mr. McIntyre assured Mr. Alden and the Board that he would work to clear up these problems.

Mr. Smith stressed that this would have to be cleared up.

There was no one else to speak in favor or in opposition.

Mr. Smith cautioned Mr. McIntyre that using a facility without first obtaining a Special Use Permit would put the entire facility in jeopardy.

157

----------RESOLUTION----------

In application S-49-75 by Childrens Achievement Center under Section 30-7.2.6.1.3.2 of the Zoning Ordinance to permit private non-profit school of general education in existing church, 7144 Old Dominion Drive, 30-1((1))75, Dranesville 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,

WHEREAS, following proper notice to 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 16th day of April, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is McLean Presbyterian Church.
2. That the present zoning is R-12.5.
3. That the area of the lot is 2.56026 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.

NOW, 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 maximum number of children shall be 40, ages 9 to 15 years.
7. The hours of operation shall be 9:00 a.m. to 3:00 p.m., 5 days per week, Monday through Friday, during normal school year.
8. This permit is granted for a period of 1 year with the Zoning Administrator being empowered to extend for a 1 year period.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

11:20 - MARVIN M. FRANCE, V-55-75

Mr. Bernard Fagelson, attorney for the applicant, testified before the Board. He presented notices to the Board which were in order. The contiguous owners were Dumont Walker, 6830 Beulah Street, Alexandria and Winnie Walker Spencer, 7300 Walker Lane, Alexandria, Virginia.

Mr. Fagelson stated that this is the same property, rezoned to I-P on November 25, 1974, on which a variance, V-212-74, was granted on January

22, 1975, to allow a 6' brick wall across the front of the property along Beulah Street. This wall had been an agreed condition to the rezoning.

At the time of the rezoning the Staff and Board of Supervisors suggested that it would be desirable from the standpoint of the best development of the property to provide certain buffers. The applicant agreed to do so subject to the proper variance from this Board. The Staff prepared a recommendation which is in the file.

Mr. Fagelson stated that there is a drafting error on the plat before the Board showing the setback to be 33' and also 53'. The correct figure is 53'. The variance request is for 47'.

The Staff Report from James D. Pammel, Director, Land Use Administration, Office of Comprehensive Planning, stated that the staff had concluded that the land to the west of the subject property would eventually be rezoned to an industrial category. It was the staff's judgment that the applicant should provide as much buffering as possible along the eastern and southern boundaries of the subject property. The staff requested the applicant construct a brick wall along Beulah Street and comply with the I-4 setback requirements found in the new Zoning Ordinance on the southern boundary as well as provide a seven foot wood fence along this boundary. By conforming to the I-4 setback requirements of the new Zoning Ordinance parking would be prohibited within 35 feet of the southern property line. This would result in 35 feet of open space to act as a buffer. The applicant agreed to these conditions but in order to construct the type warehouse as originally proposed, the requirement that the warehouse be setback 100 feet from the western lot line could not be satisfied. Therefore, the applicant is requesting a setback variance from the western lot line.

Based on this background, the Office of Comprehensive Planning recommended a favorable action on this request.

There was no one to speak in favor or in opposition to the application.

----------RESOLUTION----------

In application No. V-55-75 by Marvin M. France under Section 30-6.6 of the Zoning Ordinance, to permit construction of building in industrial zone closer to residential zoning boundary line than allowed by Ord. on property located at SW corner Beulah Street and Fleet Drive, 91-1((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 held on the 16th day of April, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Marvin M. and Shirley L. France.
2. That the present zoning is I-P.
3. That the area of the lot is 4.749 acres.

WHEREAS, the Board 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:

NOW, 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.

The applicant should be aware that granting of this action does not constitute exemption from the requirements of this county and the applicant is 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 and the motion passed 4 to 0. Mr. Kelley had left the meeting earlier.

Page 159, April 16, 1975

DEFERRED CASE:
MR. & MRS. LAWRENCE S. GOLDBERG, V-25-75 (Deferred from March 26, 1975 to allow applicants to determine if they could reduce the variance request.) New plats were in the file showing the nearest point as 31' from prop. line. Mr. Goldberg stated that at the last meeting, they submitted letters from neighbors and from the Architectural Control Committee of that subdivision stating that they had no objection to this addition.

Mr. Runyon stated that the nearest point from the addition to the property line would be 31' which is no greater than what would be required for a cluster subdivision. 30' is permitted in a cluster development.

----------RESOLUTION----------

In application No. V-25-75, application by M. M. and S. L. Goldberg, under Section 30-6.6 of the Zoning Ordinance to permit proposed addition closer to front property line (31') than allowed by the Ordinance, on property located at 2219 Marthas Road, also known as tax map 93-3((4))104, 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 requirements of all by-laws of the Board of Zoning Appeals, and

WHEREAS, following proper notice to 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 26th day of March, 1975 and deferred to April 16, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicants.
2. That the present zoning is R-17.
3. That the area of the lot is 24,881 square feet.

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/or buildings involved:
(a) unusual condition of the location of existing building.

NOW, THEREFORE, BE IT RESOLVED, that the subject application 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 architectural detail of the addition shall conform to that of the addition.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant shall be 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 3 to 0. Mr. Kelley left the meeting earlier and Mr. Smith abstained.

AFTER AGENDA ITEM - APRIL 16, 1975
1. SPECIAL USE PERMIT S-337-66 GRANTED TO FRANCES BATCHELDER, 2906 Kings Chapel Road, Yorktown Village Apartments, day nursery for 89 children.

The Board was in receipt of a letter from Mr. Settle who resides on the top floor of the building where Mrs. Batchelder has her school.

Mr. Settle stated that when Mrs. Batchelder first started her school, it was on the bottom floor of this three story building. She then expanded

to the second floor. The noise that this school generates causes he and his wife considerable anguish and destroys their peace and tranquility.

The Zoning Inspections Branch had made an inspection of this school and found no violations since the Special Use Permit granted did not specify which floor or floors should be used. Mrs. Batchelder still has 89 students and it seemed to Mr. Atlee, the Inspector, that the school was run in an orderly fashion.

Mr. Smith asked Mr. Covington if he would notify Mr. Settle of this inspection and the results as it related to his complaints.

He asked Mr. Covington to keep the Board informed of any future developments.

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APRIL 16, 1975 - AFTER AGENDA ITEM
2. LAKE BARCROFT RECREATION CENTER

Mr. Covington asked the Board if it was ready to take a position on the question of the date the perimeter fence had to be constructed in answer to Mr. Hobson's,attorney for the applicant, letter.

Mr. Runyon stated that at the time of the granting of the Resolution, the Board did not talk about a specific time, but within the year.

Mr. Smith stated that it should have been done before they were allowed to open.

Mr. Covington stated that theCourt allowed them to open.

Mr. Smith stated that then the fence should be put in immediately. He asked how long it had been since the Court allowed them to open.

Mr. Covington stated that it had been about a year.

Mr. Runyon stated that it should be constructed within the year.

Mr. Smith suggested that the fence be constructed no later than September 30, 1975.

Mr. Runyon so moved.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Kelley was not present.

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3. AFTER AGENDA ITEM - APRIL 16, 1975
SANDRA WARD RIDING SCHOOL

The Board considered a letter from Sandra Ward requesting that she be allowed to have the horse shows that she had already schedule. She enclosed a copy of her schedule. The first show was scheduled for April 27, 1975.

It was the Board's decision with the members present (Mr. Kelley absent) that Ms. Ward should not schedule any more horse shows after the one she has scheduled for April 27, 1975.

Mr. Covington explained to the Board that any horse show requires a Use Permit from the Zoning Administrator and cannot be granted except to non-profit organizations.

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4. AFTER AGENDA ITEM - APRIL 16, 1975
SAINT LUKE SERBIAN EASTERN ORTHODOX CHURCH -- OUT OF TURN HEARING REQUEST.

After reading the request for the out of turn hearing based on the hardship as stated in their letter, the Board granted the request for May 23, 1975.

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5. AFTER AGENDA ITEM - APRIL 16,1975 - GOOD SHEPHARD CATHOLIC CHURCH, S-17-74; Granted April 17, 1974. REQUEST FOR SIX MONTH EXTENSION

Rev. Thomas F. Egan, Co-Pastor of the Church, addressed a letter to the Board requesting this extension. (See letter in file)
Mr. Baker moved the request be granted. Mr. Barnes seconded the motion.
The motion passed 4 to 0. Mr. Kelley absent.
Extension granted 6 months from April 17, 1975.

6. AFTER AGENDA ITEM - APRIL 16, 1975
BERNIE COX SPECIAL USE PERMIT FOR RIDING SCHOOL

The Board read a letter from Stanley Leroy, 3826 Skyview Lane, Fairfax, dated April 12, 1975. The letter mainly questioned the time that Mr. Cox is picking up and returning the ponies to and from his farm. The early hours is disrupting to he and his family and the surrounding neighborhood. (See letter in file)

Mr. Barnes stated that the Board had not limited the time as far as these ponies are concerned.

Mr. Smith stated that perhaps the Board should limit this.

The Board took this case under advisment until a later date and asked the Zoning Administrator to keep them informed.

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7. AFTER AGENDA ITEM - APRIL 16, 1975
V.F.W. POST 7327, 7035 Brookfield Plaza, Springfield, Virginia, S-127-74, Granted October 9, 1974.

The Board read a memo from the Zoning Inspector stating that this use still does not have their Non-Residential Use Permit.and they are occupying the premises.
It was the Board's decision that this applicant be brought back to the Board for a Re-Evaluation Hearing on the 4th day of June, 1975, to explain why he has not received his Non-Residential Use Permit.

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AFTER AGENDA ITEM - APRIL 16, 1975.
8. BELLE HAVEN COUNTRY CLUB, S-145-74

Mr. Covington stated that there has been parking on the street in connection with this use. This has caused a hazardous situation and some of the citizens in the area have become irate.

Mr. Jack Ash, Zoning Inspector, gave his report to the Board on this problem. He stated that he and one of the complainants have observed parking on the street by club members. He served the applicant with a Notice of Violation of the Special Use Permit and the Fairfax County Code.

Mr. Barnes stated that they should be brought back to the Board.

The Board discussed this at length.

It was the Board's decision that the applicant should be notified that if the Club fails to comply with this requirement that all parking must be on site, it will be necessary to take action against the Special Use Permit. The Board scheduled this case to be considered again May 14, 1975, which is the first meeting after the violation notice deadline of May 2, 1975. This will put the applicant on notice that a violation does exist and that they should take the necessary steps to correct it.

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9. AFTER AGENDA ITEM - APRIL 16, 1975.
HOLLY HILLS CHURCH OF THE NAZARENE

Mr. Oscar Hendrickson, Chief of Preliminary Engineering, in a memo to the Board requested certain changes in the screening for this use.

Mr. Runyon moved that Mr. Hendrickson's recommendations be approved as long as it is done with the concurrence of the people that adjoin the church property.

Mr. Baker seconded the motion. The motion passed 4 to 0. Mr. Kelley was not present. Mr. Barnes stated that he was voting for the motion reluctantly.

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10. WOODLAKE TOWERS, BUILDING NO. II

Mr. Smith asked the Board if it was prepared to make a decision on whether or not to accept the application to permit doctors offices in a portion of the Woodlake Towers building No. II.

Mr. Runyon so moved that the Board accept, process, schedule and advertise the application as soon as possible.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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11. QUESTION ON INTERPRETATION

Gilbert R. Knowlton, Zoning Administrator, and Paul Shivery, Engineer, Preliminary Engineering Branch, explained a specific case to the Board. The developer of Chesterfield Mews, zoned RT-5, is proposing to cover some of the parking spaces. This cover will consist of four poles and a roof. The question was whether or not these covers should have to setback out of the front setback area. All of these covers will be within the townhouse development and fronting on a private street, not a State maintained road. The covers are not actually on the specific lots belonging to the individual homeowners. Consequently, the Code does not specifically speak to this problem. The Code in Column 6 of the RT-5 district sets forth the front yard setback for townhouses. The requirement for a townhouse structure is 10' from the front lot line or 35' from the center line of the street. These are parking spaces for each townhouse, one covered and one not covered.

Mr. Knowlton requested the Board give him some guidelines on whether or not it feels it is possible for the Zoning Office to call these covered parking spaces since it is on part of the common open space of the townhouse project. The Ordinance does not address itself to this particular arrangement. The parking area for a townhouse doesn't have to be on the same street as the townhouse.

Mr. Smith stated that if the homeowners association is going to rent these spaces out, it would be illegal under the Ordinance. If the developer allows certain units to use the covered area and certain others would not be allowed to use them, that would not be an equal situation. He stated that he did not disagree with the interpretation that the Zoning Administrator is apparently in a position to allow these covered parking spaces provided they don't encroach on the setback for a public street.

Mr. Runyon suggested that the Zoning Administrator try allowing these covered parking spaces in a couple of the developments and see how it works out.

The Board members agreed on this.

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The meeting adjourned at 6:30 P.M.

// Jane C. Kelsey

By Jane C. Kelsey
Clerk to the Board of Zoning Appeals
Submitted to Board on May 14, 1975

Daniel Smith

DANIEL SMITH, CHAIRMAN
BOARD OF ZONING APPEALS

APPROVED May 21, 1975
DATE

The Regular Meeting of the Board of Zoning Appeals For April 23, 1975, Was Held in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes; Joseph Baker and Charles Runyon. Harvey Mitchell and Wallace Covington were present from the Staff.

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

10:00 - ANTHONY J. CHIRICO, appl. under Section 30-6.6 of the Zoning Ordinance to permit enclosure of carport closer to side property line than allowed by Ord., (7' and total 15.4'; 8' and total of 20' required), 4344 Rolling Stone Way, 92-1((10))8073, (9,599 sq. ft.), Lee Dist., (R-12.5C), V-50-75.

Nancy Chirico represented the applicant before the Board.

Notices to property owners were in order. The contiguous property owners were Urhan Messen, 4340 Rolling Stone Way and Irving Comer, 4346 Rolling Stone Way, Alexandria, Virginia.

Mr. Warner, the contractor who is to build this enclosed addition, 6539 Spring Valley Drive, Alexandria, testified before the Board that the reason they can only put an addition on this house at this location is because of the terrain. By enclosing the existing carport, they are not enfringing any more into the setback than the carport is now. The chimney on the fireplace that will be in this proposed addition will extend 2' more into the setback.

Mr. Covington stated that a chimney can extend into the sideyard.

Mr. Smith stated that this is a new subdivision. There probably are a lot of houses in that subdivision that are similar to this one and with the same problems.

Mrs. Chirico in answer to Mr. Kelley's question stated that they have owned the house for three months. Originally they purchased another house in that subdivision, but the basement caved in and the County would not approve it being constructed after that. They had to take this house in order to have someplace to live. There are more garages than carports in this subdivision. The reason they cannot build any place else on the lot is because of the steep slope in the back. In addition, an addition in the back would block the windows of the existing house.

Mr. Kelley stated that he felt the Board would be setting a precedent.

Mr. Smith stated that he failed to see the justification, plus the fact that the conditions that exist on this lot are conditions that exist throughout the subdivision. This is a small lot and there is an existing carport.

There was no one to speak in favor or in opposition to this application.

Mr. Kelley made a motion to deny the application.

Mr. Runyon seconded the motion.

In the discussion that ensued, the Board decided that it perhaps should take a look at this property to see just how much of a topography problem this lot has in comparison with the rest of the lots in the subdivision.

Mr. Runyon offered a substitute motion that this application be deferred for a period of two weeks to get a copy of the grading plan and give the members an opportunity to look at the property. This will be deferred until the 14th of May, 1975. He agreed that the Board should not start granting variances in this new subdivision without thoroughly checking into all aspects of the case.

Mr. Barnes seconded the motion. Mr. Kelley stated that he would also vote for it. The motion passed 5 to 0.

10:15 - LEON H. & PEGGY HEFLIN, appl. under Section 30-6.6 of the Zoning Ordinance to permit swimming pool to be constructed closer to front property line than allowed by Ord., (23' from front line, 35' required), 4430 Middle Ridge Drive, 45-4((3))(42)15, (13,108 sq. ft.), Centreville District, (R-12.5C), V-51-75.

164

Mr. and Mrs. Heflin testified before the Board. They submitted notices to the Board which were in order. The contiguous property owners were Gerald Williams, 4428 Middle Ridge Drive and Earl C. Clark, 12908 Melville Lane.

Mr. Heflin stated that their main justification is that there is an 8' utility easement to the rear of the house, therefore, this is the only place on the lot they can put this pool without enfringing either on a setback or on that easement. VEPCO has viewed the property and told them this. This is a corner lot with two fronts and two sides. Even though the Ordinance says this is a corner lot and a front yard, it is actually their rear yard.

Mr. Smith stated that he would prefer them to move the pool back toward the porch as much as possible. He stated that he felt they could get the pool closer to the easement.

There was no one to speak in favor or in opposition to this application.

Mr. Runyon moved that the Board defer this case until May 14, 1975 in order for the applicant to produce written information from VEPCO in relation to the pool and VEPCO's easement.

Mr. Baker seconded the motion. The motion passed 5 to 0.

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10:30 - JAMES E. TATEM, appl. under Section 30-6.6 of the Zoning Ordinance to permit construction of two car garage closer to side property line than allowed by Ord., (7.7' and total of 18.3', 8' and total of 24' required), 2709 Viking Drive, 25((10))164, (12,269 sq. ft.) Centreville District, (R-17C), V-52-75.

Mr. and Mrs. Tatem testified before the Board. Notices to property owners were in order. The contiguous owners were John Bartlett, 5912 Ramsgate Road, Bethesda, Md. and Mel Spector, 2711 Viking Drive, Herndon, Virginia.

Mr. Tatem stated that the Architecture Committee for Foxmill Estates will not approve his plans for a carport because all other colonial homes in the subdivision have attached garages. Due to an irregular shaped lot, they are unable to meet the required setbacks for a garage. The back of lot 164 is too shallow for construction and would require extensive grading. He stated that he had submitted photographs which would help explain the situation.

In answer to Mr. Smith's question, Mr. Covington answered that Homeowners Associations can impost restrictions as far as structural requirements. This has been tested in Court. Mr. Kelley confirmed this also and stated that this had been upheld by the Supreme Court.

Mr. Tatem stated that plans were submitted to the County for a carport and he has met all the County requirements, but he is asking for this variance in order to enclose it into a garage. He stated that he presently has a carport under construction.

Mr. Smith stated that at least he is coming in to the Board prior to enclosing it instead of after like some people do.

Mr. Runyon stated that the variance is only needed on one corner of the proposed garage.

There was no one to speak in favor or in opposition to the application.

Mr. Kelley stated that he failed to see where in this particular subdivision where the Board could grant it based on just an irregular shaped lot.

Mr. Smith stated that normally he would not support this type application, but this is a minor variance and only for a corner of the building, the lot is irregular shaped and the applicant has not constructed the garage. He can construct a carport by right, if the Homeowners Association covenants would permit it.

Page 165, April 23, 1975

----------RESOLUTION----------

In application No. V-52-75, application by James E. Tatem, under Section 30-6.6 of the Zoning Ordinance, to permit construction of 2 car garage closer to side property line than allowed by Ord. i.e. a 5.3' variance, 2709 Viking Drive, 25((10))164, 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 Board of Zoning Appeals, and

WHEREAS, following proper notice to 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 23rd day of April, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is James and Patricia Tatem.
2. That the zoning is R-17C.
3. That the area of the lot is 12,269 sq. ft.
4. That the variance affects only a small portion of the proposed garage.

AND, WHEREAS, the Board 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.

NOW, 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 of addition 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 permits and the like through the established procedures.

Mr. Baker seconded the motion.

The motion passed 4 to 1, Mr. Kelley voting No.

10:45 - CRAMER M. & SUSAN A. GILMORE, appl. under Section 30-6.6 of the Ord. to permit addition to be constructed closer to front and side lot lines than allowed by Ord., (43.7' from front, 50' required; 12.9' from side 20' required), 5109 Cherokee Ave., 72-3((11))120, (29,043 sq. ft.), Mason District, (RE-0.5), V-54-75

Mr. Gilmore represented himself before the Board. Notices to property owners were in order. The contiguous owners are Mr. and Mrs. William Bloxom, 5111 Cherokee Avenue and Mr. Charles J. Andrethy, 6408 Fairland Street.

Mr. Gilmore stated that his lot is unusually long and narrow. It is 312' deep and just 126' wide and the rear half forms a wedge which falls off sharply into a gully. The southwest portion is unusable due to the steep slope. Because of the unusual shape of the lot, the dwelling is not centered to the sides. Therefore a variance is needed. Construction to the left side of the dwelling is impeded by a well that is used to water the lawn. Also the topography on that side slopes resulting in a less than desirable location for the garage.

He also stated that there is a large oak tree directly in back of the proposed addition that precludes him from moving it back.

Mr. Smith stated that he could see the justification for the side variance but not the front. He stated that he could still move that addition back 6' without a topo problem. There is nothing in the Zoning Ordinance that gives the Board authority to grant a variance based on a tree.

Mr. Runyon suggested that perhaps he has to align the addition to conform with the existing house.

Mr. Gilmore stated that he could submit his plans to the Board if the Board wishes to see them. He did so.

Mr. Runyon suggested that if the Board is not in favor of granting the front variance perhaps that portion could be dropped without prejudice for the Zoning Administrator to check to see if there are 25 percent of the houses in that area that are constructed closer to the street.

Mr. Smith and the Board agreed.

There was no one to speak in favor or in opposition.

Mr. Runyon moved to grant in part.

----------RESOLUTION----------

In application No. V-54-75 by Cramer M. and Susan Gilmore under Section 30-6.6 of the Ordinance to permit addition to be constructed closer to side lot line i.e. a 7.1' variance at 5109 Cherokee Avenue, 72-3((1))120, 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 the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to 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 23rd day of April, 1975, and

WHEREAS, the Board 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 29,043 sq. ft.

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

That the applicant has 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:
(a) exceptional topographic problems of the land,
(b) unusual condition of the location of existing buildings.

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

1. This approval is granted to the applicant 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 dwelling.

FURTHERMORE, the applicant should be aware that granting of this action does not constitute exemption from the 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 5 to 0.

11:00 - CHRISTIAN AND MISSIONARY ALLIANCE CHURCH, S-56-75

Mr. John Perritt, 2511 Territt Street, Alexandria, represented the applicant. Notices to property owners were in order. The contiguous owners were Harry Frazer, 3305 Spring Drive and John McMahone, 6641 Backlick Rd., Springfield. Alex. 7

The applicant was granted a special use permit, S-110-73, on July 11, 1973, for construction and operation of a church on this property. The applicant failed to begin construction or obtain an extension within a year from that date, therefore, the special use permit expired on July 11, 1974. This application seeks a new special use permit for the same proposal as S-110-73.

Mr. Perritt stated that when this first permit was granted there was no available sewer taps. They had perk tests made to put in a septic system but the tests did not pass. They were unable to get building permits until they received the sewer taps. In the meantime the special use permit expired. The County has now granted them sewer taps and they can move forward. The proposed church would accomodate 175 people. They are providing 35 parking spaces. They will stay within the terms and conditions of the special use permit that was previously granted.

There were 6 or 7 members present to support the application.

There was no one present to speak in opposition.

----------RESOLUTION----------

In application No. S-56-75 by Christian and Missionary Alliance Church under Section 30-7.2.6.1.11 of the Ordinance to permit renewal of SUP for church on property at 5901 Wilton Road, 82-4((1))4C, Lee District, Mr. Kelley moved that the Board adopt the following resolution:

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

WHEREAS, following proper notice to 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 23rd day of April, 1975.

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

1. That the owner of the subject property is Trs. of Christian and Missionary Alliance Church.
2. That the zoning is R-17.
3. That the area of the lot is 87,123 sq. ft.
4. That the applicant was granted a SUP, S-110-73, on July 11, 1973, for construction and operation of a church on said property. Applicant failed to begin construction or obtain an extension within a year of the granting and the SUP expired on July 11, 1974.
5. That compliance with all applicable County and State Codes is required.

WHEREAS, the Board has reached the following 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 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 terms and conditionssset forth in original SUP shall remain in effect.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

11:15 - WILLIAM J. LLOYD appl. under Section 30-6.6 of the Ordinance to permit enclosure of existing carport to garage closer to side lot line than allowed by Ord., (9' from side, 12' required), 5516 Dunsmore Road, 91-4((6))10, (12,782 sq. ft.), Lee District, (R-12.5), V-57-75.

Mr. Lloyd testified before the Board. Notices to property owners were in order.

His main justification was the drainage problem. He stated that the rear of his lot is wet from water which comes from the lots above and to the west. On each side of the house are drainageways which conduct the water to storm sewers on the street. The lot is too narrow to allow passage to the rear without blocking the drainage therefore making access to a rear garage or storage building not practicable.

There was no one to speak in favor or in opposition.

----------RESOLUTION----------

In application V-57-75 by William J. Lloyd under Section 30-6.6 of the Zoning Ordinance to permit enclosure of existing carport to garage closer to side property line than allowed by Ord., 5516 Dunsmore Road, 91-4((6))10, 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,

WHEREAS, following proper notice to 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 23rd day of April, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the zoning is R-12.5.
3. That the area of the lot is 12,782 sq. ft.
4. That the applicant intends to enclose the existing carport.

AND, WHEREAS, the Board has reached the following conclusions of law:
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(s) indicated in the plats submitted with this application only and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
FURTHERMORE, the applicant should be aware that this granting does not constitute exemption from the 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.

Page 169, April 23, 1975

DEFERRED CASE: SANDRA WARD (BAY RIDGE RIDING SCHOOL)

Mr. Smith read a letter addressed to Jean Packard from Mrs. Herman bringing up several points regarding the original hearing of this case. Mr. Smith stated that traffic, dust and noise are the main factors under a Use Permit that the Board has to consider. Therefore, these items were pertinent to the case. The applicant was permitted as much time as the opposition. This case took considerably longer than the time allotted to it. He stated that Mrs. Herman's letter did not correctly set forth the facts of the hearing. He asked the Clerk to get some background such as exactly how much time was allotted each side, etc. and address this letter with a copy to Mrs. Herman.
/to Mrs. Packard

In answer to Mr. Runyon's question, Mrs. Ward stated that she has over 200 students and under 250 with a limit of 300. They can run three rings at one time. There are 6 in a class. That would be 18 on the property at any one time. There are about 10 in a County Class, so that could make it up to 22 students on the property at any one time. They are using 28 horses in the school. They are not asking to increase the number of horses in the school.

Mr. Smith stated that she was limited to 28 total for the number of horses she can have on the property.

Mr. Kelley stated that he had read in the minutes where she was limited to 28.

Ms. Ward stated that she has about 30 to 35 horses on the property.

Mr. Smith told her that she would have to reduce that number to 28.

Mr. Runyon stated that based on the visit to the property by the Board members and he had relistened to the recording of the hearing and reviewed all the information in the file, that he felt the main thing the Board should do is put together a constructive type resolution that would allow the applicant to operate and would assure the adjoining residents of what the boundaries of the Special Use Permit are. He stated that the Board had put together a motion allowing this operation, as Ms. Ward had requested, to improve the facilities without expanding the use. This will require a certain amount of good faith on both sides. The motion will also provide a probationary period for all people concerned to put the operation together and evaluate it from the standpoint of the adjoining neighbors. This may be an insurmountable task, but we will try.

----------RESOLUTION----------

In application No. S-32-75 by Sandra R. Ward under Section 30-7.2.8.1.2 of the Zoning Ordinance to permit construction of barn on property located at 6718 Clifton Road, tax map 75((1))6, 15C, 15, 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 this Board held on the 9th day of April, 1975 and deferred to April 23, 1975, for decision.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Clifton Investment Properties and Routh M. Robbins.
2. That the present zoning is RE-1.
3. That the area of the lot is 117.817 acres.
4. That compliance with Site Plan Ordinance is required.
5. That applicant operates a riding school on said site pursuant to Special Use Permit S-219-73 granted December 5, 1973.

AND, WHEREAS, the Board has reached the following 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 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 except as otherwise limited herein. 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. Maximum of twenty-eight (28) horses permitted as long as 110 acres remain in control of Sandra R. Ward. If the 110 acres are separated then only eight (8) horses will be permitted.
7. Proposed barn to be of masonary construction, the plans to be submitted to the BZA prior to the building permit application.
8. No scheduled horse shows will be permitted under this Special Use Permit.
9. No lighting of the riding areas will be permitted.
10. Hours of operation are 8:00 a.m. to 9:00 p.m.
11. The maximum number of students shall be 250 with no more than 25 persons allowed in classes at any one time.
12. This Special Use Permit shall run for one (1) year with a reevaluation hearing to be held at the end of One year.

Mr. Kelley seconded the motion.

Mr. Barnes stated that he would like Ms. Ward to know that this reevaluation will not require a new application. This will be done automatically.

Mr. Smith stated that the Board all agreed that Ms. Ward does a good job as far as the riding school is concerned. She is an excellent person in the field.

Mr. Runyon pointed out that the Board had already authorized the horse show set up for this Sunday.

The motion passed 5 to 0.

Ms. Ward asked for clarification on the motion. She asked if she was allowed school shows only.

After a discussion of the Board it was decided that she could continue to have the school shows for the students of her school, but she could not have open horse shows. This is not permitted under the Ordinance without a Special Permit from the Zoning Administrator and must be conducted by a non-profit organization.

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APPROVAL OF MINUTES: Mr. Barnes moved that the minutes for March 5, 12 and 19, 1975 be approved.

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

//

Page 171, April 23, 1975

AFTER AGENDA ITEM -- OUT OF TURN HEARING REQUEST

OVERSTREET -- REQUEST FOR VARIANCE

After a brief discussion the Board decided to hear this application on June 3, 1975.

//BERNIE COX - AFTER AGENDA ITEM - APRIL 13, 1975

The Board asked if there were still problems at this location or if they had been cleared.

Mr. Covington stated that the Zoning Office has issued a violation notice because he has been filling in the flood plain. Perhaps the Zoning Inspector can bring a report back to the Board on this violation and also the problem with the ponies being transported in and out of the facility early in the morning.

//

The meeting adjourned at 1:25 P.M.

// Jane C. Kelsey

By Jane C. Kelsey
Clerk to the Board of Zoning Appeals
Submitted to the Board on May 21, 1975

Daniel Smith

DANIEL SMITH, CHAIRMAN
BOARD OF ZONING APPEALS

APPROVED May 28, 1975
DATE

The Regular Meeting of the Board of Zoning Appeals for Wednesday, May 14, 1975, was held in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes; Joseph Baker and Charles Runyon. Harvey Mitchell and Wallace Covington were present from the Staff.

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

10:00 - FUTURE FARMERS OF AMERICA, INC., appl. under Sec. 30-7.2.5.1.4 of the Ord to permit 2 additions, 5632 Mt. Vernon Highway, 109-2((2)) 10, 15, 16, 17 & 18, (35.5057 acres), Mt. Vernon Dist., (C-G & RE-0.5), S-58-75

Mr. Beachum represented the applicant. Notices to property owners were in order. The contiguous owners were R.W. Tydings and Kennon Bryan, Trustees, 4084 University Drive and Victor Fewell, 5610 Mt. Vernon Highway, Alex., Va.

Mr. Beachum stated that they wish to extend the rear of the building 50' back. It will be approximately the same size as the front portion of that section of the existing building, about 158' long. They plan to add a raised multi-purpose room to seat about 25 people at a time. They do not plan to damage any existing vegetation other than in the immediate area of the building. These additions will not enfringe on the existing parking lot. He gave the Board a rendering of the proposed additions and their relationship to the existing building.

Mr. Edward Hawkins, Executive Director of FFA, spoke to the Board on the history of FFA. He stated that they have their national headquarters at this location. They have between 60 and 70 regular full time employees. They have about 35 acres of land. This is not major construction. This is only to take care of their existing needs. They not only have charters in schools throughout the United States, but foreign countries,such as the Philipines and Japan, as well. They have 60 parking spaces on one side and some visitors parking spaces on the other side. They have had no problems with parking. They use the motel parking lot for special occasions for the staff parking to allow buses to park in their parking lot.

Mr. Smith read a letter from Donovan E. Hower, Chairman, Architectural Review Board, Fairfax County, recommending approval of this application since this is not an expansion of the use.

The Board was also in receipt of a note from Charles Lewis, OCP, stating that their office has no objection if the building is well designed and adequately screened. This is in a historic district and the historic guidelines should be followed.

Mr. Smith stated that the original Special Use Permit for this use was granted in 1956 and was amended in 1961 to allow an addition to the building.

There was no one to speak in favor or in opposition to this application.

----------RESOLUTION----------

In application No. S-58-75,by Future Farmers of America, Inc. under Section 30-7.2.5.1.4 of the Zoning Ordinance to permit construction of two additions to existing building on property at 5632 Mt. Vernon Highway, 109-2((2))10, 15, 16, 17 & 18, County of Fairfax, Mr. Kelley moved that the Board of Zoning Appeals grant the following resolution:

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

WHEREAS, following proper notice to the public 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 14th of May 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the zoning is RE05, C-G and C-D.
3. That the area of the lot is 35.5057 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.
7. A special use permit (#12199) was granted to Dr. A. W. Tenney on May 22, 1956 permitting erection of a national headquarters building for FFA on property located on the northeast side of Mt. Vernon Memorial Highway 500 feet southeast of its junction with Richmond Highway in Mt. Vernon District. That permit was amended by the granting on October 10, 1961, of a permit (#5935) to FFA allowing an addition to an existing building.

AND, WHEREAS, theBoard of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has presented testimony indicating compliance with Standards for Special Use PermitUses 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 theproperty 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 themotion.

The motion passed 5 to 0.

10:20 - WARREN L. SWANEY, V-59-75

Mr. Swaney represented himself. Notices to property owners were in order. Contiguous owners: Norman Hagan, 2106 Greenwich Street and O. D. Cartwright, 2110 Greenwich Street.

Mr. Swaney stated that this request is to enclose an existing porch. The vegetation in the area provides good screening. He has owned the property two years and this is for the use of his own family and not resale purposes. The house was built in 1940. This is a very narrow lot

Mr. Smith stated that if it was built in 1940, that accounts for the porch already being closer to the side property line than is presently allowed.

Mr. Runyon stated that the house is offset on the lot toward that side.

Mr. Swaney stated that Mr. Cartwright has no objection to this request and he would be most affected of any of the neighbors. He was notified.

There was no one to speak in favor or in opposition.

RESOLUTION

In application V-59-75 by Warren L. Swaney under Section 30-6.6 of the Ord. to permit enclosure of porch closer to side property line, i.e. 6.6', on property at 2108 Greenwich Street, 40-2((2))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 held on the 14th day of May, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Warren L. and Mary K. Swaney.
2. That the zoning is R-17.
3. That the area of the lot is 15,909 sq. ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 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 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 5 to 0.

10:40 - MT.PLEASANT BAPTIST CHURCH, S-60-75 and V-61-75

Mr. Edward Shephard, 5100 N. 22nd St., Arlington, Va., Chairman of the Trustee Board for the Church testified before the Board. Notices to property owners were in order. Contiguous owners: Jack Daggs, 4412 Ryner Dr., Alex., and Robert Betz, 4121 Old Columbia Pike, Annandale.

Mr. Shephard stated that the church is located on a corner (Old Columbia Pike and Lincolnia Road) They need to put this addition onto their present building because of their expanding membership. The only way they can expand is southeast. The addition will be 6' from the Odd Fellows Cemetery. To the rear of the existing building is their cemetary. The original building was constructed in 1931 and an addition put on in 1950. Their present membership is approximately 400. They also need a variance from Lincolnia Road as they only have 22.6 there.

Mr. Smith noted that they had made arrangements with the Safeway, Shell and bank to use their parking facilities on Sunday. He stated that he questioned whether these lessees had authority to allow the church to use the parking facilities. They might have to get permission from the landowner.

Dr. William J. Cumbie, Executive Secretary, Mt. Vernon Baptist Association, spoke in support of this application. He stated that he would like to add that the addition will not come any closer to Lincolnia Road than the existing building already is. He stated that this group is very responsible in their plans and he asked the Board on behalf of the Baptists in the area to approve their application.

There was no one else to speak regarding this application.

Page 175, May 14, 1975

----------RESOLUTION----------

In application S-60-75 by Mt. Pleasant Baptist Church under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit expansion of existing church on property at 6477 Lincolnia Road, 61-3((1))4 and part of 5, Mason District, County of Fairfax, Mr. Kelley moved that the Board adopt the following resolution:

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

WHEREAS, following proper notice to 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 14th day of May, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the zoning is RE-0.5.
3. That the area of the lot is 47,780 sq. ft.
4. That compliance with Site Plan Ordinance is required.

AND, WHEREAS, the Board 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. The architecture and materials to be used in the proposed addition shall be compatible with existing building.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

----------VARIANCE RESOLUTION----------

In application V-61-75 by Mt. Pleasant Baptist Church under Section 30-6.6 of the Zoning Ordinance to permit construction of addition to existing church closer to front and side property lines than allowed by Ord. (22.6' from front, 50' required; 6' from both sides, 20' required), 6477 Lincolnia Road, 61-3((1))4, 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,

WHEREAS, following notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of May, 1975, and

WHEREAS, the Board 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 47,780 sq. ft.
4. That the request is for a variance of 27.4 feet from the front setback requirement and 14 feet from the side.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved:
(a) exceptionally irregular shape of the lot.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:
1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

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. Barnes seconded the motion.

The motion passed 5 to 0.

11:00 - WILLIAM & NINA RAVER, V-62-75

Mr. Raver testified before the Board. Notices to property owners were in order. The contiguous owners were James C. Taylor, 11906 Wayland Street and Dan Raisovich, 12003 Hamden Court, Oakton, Virginia.

Mr. Raver stated that on the left side of the property there is an inclinement. There is a natural water drainage area in this location. This will eliminate that problem. This is a corner lot and the house sits at an angle on the lot. He stated that he had owned the property since July and this carport is for the use of his family and not for resale purposes. The only people who can see the carport from their house is across the street. The contiguous property owners' houses face in different directions.

Mrs. Raver spoke to the convenience of this addition.

There was no one to speak in favor or in opposition.

=----------RESOLUTION----------

In application V-62-75 by William and Nina Raver under Section 30-6.6 of the Zoning Ordinance to permit construction of a 2 car carport closer to front property line than allowed by Ord. (41.7' in lieu of 50'), 3410 Valewood Drive, 46-1((8))24, 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 theBoard of Zoning Appeals held on the 14th day of May, 1975, and

Page 177, May 14, 1975

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 23,282 sq. ft.

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/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.
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. Kelley seconded the motion.

The motion passed 5 to 0.

11:20 - CLARK'S CROSSING HOMES ASSOCIATION, appl. under Section 30-7.2.6.1.1 to permit swim and tennis club, Abbey Oak Drive, 28-3((1))2, (8.742 acres), Centreville District, (RE-1), S-63-75.

Don Stevens, attorney for the applicant, testified before the Board. He had notified four property owners,one of these owned two parcels. Most of the surrounding property is owned by the builder of this subdivision and he is, of course, aware of this hearing.

After considerable discussion, the Board agreed to hear this case but stated that in the future it would not hear any case where 5 different property owners had not been notified.

Mr. Stevens stated that the McCarthy Corporation is building this pool complex for the residents of this subdivision. The planned membership is 300, 125 of which will come from this subdivision. The other members will be drawn from the immediate community. The builder is not required to construct this recreation area for the community. They wish to also have lights for the tennis courts.

The Board suggested that they look into getting the type lights that are much lower than the type used at Fairfax Country Club, for instance.

Mr. McDiarmid spoke in opposition to this application giving the noise and traffic and the commercial aspect of this operation in a residential neighborhood as his main reasons for objection. He questioned the legality of this application. He spoke to the "open space" requirement in the Ord.

The Board members explained that this is a permitted use in a residential zone. If there is a question on the subdivision site plan, the Site Plan Office is the place to direct those questions.

Linda Hennessy, 9717 Meadowlark Road, spoke in opposition to this application. Her main reasons were she felt that this is a commercial operation because they are drawing the major portion of the members from outside the subdivision and the hazardous conditions of Meadowlark Road.

Mr. Smith read the definition of "community use" from the Zoning Ordinance and stated that this application meets that definition and is a proper application.

George Ferguson, 1737 Brookside, Vienna, Virginia, spoke in opposition. He stated that he lives about one-half mile from the subject site. He asked the Board to put lights along Brookside Lane to Beulah Road.

Mr. Smith explained that this question is not within the jurisdiction of this Board. In answer to Mr. Ferguson's question, Mr. Smith stated that this is not a rezoning. The land was already zoned residential, one-acre, and this parcel was developed under the cluster concept. This Board does not set policy. This Board looks at this one site in its relationship to the surrounding area, traffic, etc. He stated that he did not think this road would be inadequate for this use.

Mr. Ferguson spoke to the number of trees that the developer has cut down in this site. He also spoke to the number of trees that have been cut down in this area.

Mr. Runyon stated that as far as this particular site is concerned, the trees are not there anyway, but the developer is planning to plant supplemental trees and shrubs. He also stated that this Board can speak only to this specific site. There is nothing this Board can do about the present zoning.

Mr. Kelley stated that the plats shows that there will be 45 trees and they have to abide by the plats that they have submitted to this Board.

Mr. Stevens spoke in rebuttal to the opposition. He stated that the membership outside this subdivision would be drawn from within 2 or 3 miles of the pool. There are no other pools close to this one. They do not plan to drawn their membership from Falls Church or Alexandria. He stated that the Board knows that the community facilities in the County for the most part include more than one subdivision. Recently, there have been applications before the Board for a recreation facility such as this for only one subdivision, but that subdivision has been very large. As far as the quality of life in this subdivision with this recreation facility, he stated that it will enhance the quality of life and the environment as well.

Mr. Kelley suggested that the membership be confined to a 2 mile radius. He asked Mr. Stevens if he felt this pool might be premature in its planning.

Mr. Stevens stated "No". It isn't getting any cheaper to construct and in fairness to the people buying those homes, it should be there when they move in so they will know.

Mr. Runyon stated that he had been on the Board about three years and he didn't think this Board could win. Most of the time this Board gets critized because the recreational facility is going to be put in after the people are already there. This subdivision of 125 people will not have to come up with the $160,000 to build this recreation complex. They will only have to maintain it.

----------RESOLUTION----------

In application No. S-63-75 by Clark's Crossing Home Association under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit swim and tennis club at Abbey Oak Drive, 28-3((1))2, County of Fairfax, Virginia, Mr. Kelley moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of May, 1975.

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

1. That the owner of the subject property is the applicant.
2. The present zoning is RE-1.
3. The area of the lot is 8.7420 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 has reached the following conclusion 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.

Page 179, May 14, 1975

NOW, 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 uses indicated in the application, 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 maximum number of family memberships shall be 300, which shall be restricted to an area of a two (2) mile radius.
7. The hours of operation shall be 9:00 a.m. to 9:00 p.m. for the pool and 8:00 a.m. to 10:00 p.m. for tennis courts. Any after hours parties will require written permission from the Zoning Administrator and such events shall not exceed Six (6) per year.
8. Landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

11:40 - FRANK G. & HELDEGARD W. BURKE, V-64-65

Mr. Burke testified before the Board. Notices to property owners were in order. The contiguous property owners were Mildred Forman, 2413 Annandale Road, Falls Church and Charles and Donna Bryson, 3403 Charleson Street.

Mr. Burke stated that this is a triangular lot in a way, but it is shaped more like an arrow.

Mr. Smith stated that this lot is exactly like the one in the controversial case where the Board made an interpretation of the Ordinance as to what the rear lot line was. He stated that the Board upheld the Zoning Administrator's decision that the line in question was a side lot. Now, this plat shows the same line as being a rear line.

Mr. Covington stated that he brought this to the attention of Mr. Knowlton and he said it wasn't a pie shaped lot. He interpreted this lot line as a rear line.

Mr. Burke stated that he had submitted the names of the people who are contiguous to this lot stating that they have no objection. He stated that this addition will be constructed of the same materials as the existing house and will be the same design.

There was no one to speak in favor or in opposition.

----------RESOLUTION----------

In application V-64-75 by Frank G. and Hildegard W. Burke under Section 30-6.6 of the Zoning Ordinance to permit addition within 17.7' of rear property line (25' required), 3401 Charleson Street, 60-1((30))19, 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 14th day of May, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the zoning is R-12.5.
3. That the area of the lot is 16,420 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 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.
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.

The Board recessed for lunch at 1:00 and returned at 2:00 to take up the

12:10 - RE-EVALUATION HEARING - LOYAL ORDER OF MOOSE, ARLINGTON LODGE #1315, to determine whether or not to allow lights on parking lot.

Mr. Cheatum, 2600 S. Four Mile Run, Arlington, Virginia, representative from the Lodge, testified before the Board. Notices to property owners were in order. The contiguous owners were Stella Colien, 5709 Scoville Street, and Joe Miller, 8401 Conn. Ave., Chevy Chase, Md. / Bailey's Crossroads, Va.

Mr. Cheatum stated that they have had problems with vandalism and some robberies and this is the reason they need the lights. He gave several instances when this occurred.

Mr. John Zaka, Jr., 6269 Leesburg Pike, Falls Church, architect, stated that these lights would be 20' from the lot line on one side and 30' on the other side, and 100' from the back line. These will be on 30' high concrete poles. They will be sodium vapor lights. The lights will be directed on the parking lot and there will not be any overflow.

There was no one to speak in favor or in opposition.

----------RESOLUTION----------

In application S-44-74 by Loyal Order of Moose, Arlington Lodge #1315, 5710 Scoville Street, Bailey's Crossroads, 61-4((1))118, (R-12.5), Mason District, Mr. Runyon moved that the Permit be amended to allow lights not to exceed 30' in height and all the lights will be directed onto the site with no spillage off site.
Mr. Kelley seconded the motion. The motion passed 5 to 0.
Mr. Runyon clarified that the applicants have stated in their testimony that these will be vapor type lights.

181

DEFERRED CASE:

12:30 - CHRISTIAN ASSEMBLY to permit construction of church, S-38-75 (Def. from 4-9-75 for new plats showing dimensions of building, proper parking spaces, etc. FOR DECISION ONLY)

The Board members checked the plats to see that they had all the required information on them.

Mr. Jack Zierkle, 3316 N. Ohio Street, Arlington, Virginia, represented the Church before the Board.

Mr. Smith asked if the design and the type of material to be used is all set.

The architect, Mr. Kenton O. Hamaker, stated that the materials will either be masonry or precast concrete. This is as near as they can determine at this time. They realize that should they change this, they will have to come back before the Board. He stated that they propose a mansard roof.

There was no one to speak in favor or in opposition.

----------RESOLUTION----------

In application S-38-75 by Christian Assembly under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of church, 2218 Cedar Lane, 39-4((1))2 & ((2))1,2,3, & 4, Providence 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,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, 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 April, 1975 and deferred to May 14, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Wm. Carroll, M. M. Lear and J. McKenney, Trustees.
2. That the present zoning is R-17.
3. That the area of the lot is 7.0095 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 has reached the following conclusion 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 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 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 seating capacity is to be 750.
7. All landscaping and screening is to be provided to the satisfaction of the Director of Environmental Management.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

12:40 - WILLIAM T. MASINGILL to permit 50' radio tower to remain closer to rear and side property lines than allowed by Ord., V-6-75 (Deferred from 2-26-75, 3-12-75 and 4-9-75 -- FULL HEARING)

Mr. Masingill represented himself before the Board. Notices to contiguous property owners and nearby property owners were in order. Samuel West, 7316 Dunston Street and Mr. Swanson, 7312 Dunston Street were contiguous.

Mr. Masingill stated that he placed the tower in this location because there is a hickory nut tree between his and Mr. Swanson's house. During the winds the first part of April, the tower stood firm. These winds reached 60 mph.

Mr. Smith stated that it should withstand 100 mph winds.

Mr. Masingill stated that the tower is guaranteed to withstand 80 to 100 mph winds.

Mr. Smith asked him to explain why the building permit that he got from the County shows the tower at 40' and he constructed it 50'.

Mr. Masingill stated that the tower is in six sections and he cannot remove the top section because of the rotator device at the top. Each section fits into each other and it tapers from bottom to top, therefore, he could not remove one section of the tower, either at the top or bottom. He stated that he had no idea he had to have a foundation permit or to call and have the foundation checked.

Mr. Kelley stated that he felt this is a self-imposed hardship. This looks like a commercial tower.

Mr. Masingill stated that none of his neighbors object.

Mr. Smith stated that that isn't the point. If this was the case, we would have an ordinance by consent rather than enforcement.

Mr. Masingill stated that his hardship is that he has spent $80 for the plat to file this variance and a $30 filing fee. He stated that this is his whole life when he is at home. It is a safe hobby and doesn't bother his neighbors.

Mr. Smith stated that there are a lot of ham radio operators with licenses in Fairfax County who would like to have a tower on their property but cannot because they do not have enough land area.

In answer to Mr. Runyon's question, Mr. Masingill stated that should the tower fall it will not fall over, but will fold up. It is an aluminum tower weighing 176 pounds. Even if it fell over, it would hit the huge tree between his and Mr. Swanson's house. He stated that he did not put the tower in the location where he had applied under the building permit for it because the plat that he had for his property did not show the concrete patio. The location as shown on the plat would have been in that patio, therefore, he had to move it over 6'.

Mr. Masingill stated that it is possible to remove this tower and get a crank-up type tower.

Mr. Runyon asked the Board if it could defer this case for Mr. Masingill to get a report on the safety of the tower.

Mr. Smith stated that the Board has never required an individual to do this. The Board has only done this in the case of public broadcasting towers.

There was no one to speak in favor or in opposition to the application.

Page 183, May 14, 1975

----------RESOLUTION----------

In application V-6-75 by William T. Masingill under Section 30-6.6 of the Zoning Ordinance to permit 50' radio tower to remain closer to rear and side property lines than allowed by Ordinance on property located at 7314 Dunston Street, 71-3((4))(26)9, 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,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 14th day of May, 1975, 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 zoning is R-12.5.
3. That the area of the lot is 10,763 sq. ft.

AND, WHEREAS, the Board 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. Runyon stated that he felt there is a lot more to this application than meets the eye. He abstained.

MAY 14, 1975
DEFERRED CASE: ANTHONY J. CHIRICO to permit enclosure of carport closer to side property line than allowed by Ord. (7' and total 15.4' requested; 8' and total of 20' required), 4344 Rolling Stone Way, 92-1((10))8073, V-50-75 (Deferred from 4-23-75 for copy of grading plan and viewing by Board members)

Mr. Kelley stated that he and Mr. Covington had viewed the property.

Mr. Covington stated that there are eleven carports that they counted that have a similiar situation in that immediate area.

Mr. Kelley stated that the topography problem that Mr. Chirico spoke of is just a grading problem to smooth up the land.
Mr. Smith read a letter from Mr. Chirico into the record.

----------RESOLUTION----------

In application V-50-75 by Anthony J. Chirico under Section 30-6.6 of the Zoning Ordinance to permit enclosure of carport closer to side property line than allowed by Ord, 4344 Rolling Stone Way, 92-1((10))8073, Lee 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 April, 1975 and deferred to May 14, 1975 for decision only, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5 Cluster.
3. That the area of the lot is 9,599 sq. ft.

AND, WHEREAS, the Board has reached the conclusions of law:
That the applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Ordinance would result in

CHIRICO (continued)

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 1 with Mr. Runyon voting No.

DEFERRED CASE: LEON H. & PEGGY HEFLIN, V-51-75
(Deferred from April 23, 1975 for a letter from VEPCO regarding how far they had to set back from the public utility easement)

The letter was submitted by Mrs. Heflin stating that swimming pools have to be ten feet horizontally from the inside of the walls of the pool.

Mr. Runyon stated that she couldn't move the pool over any because of the porch that is attached to the rear of the house.

----------RESOLUTION----------

In application V-51-75 by Leon H. and Peggy Heflin under Section 30-6.6 of the Zoning Ordinance to permit swimming pool to be constructed closer to front property line than allowed by Ord. i.e. 23', 4430 Middle Ridge Drive, 45-4 ((3))(42)15, 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 April, 1975 and deferred to May 14, 1975 for decision only, 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 zoning is R-12.5Cluster.
3. That the area of the lot is 13,108 sq. ft.
4. That an 8' utility easement for electric exists along the westerly property line.

AND, WHEREAS, the Board has reached the following conclusion of law:
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 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 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.

Page 185, May 14, 1975

AFTER AGENDA ITEM: 1. MURRAY WEINBERG, V-111-73, Request from Mr. William Hansbarger, attorney for the applicant, for further extension. (See letter dated May 7, 1975 from Mr. Hansbarger.)

It was the Board's decision to reschedule this request for June 25, 1975 and ask the attorney to submit in writing a letter outlining how the financing is progressing and any other problems that might cause a delay in construction.

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AFTER AGENDA ITEM: MAY 14, 1975

2. CENTREVILLE HOSPITAL CENTER, INC. -- Letter from Comprehensive Health Planning Council of Northern Virginia, dated May 8, 1975 questioning the status of the Special Use Permit for this hospital and inquiring if the Board could hold another re-evaluation hearing to determine the status.

It was the Board's decision to hold a re-evaluation hearing to determine whether or not the Permittee has proceeded in a diligent manner. The Board scheduled this hearing for July 9, 1975 at 12:00 Noon. The Board asked the Clerk to notify the applicant and also the Comprehensive Health Planning Council of Northern Virginia.

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AFTER AGENDA ITEM: MAY 14, 1975

3. VEPCO - Letter from Randolph W. Church, attorney for the applicant, dated May 8, 1975 stating that they have not been using herbicides in Fairfax County. However, they do use them in other jurisdictions. They are approved by the FDA and VEPCO feels that it would be economically feasible for them to use them in Fairfax County. They hoped the Board would reconsider this.

Mr. Baker stated that he is opposed to the use of herbicides. He stated that he had read a great deal about them. He stated that if he wasn't mistaken he believed the Agriculture Department had also o.k.ed DDT.

Mr. Covington stated that if farmers did not use herbicides, he did not know just how many people would starve to death every year.

Mr. Smith wondered about the effect of these herbicides on the next generation.

Mr. Kelley stated that the Environmental Protection Agency may have approved VEPCO's use of herbicides, but this Board does not know what they approved it for, and where they approved it, how close it was to a main source of water supply, etc.

Mr. Kelley suggested that the Board funnel this suggestion through whatever channels is necessary to give the Board the proper information on this. Get comments and facts, he stated.

Mr. Smith suggested that the Board also get comments from the Board of Supervisors and the County Executive.

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4. DIFFERENT DRUM, INC., S-58-74 - Letter requesting they be allowed to include the months of July and August in their time of operation.

The Board discussed this case. It was the Board's decision that this would require a formal application. If they could get the application in promptly, the Board would hear the case on July 9, 1975, since they wish to operate for July and August. There was a considerable amount of opposition at the original hearing the Board recalled, therefore, a public hearing is necessary.

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5. POST 7327, VETERANS OF FOREIGN WARS, S-217-74, Board has scheduled this applicant for a Re-Evaluation Hearing for June 3, 1975 because they didnot yet have their Non-Rup. However, the reason was minor and they now have it. There is a copy in the file.

It was the Board's decision to withdraw the Re-Evaluation Hearing. Mr. Barnes so moved. Mr. Runyon seconded the motion. The motion passed unanimously.

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6. COLBERT LAND SALES -- Proposal for Dulles Bicentennial Campground on 540 Acre Site along Route 28 -- The request is that detailed plats be waived at the present time and that the BZA allow them to submit their application for a Special Use Permit. (See Letter in file)

After a length discussion, it was the Board's decision to allow them to file the application for the Special Use Permit with the plats that they had attached to the letter. The Board stated that it would have to know what the lease agreements are between the landowners and whoever is going to operate these campgrounds. The Board also needs to know if this is a corporation and if so, the Articles of Incorporation, the Certificate of Good Standing, etc. In other words, the name of the applicant with supporting documents.

The Board could then hear the case and consider an overall land area to be developed into camp sites, but reserving the right to approve each section as it is to be developed as the applicant starts to develop it. This development plan will have to show the maximum number of sites, how many trailers, campers, etc. can be accomodated, the permanent wash houses, etc.

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7. BELLE HAVEN COUNTRY CLUB, S-145-74 -- At the meeting of April 16, 1975 the Board scheduled this to come back in order for the Board to check on the status of the violation notice that had been issued to the applicant for allowing off-site parking. This notice was up on May 2, 1975. (See letter from Mr. Hazel, attorney for the applicant requesting a deferral of any action until he could be present.)

It was the Board's decision to defer action of this case until next week, May 21, 1975 until Mr. Hazel could be present to answer questions as to why they cannot keep the Club members from parking on the street since they are aware of the problems this create.

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8. PINEWOOD DEVELOPMENT CORPORATION. Letter in file dated April 24, 1975 requesting an extension based on the fact that they haven't been able to begin construction because of the sewer moritorium.

Mr. Runyon moved to substitute the new No. 2 on the limitations for the Special Use Permit to read:

"This permit shall expire unless construction 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.

Mr. Kelley seconded the motion.

The motion passed 5 to 0.
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Page 187, May 14, 1975

9. MIKE KNOWLTON -- RE: SCHEDULING

Mr. Knowlton explained to the Board the problems the Zoning Office is facing at the present time. He stated that the Zoning Office had 26 employees in 1972 and has 26 now. There have been numerous changes since that time in the workload from the Zoning Offices. We have a 4 percent vacancy. There is a new Ordinance in the works as the Board knows. This Ordinance will require a new breed of expert technical zoning inspectors. With a Staff of 26, the Zoning Office has almost doubled the workload from 1972. The Interim Development Ordinance will expire on June 30, 1975. At that time we will be able to accept applications that we have been refusing for the past year. We have no idea how many applications will be received. It might be around 100 or 150. He asked, therefore, that since the Board will not be meeting in August to set up extra meetings, that it set some tentative dates now so the Staff can go ahead and schedule these cases.

Mr. Smith stated that this is going to be a problem because the State Code says that the cases must be scheduled within 60 days after receipt.

The Board decided to meet August 1, 1975 (Friday), September 4, 1975 (Thursday if needed, and every 5th and 1st week if it is necessary.
7 of each month

The meeting adjourned at 5:03 P.M.

Jane C Kelsey
By Jane C. Kelsey
Clerk to the Board of Zoning Appeals
Submitted to the Board on May 21, 1975

Daniel Smith
DANIEL SMITH, CHAIRMAN
BOARD OF ZONING APPEALS

APPROVED May 28, 1975
DATE

The Regular Meeting of the Board of Zoning Appeals for Wednesday, May 21, 1975, was held in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes; Joseph Baker and Charles Runyon. Harvey Mitchell and Wallace Covington were present from the Staff.

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

10:00 - ROBERT W. GREEN, appl. under Sect. 30-6.6 of Ord. to permit enlarging of carport closer to side property line than allowed by Ordinance, (9.3' from line, 15' required), 4206 Adrienne Drive, 110-1((11))26, Sulgrave Manor Subdivision, (22,124 sq. ft.), Mt. Vernon District, (RE-0.5), V-65-75.

Mr. Joseph Lucci, contractor who will build the enlarged carport, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Lawrence Sites, 4204 Adrian Drive and Henry Zimmerman, 4208 Adrian Drive.

In answer to Messrs. Smith and Messrs. Kelley's questions, Mr. Lucci stated that Mr. Green is a Doctor and could not get off to come to the meeting today. He stated that Dr. Green owns three cars and he needs the additional space for off-street parking. A variance would also be required if he built on the other side of the house.

Mr. Smith stated that those were not reasons for hardship under the Ordinance in order for the Board to grant this variance.

Mr. Runyon stated that under the cluster provision of the Ordinance, it would only allow him 10', so he has actually exceeded that by almost a foot.

Mr. Lucci stated that the rear yard is unlevel.

Mr. Kelley stated that the applicant should be present if he is interested in his case. He stated that the Board just doesn't grant these variances for convenience of the applicant. The Board is prohibited from doing that by the State and County Codes. He moved that this case be deferred until June 3, 1975 (Tuesday) in order for the Board to view the property. He stated that the applicant should be present to answer the questions that the Board might have and to further justify his request, if he has any other justifications.

Mr. Smith told Mr. Lucci that the case would come up as a Deferred Case after the Regular Agenda Items and would be sometime after 12:00 Noon.

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10:20 A.M. - ROSS M. FEATHERSTON, appl. under Sect. 30-6.6 of Ord. to permit subdivision of lot to allow two lots with less frontage at building setback line than allowed by Zoning Ordinance, 3812 Rugby Road, 45-2((2))19, (1.9263 acres), Centreville District, (RE-1), V-66-75

Mr. Charles Huntley represented the applicant. Notices to property owners were in order. Two contiguous owners were Milton Brooks, 2804 N. Edison Street, Arlington, Virginia and L. A. Carroll, Jr., 3806 Rugby Road, Fairfax, Virginia.

Mr. Huntley stated that if they put an easement back to the rear of the property in order to give that portion access and construct a residence on it, the house on the front lot would have to set back 75' from that easement. That would restrict the owner from the reasonable use of his land.

In answer to Mr. Smith's question, Mr. Covington stated that that the lots in this subdivision must average one acre and they do.

In answer to Mr. Smith's question, Mr. Huntley stated that the contiguous property owner has no objection to this variance being granted. He is interested in doing the same thing. Mr. Featherston has owned the property for one and one-half years.

Mr. Featherston told the Board that he probably would build a house for himself on the back lot and sell the front one.

Page 189, May 21, 1975

Mr. Kelley stated that if the Board grants this variance and the lot next door and all the way up the street is the same size, the Board will have to grant those variances also. This is a general condition of the land.

Mr. Huntley stated that Mr. Featherston owned Lot 20 and there is a house there. The septic field on Lot 20 extends over to lot 19. They were required to do this by the County. They placed a 5,000 square foot easement on Lot 19 to service Lot 20.

The Chairman ruled that the plats were inadequate because they did not show this easement.

Mr. Kelley agreed because he stated that this easement is very pertinent to this case.

Mr. Covington reminded the Board that it had granted several variances in that area.

There was no one to speak in favor or in opposition.

Mr. Smith asked Mr. Covington or Mr. Mitchell to find out where the Board has granted these similiar variances and whether or not there were extenuating circumstances.

Mr. Runyon moved that this case be deferred to the 28th of May for new plats and information on the existing variances.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

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10:30 - LENA R. CHAILLET, V-67-75
A.M.

George C. Chaillet represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were the Crites, 11523 Popes Head Road, Fairfax, Virginia and John H. Dolinger, 11607 Popes Head Road, Fairfax, Virginia.

Mr. Challet stated that they plan to divide this property into three lots: Lot B with 3.0 acres, Lot A with 1.35 acres and Lot C with 1 acre. He gave his justification as:

(1) shape of the lot -- the lot is shaped in such a manner that the front portion is only one-hundred fifty feet wide.
(2) existing homesite on Lot B, and
(3) Lots A and C provide building sites that have natural settings, will require a minimum of grading, will drain easily, will readily accept sanitary septic systems that will not interfere with any existing or proposed well sites.

There was no one to speak in favor or in opposition.

Mr. Smith stated that this application meets the requirements of the Ordinance.

Mr. Challet stated that Mrs. Chaillet has owned the property since 1947.

RESOLUTION

In application V-67-75, application by Lena R. Chaillet under Section 30-6.6 of the Zoning Ordinance to permit subdivision of lot into three lots, one with less frontage than allowed by Ordinance, 11601 Popes Head Road, 67-1((1))136, Springfield District, County of Fairfax, Virginia, Mr. Kelley moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st day of May, 1975, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 5.6546 acres.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
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 parcel of land,
(b) 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, the subdivision is recorded, 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. Barnes seconded the motion.

The motion passed 5 to 0.

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10:45 A.M. - GERALD M. MALOVANY, appl. under Sect. 30-6.6 of Ord. to permit construction of deck and room addition closer to side property line than allowed by Ord., (7.5' from line; 12' required), 7800 Holmes Run Drive, 59-2((8))(5)9, (10,800 sq. ft.), Providence District, (R-12.5), V-68-75.

Mrs. Malovany testified before the Board. Notices to property owners were in order. The contiguous owners were Ritter, 7714 Holmes Run Drive and Tinker, 7802 Holmes Run Drive.

Mrs. Malovany's main justification related to the need for this extension. The Board reminded her that the justification had to be under the Ordinance and relate to the physical aspects of the land.

She stated that the land slopes down in the back and this is the only place they can add to the house.

The Board questioned the accuracy of the plats that had been submitted with the application. The plats were copies of an original plat that had been made by Walter Phillips Surveying firm. The staff report indicated that this addition would be 7.5 feet from the side property line, as stated on the plat, or 9.5 feet from the line as interpolated from other plat information. The Board stressed that the plats must be certified by a surveyor, engineer or architect certified to do business in the State of Virginia.

Mrs. Malovany admitted that they had added the addition information on the plats, but since the plats had been certified earlier, they felt this was all right.

There was no one to speak in favor.

Mr. Mercy, 3324 Holly Court, spoke in opposition to the application. He stated that this property is part of Holmes Run Subdivision. The houses are very small. In some instances throughout the subdivision, people have constructed additions very close to the property line. This becomes a nuisance in many cases since trash and trash cans are usually set next to the addition and end up on the next door neighbor's property.

Page 191, May 21, 1975

He stated that these 10,000 square foot lots are sufficient for additions if these additions are planned properly. However, on the basis of his history of this development, he asked the Board to maintain the zoning setbacks that are now in effect.

In rebuttal, Mrs. Malovany stated that there have been three of their neighbors who have recently obtained variances from this Board. They are: the Coffees, 3316 Holly Court; the Stillbergs, on Cyprus Drive; and the Clinkers, 3308 Sycamore Drive.

She stated that they do have the approval of the neighbor who would be most affected by this addition. There would still be 23' between the houses. There is heavy screening between the houses.

Mr. Kelley stated that it is not the distance between the houses that is considered in the Zoning Ordinance, but the distance from the property line to the structure. The neighbor next door could put up an addition also, then there would not be 23' between the houses. He stated that he agreed with Mr. Mercy. He questioned these variance request when the request was for convenience and not because of a physical hardship. This Board should uphold the Ordinance.

Mr. Runyon moved that this case be deferred until June 11, 1975 for new plats and to give the Board members a chance to look at the property. At that time, the Board will be able to determine exactly how much variance is needed.

Mr. Kelley seconded the motion.

The motion passed 5 to 0.

Mr. Smith stressed to the applicant that these plats must be certified property and be in the Zoning Office at least five days prior to June 11, 1975.

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11:00 A.M. - R. K. ENSMINGER, appl. under Section 30-6.6 of the Zoning Ordinance to permit construction of storage room closer to side property line than allowed by Ord., (8.3' from side, 12' required), 8427 Georgian Way, 70-1((16))269, (12.241 sq. ft.), Annandale District, (R-12.5), V-69-75.

Mr. Ensminger represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Larry Trantham, 4617 New Wakefield Road and David Reedy, 8431 Georgia Way.

Mr. Ensminger stated that the plans that he submitted with his application did not have on them what he had planned to request. He did not find out soon enough to amend the application prior to this hearing. He requested to be able to withdraw this application or amend this application and submit corrected plats. The variance request will be greater.

Mr. Smith told him that the Board could not even consider a greater variance with this application. He would be allowed to withdraw this application and resubmit a new application.

Mr. Kelley asked Mr. Ensminger about the possibility of moving the shed behind the house, then he would not have to request a variance.

Mr. Ensminger stated that his land is banked up and the only level part is at the top and is only approximately 40' wide. 12' of that is a right of way leaving only 30. He stated that he has a small garden and a swing set on the only level part of the back yard.

Mrs. Ensminger stated that there are 7 homes that drain into their back yard. That had it regraded. They still have 3.8 cubic feet of water running around their house in a 10 year storm. They have been back to the County's storm drainage people but they have not been successful in alleviating the problem.

Mr. Smith told them that the Board has to consider a minimum variance, not a maximum variance that will afford relief.

There was no one else in the room to speak on this case.

Mr. Kelley moved that this application be withdrawn without prejudice at the request of the applicant.

Mr. Barnes seconded the motion.

The motion passed 5 to 0. Mr. Smith stated that the earliest date on a new application would be July 16, 1975. The Board did not grant an earlier time.
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11:15 - CLARK E. & IONE L. MERCHANT, V-70-75
A.M.

Mr. Merchant represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Thomas C. Ball, 3119 Wynford Drive and David J. Nangle, 3115 Wynford Drive.

Mr. Merchant stated that his lot has an irregular shape. The builder was evidently forced to situate the house closer to the north property line and terrace the back because of drainage problems. He explained this drainage problem to the Board. He stated that there is also a storm sewer easement on the south side of the property.

Mr. and Mrs. Nangle's residence is contiguous to the property line in question. They have no objections. They have owned the property for 10 years and this addition is for their family and no for resale purposes.

He submitted architectural plans to the Board showing that the addition would be constructed of brick and aluminum siding compatible with the existing house.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application V-70-75 by Clark E. and Ione L. Merchant under Section 30-6.6 of the Zoning Ordinance to permit construction of a 2 car garage 11.86' from the side property line, 3117 Wynford Drive, 49-3((18))8, 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 21st day of May, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 20,080 sq. ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
(a) exceptional topographic problems of the land,
(b) unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:
1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. 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 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.

11:30 A.M. - LONNIE D. GADDY, JR., V-71-75, request to permit subdivision of lots, 2 lots having less frontage at building setback line than allowed by Ord., (10.02' on Lot 4 and 141.01' on Lot 5; 150' rq.)

Mr. Lane, 8320 Old Court Road, Vienna, Virginia, represented the applicant before the Board.

Notices to property owners were in order. All five property owners who wer notified were contiguous. Two were: Robert C. Breckenridge, 5110 Pumphrey Drive, Fairfax, Virginia, and William C. Towne, 5012 Cockney Court.

Mr. Lane stated that this land is zoned one acre. They plan to subdivide this land into 9 lots. The plats show driveway frontage on the Brantleigh Place cul-de-sac for Lots 4 and 5. A separate 10 foot pipe stem driveway will be provided for Lot 4. The plat in the file has one less lot than the previously submitted plat that was submitted for subdivision because a field inspection showed that they could not have a septic field location on Lot 5. This plan will reduce the amount of earth work required, reduce the amount of clearing required, preserve more tree cover, reduce the amount of storm water contribution to the adjoining downstream properties, and reduce the amount of siltation contribution.

The roadbed elevation in the September submission to subdivision control required a significant cut (approximately 12 feet) at the boundary of Lots 7 & 9. This amount of cut was dictated by state highway slope requirement for cul-de-sacs, roadways and intersections. The proposed variance would result in reducing the amount of cut by 6 feet and also locating the cul-de-sac in the optimum location for the subdivision. The proposed roadbed elevation thus provides improved driveway access to adjacent lots. There are 16 acres that are being subdivided. Therefore, there is well over the average of one acre per lot as required. The shapes of the lots are irregular because of the topography problems.

Mr. Runyon pointed out that this plan for subdivision will require a shorter street and will be less the taxpayers have to maintain.

There was no one to speak in favor or in opposition.

RESOLUTION

In application V-71-75 by Lonnie D. Gaddy, Jr. under Section 30-6.6 of the Zoning Ordinance to permit subdivision of lots, 2 lots having less frontage than allowed by the Ord. at the building setback line, (10.02' on lot 4 and 141.01' on lot 5; 150' required), Colchester Road and Fairfax Station Road, 76-1((1))16, 17, &18, (4.20196 acres), Springfield District, (RE-1), V-71-75, 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 this Board, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st day of May, 1975, and

WHEREAS, the Board 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 16.07679 acres.
4. That lot 4 would have a width of 10.02' which is an entrance to said lot and the request for a variance of 8.99' for Lot 5.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 lots because of the 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 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 5 to 0.

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11:45 - GUARDIAN CONSTRUCTION CO., INC., to permit community recreation area
A.M. S-72-75

Russell Rosenberger, attorney for the applicant, testified before the Board.

Notices to property owners were in order. The contiguous owners were Dudley and Mary Young, 5636 Guinea Road, and Janet Nash, 5016 Twinbrook Road, Fairfax, Virginia.

Mr. Rosenberger submitted a corrected plat to conform with the suggestions of Preliminary Engineering. This plat only deletes the RE-1 zoned land from the application. There are two separate plats for this application. One plat shows the swimming pool facilities and the other plat shows the basketball courts. Both these facilities are for the homeowners of this 274 townhouse project. The total acreage of both parcels is 4.0530 acres. They have provided 26 parking spaces. This pool is almost in the middle of the development with a maximum of no more than six hundred feet between any townhouse unit and the pool itself. This would be a 2 to 3 minute walk.

The bathhouse is 42' x 80'. The pool is 5600 sq. ft. The wading pool is 300 sq. ft.

In answer to Mr. Kelley's question, Mr. Smith confirmed that the property owner contiguous to the basketball courts, Mr. Ralph Peyton, had been notified of this hearing.

Mr. Don Smith who is responsible for the posting of the property testified that the property was posted on the north side of Guinea Road, which is part of parcel 33. The rest of that parcel is across the road and is where the basketball courts will be.

There was no one present to speak in favor or in opposition to the application.

In answer to Mr. Smith's and Mr. Kelley's questions, Mr. Rosenberger stated that they have 32 bike rack spaces shown on the plats. There will be 2 employees, maximum, at any one time. The hours of operation are planned to be from 9:00 a.m. to 9:00 p.m. and will be for the exclusive use of this townhouse subdivision. They do not plan to have swim metes.

Mr. Smith reminded him that they could not hold swim metes because they are not providing enough parking.

Mr. Rosenberger stated that the recreation facilities including the basketball courts were shown at this location at the time the property was rezoned and it was indicated that the property would be used for these purposes.

RESOLUTION

In application S-72-75 by Guardian Construction Co. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit community recreation faciltieis including swimming pool, bath house, etc. on property at intersection of Zion Drive and Guinea Road, 77-2((1))30, 31 & 33, 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 held on the 21st day of May, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RTC-10.
3. That the area of the lot is 4.0530 acres.

AND, WHEREAS, the Board of Zoning Appeals has reached the following 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 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 for such approval. Any changes (other than minor engineering details) without Board 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. Hours of operation, 9:00 a.m. to 9:00 p.m.
7. Membership not to exceed 274 families.
8. Parking for 26 autos shall be provided on the pool site.
9. Bicycle racks shall be provided on both sites.
10. Any after hours parties shall require permission of the Zoning Administrator and shall be limited to 6 per year.
11. Landscaping, fencing, screening and planting shall be as per the requirements of the Department of Environmental Management.
12. All loudspeakers, etc. shall be directed to the site.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

12:00 Noon - ST. LUKE SERBIAN EASTERN ORTHODOX CHURCH OF WASHINGTON, D.C. appl. under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of church, community hall, Sunday school and rectory, 1000 Douglass Drive, 21-4((1))13, (4.92 acres), Dranesville District, (RE-1), S-86-75, OTH

Mr. George Gurick, President of the Board for the Church, spoke on behalf of the Church. He submitted notices which were in order. The contiguous owners were James and Gene Davis and Laura Kincheloe, 6823 Cloister Drive, McLean; Lionel and Margaret Cooke, 6821 Cloisters Drive, McLean; and

Mr. Gerick stated that this proposed church is designed for 125 parishioners. The combination community center/chapel is to be constructed immediately under Phase I of the construction plans. In an estimated two years, it is planned to initiate construction of Phase II which is the separate Chapel building. Approximately two more years later, Phases III and IV are expected to be implemented with the construction of the Sunday School/ Administration Building and the rectory building. Other than allowances for underground utilities, road accessability and approximate location on the site plan, there are no finite dimensions available at this time for the structures in Phases II through IV. However, it is planned to have the Chapel and the Sunday School buildings conform generally with the type and style of architecture of the Phase I building. The rectory is expected to be designed so as to be compatible with nearby residences due to its proposed proximity to the homes in the Cloister development.

He stated that he realized that they have to come back to the Board of Zoning Appeals for approval of the other phases of construction. However, they wanted the Board and the neighbors to know their plans.

Mr. Lightfoot, 1003 Abbey Way, McLean, Virginia, spoke in support of the application. He stated that one-half of his lot is contiguous to the church property. Two of the contiguous property owners have died since notice of this hearing was given, but their widows are still living there. He stated that he and his neighbors meet with the Church representatives regarding the Church's plans. There were about 20 property owners at the meeting. This is an ethnic group and it is likely to remain so, so they do not anticipate large crowds of people. They have no objection to this Church's plans.

The Board discussed with Mr. Gerick the comments from Preliminary Engineering.

Mr. Runyon stated that these are comments on the first submittal of the Site Plan which is usually not submitted until after the Special Use Permit has been granted. This is the reason there are so many comments. The Board usually does not get such an extensive plan. All these items could be handled through the Site Plan Department. He stated that he did not feel the applicant should be held up because of these comments unless Preliminary Engineering feels they would have trouble getting the applicant to agree to these suggestions.

The other Board members felt that the plans should be revised as suggested by Preliminary Engineering before approval.

Vivian Kolias, Building Fund Chairman, for the Church, spoke to the need for approval of this Special Use Permit.

Mr. Kelley moved that this case be deferred for a new site plan showing the items indicated as suggestions by Preliminary Engineering.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

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Page 197, May 21, 1975

DEFERRED CASE:

HOPE BAPTIST CHURCH, S-36-75, V-37-75 (Def. from 4-9-75 for new plats. Complete plans have been submitted and are in the file)

Mr. Kelley questioned whether or not the church would be able to begin construction within the year.

Mrs. Cockrell, representing the church, stated that they hope to be operational within six months in the new building. They do not have the money at this time. However, they did not have the money for these new plans either, but last Sunday night when they told the parishioners about the problem, before the service was over, they had the $300 for the plats. Those plats are now paid for.

Mr. Baker stated that if they wanted to take the chance on financing, the Board should not deny the use because of that.

Mr. Smith stated that there was no overwhelming opposition from the neighborhood. In fact, the neighborhood civic association came out in support of this application. They did request that they start construction as soon as possible.

Mrs. Cockrell stated that if they are not operational within the year, they will sell the property.

RESOLUTION

In application No. S-36-75, application by Hope Baptist Church, under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit use of existing structure for church services and related activities on property located at 1906 Anderson Road, 40-1((16))210, Dranesville 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 this Board on the 9th day of April, 1975 and deferred to May 21, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Trustees of Hope Baptist Church.
2. That the present zoning is R-10.
3. That the area of the lot is 32,890 sq. ft.
4. That compliance with Site Plan Ordinance is required.

AND, WHEREAS, theBoard 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 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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In application No. V-37-75 by Hope Baptist Church under Section 30-6.6.5.4 of the Zoning Ordinance to permit second floor addition to existing structure which is closer to side property line than allowed by the Ord. to remain on property located at 1906 Anderson Road, also known as tax map 40-1((16))210, 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 this Board held on the 9th day of April, 1975 and deferred to May 21, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Trustees of Hope Baptist Church.
2. That the present zoning is R-10.
3. That the area of the lot is 32,890 sq. ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
1. That the Board has found that non-compliance was the result of an error in the location of the building subsequent to the issuance of a building permit, and,
2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:
1. This approval is granted for the location and the specific structure 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 operation 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 permits and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

AFTER AGENDA ITEM: BELLE HAVEN COUNTRY CLUB, S-145-74

At the meeting of April 16, 1975 the Board scheduled this to come back on May 14, 1975 to check on status of violation notice that was up on May 2, 1975. The violation was because the Club was allowing their patrons to use the parking along Fort Hunt Road and they were not using their own parking facilities. Mr. William Hazel, attorney for the applicant, had requested by letter May 14, 1975 that any action be deferred until May 21, 1975 in order for him to be present. The Board deferred action as requested. Mr. Hazel has now addressed a letter to the Board explaining how they plan to solve the parking problems. Preliminary Engineering also submitted a revised site plan showing the addition of the parking lot where two tennis courts had been located.

Mr. Runyon pointed out to the Board that there were a couple of minor changes on the plats: (1) additional parking in place of two of the tennis courts. This parking is closer to the main entrance and perhaps will solve the problem. (2) the small tennis building located next to the tennis courts

Mr. Jack Ash, Zoning Inspector, stated that the same situation exists now as did when he issued the violation notice. There are members of the Club that park on the street while the parking lot remains empty. He stated that he did not believe additional parking on the site would alleviate the problem. The only means of solving theproblem would be to go through the Virginia Department of Highways and have them place "no parking" signs along that road.

Mr. Kelley stated that he felt they were stepping out of bounds. He stated that the Zoning Office nor the Board would not have a chinaman's chance of succeeding in Court on this issue. They are under a Special Use Permit. They have plenty of parking and this is out of the Board's jurisdiction. He stated that he did not believe the Board could tell them where they can and cannot park and he would not support anything of that nature.

Mr. Smith stated that he disagreed with Mr. Kelley in some of his statements. The Board has a legal obligation and right to enforce the Code. The Board does have the authority to tell the applicant that their patrons cannot park off the site of the Special Use Permit and that all parking for the use must be on site. It is a matter of how much time they are going to spend enforcing the Code in this particular instance. He stated that he felt the Zoning Inspector is doing his job, but it will take quite a bit of doing to prove that the Club members are not parking on-site.and they are willfully allowing their members to park off-site.

Mr. Ash stated that the Club has advised him that they have advised their members that they are not to use Fort Hunt Road for parking and are to park on site. Those members are still parking on Fort Hunt Road however.

Mr. Smith stated that it should be made part of the Club's rules that there be no parking along Fort Hunt Road, if they cannot control it otherwise.

Mr. Kelley stated that he felt the Club has done all it can do.

Mr. Runyon stated that he knew the Club is addressing this problem, because he had had some calls on it.

Mr. Runyon moved that the revised plans be approved subject to the Board's knowledge that those items that are changed are
1. additional parking in place of two tennis courts, and
2. the small tennis building located adjoining the other tennis courts.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

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AFTER AGENDA ITEM: MINERVA C. PARSONS, 5907 Westchester Street, Alexandria, Virginia, S-159-74, Special Use Permit for Beauty Shop in Home Granted By BZA on November 6, 1974.

The Zoning Administrator sent a memo to the Board stating that Mrs. Parsons has increased the number of dryers to 4. He asked the Board to interpret the number of dryers a one-chair operation could have.

The Board members discussed this at length and deferred decision until a later date.

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3. AFTER AGENDA ITEM: D. B. JOHNSON (Memo from Harvey Mitchell)
The applicant has requested the Board to make a decision on this case which has been deferred for a considerable length of time for additional information.
The Board set this case to come up as a Deferred Case on the May 28, 1975 Agenda.

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4. QUESTION ON THE RE-EVALUATION HEARING FOR CENTREVILLE HOSPITAL CENTER
Will the Board take testimony from interested citizens. The County Executive's office wants to know.

The Board stated that it would take testimony pertinent to the validity of the Special Use Permit only.

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5. REQUEST FOR OUT OF TURN HEARING -- JOHN M. DERR, III

The request was denied.

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SANDRA WARD --

The Board reviewed the minutes for the hearing of April 23, 1975 and asked the Clerk to strike the sentence of clarification after the motion relating to the new zoning ordinance.

Mr. Barnes moved that this be removed.

Mr. Baker seconded the motion.

The motion passed unanimously.

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The meeting adjourned at 3:40 P.M.

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** Mr. Baker moved that the minutes for March 26, April 9, and April 16, 1975 be approved.

Mr. Kelley seconded the motion.

The motion passed unanimously.

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Jane C. Kelsey
By Jane C. Kelsey, Clerk to the
Board of Zoning Appeals

Minutes submitted to BZA for approval
on May 28, 1975

Daniel Smith
DANIEL SMITH, CHAIRMAN TO THE
BOARD OF ZONING APPEALS

APPROVED June 3, 1975
DATE

201

The Regular Meeting of the Board of Zoning Appeals for Wednesday, May 28, 1975, was held in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes; Joseph Baker and Charles Runyon. Harvey Mitchell and Wallace Covington were present from the Staff.

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

10:00 A.M. - MANSION HOUSE YACHT CLUB, INC., appl. under Section 30-7.2.6.1.6 of the Zoning Ordinance to permit revision and renewal of Special Use Permit #S-8-71 to allow addition of lots 1 & 2 and to permit relocation of club house and service building, on Potomac River off Old Mt. Vernon Road and Robertson Blvd. intersection, (4.3880 acres), Mt. Vernon District, (RE-0.5), S-74-75

MANSION HOUSE CLUB, INC., appl. under Sect. 30-7.2.6.1.1 of the Zoning Ordinance to permit increase in membership to 400, and to permit lights on tennis courts and other minor changes and additional parking spaces, 9423 Old Mt. Vernon Road, 110-4((1))9D, 65.0435 acres), Mt. Vernon Dist., (RE-0.5), S-75-75

MANSION HOUSE CLUB, INC., appl. under Sect. 30-6.6 to permit waiver of normal setback req. for access through prop. belonging to generally same membership as that of prop. which the access road serves, (tennis court fence & lights within 5'; paddle tennis ct. within 30'; parking within 46' of centerline of common access road -- 75' required), Old Mt. Vernon Road & Robertson Blvd., 110-4((1)) 9D, (5.0435 acres), Mt. Vernon Dist., (RE-0.5), V-76-75

Mr. George Arkwright, 9105 Chickawane Court, Alexandria, Virginia, represented the applicants before the Board.

Notices to the property owners on the Yacht Club application were in order. The contiguous owners were Dr. Joseph Coke, 3801 Belle Rive Terrace, Alex., and L. V. Genuario Associates, 2300 Candlewood Drive, Alex., Va. and Dr. & Mrs. E. H. Short, 9319 Old Mt. Vernon Road, Mt. Vernon, Virginia. Mr. Smith limited the testimony to 15 minutes for the applicant and 15 minutes for the opposition.

Mr. Ken Smith representing two of the people who live across the street stated that he would be speaking in opposition and he knew there were other people in the room who were also in opposition.

In answer to Mr. Smith's (Chairman) question, Mr. Arkwright stated that these applications were approved by the membership for the yacht club in May 1974 and for the swim club in November, 1974.

In answer to Mr. Smith's comment that the letters in the file were asking for a deferral on the basis that there had not been adequate approval from the general membership, Mr. Arkwright stated that he believed the problem to be on the swim club and he would agree to a deferral on those two applications. The suggested date was July 22, 1975.

Mr. Ken Smith stated that he would also agree to a deferral with the hope that something could be worked out.

Mary Ann Ennis, 3907 Gibbs Street, stated that she would like a longer deferral time than July 22, 1975. However, Chairman Smith stated that a longer time would not be permissible under the statutes.

Mr. Richard Seesholtz opposed any deferral because he opposes all three applications. He submitted a copy of the Club's advertising brochure to the Board and stated that he felt this was a commercial operation.

Chairman Smith stated that he felt the Board should defer these two swim club cases in order to give the applicant time to work out the problems that have arisen.

The Board and the applicant agreed. The time was set for July 22, 1975, at 10:00 A.M. for S-75-75 and V-76-75. The time allotted was 30 minutes, 15 minutes for each side.

The Board then heard Mansion House Yacht Club, Inc., S-74-75.

Mr. Arkwright submitted a letter from the Corp. of Engineers approving the redesign of the break water. He stated that original site plan approval was given on the old plan, but they ran into difficulties in the river involving this redesign of the break water. They had to go down 40 or 50 feet in order to hit solid ground. Not only did they have to redesign the break water, but they had to put it in toward the shore. They picked up the additional land in lots 1 & 2 and enlarged the inland harbor area. The parking and the building is now moved over.

Mr. Ken Smith stated that he did not wish to speak in opposition to the Yacht Club application.

Mr. Richard Seesholtz, 8900 Old Mt. Vernon Road, spoke in opposition to this application. He spoke to the commercialism of this operation now as opposed to when they first received their original Special Use Permit. He stated that their plans now include a year around operation with a four story club house building that will include a gym. He questioned the number of members that are proposed by this Yacht Club. He also opposed because of the additional traffic this use would create. He stated that if they open their membership up to the metropolitan area, the impact will be considerably more than if they pull their membership from the immediate area as originally planned. He stated that this would also cause an adverse environmental impact on the surrounding area.

Mr. Runyon stated that from looking at the plans, it doesn't look as if they are increasing the number of boat slips. They originally had 150 and they now propose only 150. He stated that he felt the applicants are proposing this additional land because of the soil conditions. They need to locate the building on better soil.

Mr. Arkwright spoke in rebuttal to the application. He stated that there is a copy in the file of a letter from the President of the Mt. Vernon Civic Association approving this application. The proposed building is a small 18'x24' service building. The other building is a future building and they are not seeking approval of that in this application. They need the additional land because of the topography problems.

Mr. Smith confirmed that there is a letter of support in the file from the Mt. Vernon Civic Association. However, this approval does not include the increase in membership.

There were 14 people in the audience who indicated that they supported the application.

There were 3 people who indicated that they opposed this application.

This case was deferred for decision only until July 22, 1975. The vote was 4 to 1 with Mr. Runyon voting No. He stated that this application seemed clear to him. They are only requesting a minor change.

Mr. Smith stated that the notices on the two swim club applications, S-75-75 and V-76-75 were in order.

These two cases were deferred until July 22, 1975 at 10:00 a.m. for a full hearing with 15 minutes for the applicant and 15 minutes for the opposition. The record was kept open for any additional information that might be pertinent to the cases. He stated that the Board would give the applicant and the opposition ample time to present their cases as long as what they presented was pertinent to the cases.

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10:40 A.M. - BURGUNDY FARM COUNTRY DAY SCHOOL, INC., appl. under Section 30-7.2.6.1.3 and 30-7.2.6.1.1 of the Zoning Ordinance to permit rebuilding of barn and swimming pool and to permit operation of a community swimming pool, 3700 Burgundy Road, 82-2((1))5, 6, 8, (23.235 acres), Lee District, (R-10), S-77-75.

Mr. Doug Adams, Maple Street, Annandale, attorney for the applicant, testified before the Board. Notices to the property owners were in order. The contiguous owners were Mr. and Mrs. Leonard Russell, 5618 Norton Road and the Marlos, 5614 Norton Road.

Mr. Adams stated that Burgundy Farm Country Day School, Inc. is a private non-profit school. It has been in operation for about 30 years. It was built prior to the time any of the houses in the area were built. He indicated on the map. One-half of the property is utilized in ball fields, recreation areas, parking and buildings and the remainder is wooded. They have maintained those woods. They propose to replace a barn and pool that has deteriorated. The school has had animals on the property for many years and they need to replace the barn to house these animals. They do not have a riding program at all. These are strictly farm type animals such as pigs, goats, sheep, geese, chickens, etc.

Mr. Adams stated that they have operated a community pool there for many years and the hours of the pool have to relate to the hours of the school which means they they can't operate on the weekends and after 3:00 in the afternoon. They would like to increase their membership from 100 to 125 and have hours from 9:00 a.m. to 9:00 p.m.

He stated that they would like to leave the parking area and the driveway in its present condition which does not conform to the dustless surface requirement of the Ordinance. They feel that this condition does not create an adverse impact on the neighbors since they have 23 acres. They also would like to keep this school in its present farm-like atmosphere.

Mr. Samuel L. Koelkebeck spoke in opposition to the application. He stated that they live on one of the contiguous properties and get the impact of all the traffic coming down Burgundy Farm Road. He stated that there is considerable dust from this private road. There is a lot of noise from the existing facility with all the traffic that comes in and out. He suggested that the Board require the school to use another road and stop using Burgundy Farm Road.

Mr. Adams spoke in rebuttal. He stated that the people who will be members of this pool will come from the surrounding area and some of them are the parents of children in the school. He submitted a letter from Mr. and Mrs. John Millhiser, 5701 Norton Road, in support of the applications. They also stated that the road has caused them no problem in the six years they have lived there and they have enjoyed the country atmosphere of the road. He also submitted a letter from Mr. and Mrs. Donald Stratton, 5700 Norton, Road, in support of the applications also stating that the road has given them no problems.
Mr. Runyon suggested paving of the road to the back of the lots and leave the rest.

Mr. Smith agreed.

In answer to one of the Board members questions, Mr. Adams stated that they have a maximum number of 250 students in the school.

RESOLUTION

In application No. S-77-75 by Burgundy Farms Country Day School, Inc. under Section 30-7.2.6.1.3 and 30-7.2.6.1.1 of the Zoning Ordinance to permit rebuilding of barn and swimming pool and to permit operation of a community pool, 3700 Burgundy Road, 82-2((1))5, 6, & 7, 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 held on the 28th day of May, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 23.235 acres.
4. That compliance with site plan ordinance is required.

AND, WHEREAS, the Board 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 the Board for such approval. Any changes (other than minor engineering details) without Board 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 pool hours are from 9:00 a.m. to 9:00 p.m.
7. Pool membership shall not exceed 125.
8. All other provisions of the existing Special Use Permit shall remain in effect.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

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In application No. V-78-75 by Burgundy Farm Country Day School, Inc. under Section 30-6.6 of the Zoning Ordinance to permit variance to the parking lot surfacing requirement, 3700 Burgundy Road, 82-2((1))5,6,7, 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 held on the 28th day of May, 1975, and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 23.235 acres.
4. That compliance with site plan ordinance is required.

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

That the application 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 in part with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. Paving or surface treatment of the school access road shall be provided to the rear property line of the lots along Burgundy Road.

Page 205, May 28, 1975

FURTHERMORE, the applicant should be aware that granting of this action does not constitute exemption from the 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 5 to 0.

11:00 - MOUNT VERNON PLAZA ASSOC., A LIMITED PARTNERSHIP AND HAMILTON BANK AND TRUST COMPANY, LESSEE, appl. under Section 30-6.6 of the Ord. to permit construction of bank addition closer to front property line than allowed by Ord., (24' from front line, 50' required), 7644 Richmond Highway, 101-2 & 92-4((1))12A, (.20437 acres), Lee District, (CD), V-79-75.

Mr. Doug Adams represented the applicants before the Board.

Notices to property owners were in order. The contiguous owners were Avon Road Corp. Suite 508, 1150 17th Street, N.W., Washington, D. C. and Paul M. Hunt, Jr. and James Kelley, Trustees, 7900 Westpark Drive, McLean, Virginia.

Mr. Adams stated that the Hamilton Bank and Trust Company branch in the Mount Vernon Plaza shopping center has a drive-up facility. However, the unusual circumstances and conditions that prevail create parking and driving confusion and make the existing drive-up facility an inconvenience for customers. The parking is more than adequate. In addition, there is a need to channel and control traffic in front of the bank as to through-traffic and drive-up window traffic.

Mr. Adams stated that to remedy these circumstances and conditions, the Bank would like to build curbing and a canopy which comes nearer the property line of the shopping center than is permitted by the Code, 24' from the property line at Fordson Road. The construction of the canopy would improve the traffic and parking facilities and the appearance of the area. The variance would not create any problems.

Mr. Runyon stated that this would be similiar to a service station canopy which is permitted by right as close as 22' from the property line.

Mr. Adams stated that the narrowing of Fordson Road and the different line of the angling of the building causes them to need this variance. This will not in any way interfere with the flow of traffic within the shopping center.

There was no one to speak in favor or in opposition.

RESOLUTION

In application V-79-75 by Mount Vernon Plaza Assoc., a limited partnership, and Hamilton Bank and Trust Company, Lessee, under Section 30-6.6 of the Zoning Ordinance to permit construction of bank addition closer to front property line than allowed by Ord., 7644 Richmond Highway, 101-2 & 92-4((1)) 12A, Lee District, 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 held on the 28th of May 1975, and

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

1. That the owner of the subject property is Mount Vernon Plaza Associates.
2. That the present zoning is C-D.
3. That the area of the lot is 0.20437 acres.

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

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:
-- exceptionally irregular shape of the front property 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 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 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 5 to 0.

11:30 A.M. - JOHN L. HANSON, JR., TRUSTEE, appl. under Section 30-6.6 of Ord. to permit construction of single family dwelling closer to front lot line than allowed by Ord., (31' from center line; 70' from center line of street required), 2897 Hideaway Road, 48-2((14))A, (20,215 sq.ft.) Providence District, (R-17), V-80-75.
6817 Tennison Drive, McLean, Virginia,

Mr. Hanson represented himself before the Board. Notices to property owners were in order. The contiguous property owners were Michael Barkler, 2873 Hideway Road and Robert J. Schoffer, 2865 Hideaway Road, Fairfax, Virginia.

Mr. Hanson stated that he purchased the property two years ago. The real estate records did not reflect this because he had neglected to have the deed recorded. In answer to Mr. Smith's question, he stated that he felt the reason this lot wasn't developed along with the rest of Hideaway Hills was because the developer ran out of money. He stated that he took this lot as payment for legal fees and did not realize that he had to have a variance on it. He stated that the lot beside this one is not developed. He stated that that access road does provide access to the property in the rear which is occupied by Mr. Schoffer. He stated that the size of the proposed house will be 45' to 50' long. He stated that it would be better for the community if the house sits on the lot like the other houses. The lot will be unusable unless this variance is granted.

Mr. Michael Barker, 2873 Hideway, asked the Board to defer this case because his attorney is away on reserve duty and he would like to be represented by his attorney in opposition to this application. He stated that he was also present at the hearing before this Board when Mr. Thurman from Oxford Properties applied for a variance. That request was denied.

Mr. Pace, 2900 Hideway Road, across the street from the property in question spoke in opposition to the application. He opposed a variance of any kind. He did not want the set pattern under which these one-half acre lots were developed broken. He stated that one example of the problems that arise when one starts breaking down the patterns of a development is now one of the single family dwelling is occupied by two families. That house has two entrances and there are two mailboxs.

Mr. Smith told Mr. Pace to give this information to Mr. Covington and he would check it out to see if it is in violation of the Zoning Ordinance.

Mr. Covington stated that he would be glad to investigate it.

Mr. Robert Schoffer, 2865 Hideaway Road, spoke in opposition. He stated that it is his understanding that this right of way services lots 39 and 40 and was created expressly for this purpose and is not to be used for anything else. He stated that he has no objection as long as that access for that proposed house comes out on Hideaway Road. He requested that the plats reflect this.

Page 207, May 28, 1975

Mr. Hanson spoke in rebuttal to the opposition. He stated that he would stipulate that the house would not be over 50' long and that access would be only from Hideaway Road. He stated that the man next door would like to buy this property for less than market price and he did not think that is sufficient reason to defer this case.

Mr. Kelley stated that if a variance has been turned down before, he would like to check the records on it.

Mr. Smith stated that he felt the man had a legitimate request. In addition, the Board needs new plats reflecting the size of the house and the access to the house.

Mr. Kelley moved that the case be recessed until June 11, 1975 for new plats and to allow Mr. Barker to be represented by his attorney.

Mr. Barnes seconded the motion.

Mr. Kelley stated that he would like to know why the lot was created and why the previous variance request was denied.

Mr. Runyon stated that his firm did the original subdivision and Mr. Hanson had them prepare the plat. Therefore, he would abstain from participation in this hearing, but he would be glad to present all the information he had on this subdivision. He stated that it could be verified with Mr. Michael Koon in the Division of Design Review. He stated that he was familier with the previous variance request and that request was denied. The man who presented the case took about 30 seconds to present it, therefore, he didn't give the Board any reason to grant it. The Board has passed on a lot of other cases with the same type problem, but, he stated that he didn't want to speak to that as that is the applicant's job.

The motion to defer passed 4 to 0. Mr. Runyon abstained.

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11:30 A.M. - MRS. LYNDA K. O'BRYAN, appl. under Sec. 30-7.2.6.1.3 of the Zoning Ordinance to permit change of ownership of preschool, 1351 Scotts Run, 30-1((9))1, (2.2714 acres), Dranesville District, (RE-1), S-81-75.

Mrs. O'Bryan, 1051 Swinks Mill Road, McLean, represented herself before the Board. Notices to property owners were in order. The contiguous property owners were Edward Sabines, 1343 Scotts Run Road and Dr. Arthur Metzger, 1358 Windy Hill Road.

Mrs. O'Bryan stated that this is an established school operated by Mr. and Mrs. Eckles. She stated that he is applying for a change in ownership. The school is called the Peter Piper School. She will retain the name.

Mr. Smith stated that the application should be amended to read: LINDA K. O'BRYAN AND ROY L. O'BRYAN, T/A PETER PIPER SCHOOL.

Mrs. O'Bryan stated that she would operate on the same terms. The Health Department will allow 32 pupils. Mrs. Eckles only had 25 because that is all she wanted to have. However, Mrs. O'Bryan stated that she wished to have 32 children in the morning and 32 in the afternoon, rather than 25.

She stated that there is $2500 in escrow for the widening of that road and they would keep up that escrow fund.

There was no one to speak in favor or in opposition.

RESOLUTION

In application S-81-75 by Roy L. O'Bryan and Lynda K. O'Bryan, T/A Peter Piper School under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit change of ownership of preschool, 1351 Scotts Run Road, 30-1((9))1, Dranesville District, 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 28th day of May, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Howard H. and Willa F. Eckles. The applicants are the contract purchasers.
2. That the present zoning is RE-1.
3. That the area of the lot is 2.2714 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 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. It shall be the duty of the Permittee to apply to the 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 shal 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. All terms and conditions set forth in S-131-74 granted April 9, 1975 to Howard H. and Willa F. Eckles shall remain in effect, except that the maximum number of pupils shall be 32.
THOSE WERE:
-- Ages 3 to 5
-- Hours of operation 9:00 A.M. to 12:00 Noon, five days per week, Monday through Friday, during normal school year. (Mrs. O'Bryan stated that she wanted to operate both in the morning and afternoon as she wants to divide the 4 year old class in the mornings, and part in the afternoon on Monday Wednesday and Fridays. She stated that Mrs. Eckles had done that until this last year.) The Board agreed to that.
-- 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.
-- Minimum number of parking spaces shall be 8 and said parking spaces shall be paved with a dustless surface.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

DEFERRED CASES: MAY 28, 1975

11:40 A.M. - D. B. JOHNSON, V-24-74
The Board again deferred this case until June 3, 1975, to obtain the status of the pending site plan in Mr. Reynold's office and any additional information Mr. Smith stated that the Board would try to make a decision one way or the other at that time.

Mr. Runyon stated that there is a storm drainage easement that runs down through there and a street will probably never be built.
Mr. Covington agreed.

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DEFERRED CASE: ROSS M. FEATHERSTON, V-66-75

The new plats requested by the Board at the previous hearing had been received. The plats showed the septic field on Lot 19A. The Board questioned whether or not he would be able to construct a house on that lot anyway with that septic field taking up so much of the land area.

Mr. Featherston stated that it was his understanding that he had the right to place an easement on the property rather than plat it in the manner presented to the Board. However, if he should place an easement on the property, he would be limited to the building area because he would have to set back 75' from the centerline of that easement.

Mr. Covington stated that this will not eliminate the problem.

Mr. Smith stated that he did not want to grant a variance and create a lot where it will have to come back and ask for another variance.

Mr. Runyon stated that by creating this lot, it brings this under subdivision control. He will have to submit his plat to subdivision for approval. At that time the Health Department will have to pass the application. He stated that this is a very narrow lot.

Mr. Covington as the Board requested at the previous hearing, submitted a report to the Board of the previous variance that had been granted. He stated that there have been five of these lots that have been divided along this street. Two of those lots received variances from this Board.

Mr. Featherston stated that this is a two acre lot. It is one acre zoning. It is a narrow lot.

RESOLUTION

In application V-66-75 by Ross M. Featherston under Section 30-6.6 of the Zoning Ordinance to permit division of property with less frontage at building setback line, 2812 Rugby Road, 45-2((2))19, 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 on May 21, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lots is 1.9263 acres.

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/or buildings involved:
-- 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 specific lots 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 subdivision approval is completed or unless renewed by action of this Board prior to date of expiration.
3. No further variance will be granted on these lots, 19A and 19B.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the 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 1 with Mr. Smith voting No.

Mr. Kelley left the meeting at 1:00 P.M.
AFTER AGENDA ITEMS:
No. 1
VEPCO TYSONS SUBSTATION, SPECIAL USE PERMIT NO. 25485

The Site Plan Department requested the Board to determine whether or not VEPCO could make a couple of minor changes on the plats that had been submitted with the original application. They had added several capacity banks within the same area of the existing facilities.

It was the decision of the Board to allow this substitution of plats that indicates these additional capacity banks. This was a Revised Site Plan No. 615-A and was stamped into Design Review on May 7th, 1975, signed by D. L. Jones, professional engineer on May 6, 1975.

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No. 2 - MARY ALVIS HARLOW, V-48-75. The Site Plan Department requested Board approval on the plats on this case. There was a slight change in the configuration of the building. This change did not affect the variance that the Board had granted, however.

It was the Board's decision that these additional plats be approved and placed in the file.

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No. 3 - SLEEPY HOLLOW MANOR NURSING HOME --

The Board was in receipt of correspondence and plat from Paul F. Salditt, AIA, stating that the "Rules and Regulations for the Licensure of Convalescent and Nursing Homes in Virginia" requires a secondary power source for the heating system in patient rooms as well as for emergency lighting. This is retroactive for all existing nursing homes requiring annual licensure. He submitted the drawing of the location of the generator.

It was the Board's decision to allow this generator to be placed at the location on the plats, subject to screening and buffering devices. The screening is to be approved by the Director of Design Review.
This motion was made by Mr. Runyon, seconded by Mr. Baker and passed 4 to 0. Mr. Kelley had left the meeting earlier.

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No. 4 - COMMUNITY COVENANT CHURCH OF SPRINGFIELD, S-49-74; Granted June 19, 1974.

Mr. Smith read a letter from the church explaining that they had not been able to begin construction because of finances. They requested an extension.

Mr. Baker moved that they be granted an extension of 180 days from June 19, 1974.

Mr. Runyon seconded the motion. The motion passed 4 to 0. Mr. Kelley had left the meeting earlier.

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No. 5 - SANDRA WARD, REQUEST FOR REHEARING, S-35-75, Granted in part on April 23, 1975 (Amendment to original SUP)

Mr. Smith read a letter from Robert Lawrence, attorney with the firm of Hazel, Beckhorn and Hanes, requesting the rehearing of this case because in the granting in part of this amendment to the original Special Use Permit, the Board made changes in the original permit that the applicant was not prepared to speak to. She was not aware that other matters other than her request for the amendment would be considered and was not prepared to present testimony and demonstrative evidence supporting her position on these additions and changes that the Board made to her existing Special Use Permit. Those being: (1) The maximum number of horses permitted on Parcel 15C and Parcel 6 which is adjacent thereto. (2) The scheduling of horse shows. (3) The lighting of riding areas. (4) The maximum number of students permitted. (5) The maximum number of students allowed in classes at any given time.

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213

An Extra Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Tuesday, June 3, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Joseph Baker and Charles Runyon. Mr. Harvey Mitchell and Wallace Covington were present from the Staff. Mr. George Barnes was absent.

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

10:00 - MRS. HAROLD L. BARR, JR., appl. under Section 30-7.2.8.1.1 of the Zoning Ordinance to permit kennel for 100 dogs and 100 cats, 7121 Bull Run Post Office Road, 64((1))60, (28.403 acres), Centreville District, (RE-1), S-82-75.

Mr. Frank Carter, attorney for the applicant, stated that he had not received notice of the hearing in time to notify property owners as required. Therefore, he requested that this case be deferred until June 25, 1975 to give him an opportunity to notify the property owners surrounding this property.

The Board deferred the case until June 25, 1975, at 11:50 a.m.

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10:20 - ANNANDALE SPRINGFIELD COUNTRY DAY SCHOOL, INC., appl. under Section 30-7.2.6.1.3.2 and 30-7.2.6.1.3 of the Zoning Ord. to permit operation of private school of general education and day care center, to put Special Use Permit in corporate name, to increase number of children to 125 and to increase age range to 2 to 12 years, 7152 Woodland Drive, 71-3((7))24A & 25A, Leewood Subd., (80,000 sq. ft.), Annandale District, (RE-0.5), S-83-75.

Mr. Dexter Odin, attorney for the applicant, 4031 University Drive, Fairfax, represented the applicant. He submitted notices to property owners which were in order. The contiguous owners were William Bachman, 7125 Braddock Road and Billy Granberry, 7148 Woodland Drive.

Mr. Odin stated that even though they are requesting a change in the owner of this school to a corporation, the former owners own the corporation. Mrs. Eleanor Roach functions as President and General Manager of the School. She is limited now to 81 pupils and they would like to have 125. This school has been operated as a school of general education, but they also care for children after school until their parents can pick them up. The age range now is from 5 to 13. They wish to change that to 2 to 12. There is no change in hours anticipated or requested.

Mr. Odin stated that the main question before the Board is whether this increase in enrollment will have a detrimental impact on the adjacent properties. It is true, he stated, that this increase will have an impact on traffic conditions, but it will not be as great as might be first imagined. Each day, they have an average of 10 percent absenteeism, therefore, 8 people are not there. 22 parents have 2 children each in the school. This reduces by 30 the number of trips per day made to and from the school. There will be 48 total trips per day rather than 80. This particular school is located on Woodland Drive which is designated as a collector street and according to the Ordinance could take a much larger school. It is located not far from Braddock Road, therefore, the impact on the surrounding community is not great. As far as the impact of noise from these children, the property has a berm surrounding it. In other words, the land is located in a hollow and there is foliage there also. To their knowledge, there has never been any complaints about the children at play. There is in the file a letter of support from the contiguous property owner. There is also a letter of support from the Department of Welfare and Institutions. They did a traffic count to check the number of parents that use Larrlyn Drive in the presence of the neighbor who lives at the intersection of Woodland and Larrlyn. This count shows that only 4 parents used Larrlyn during the period of the count. Mrs. Roach has made every effort to prevent parents from using this street. He compared this school and its size to many public schools which are located in the midst of subdivisions as it relates to traffic. 40% of the younsters are children whose parents are school teachers in Fairfax County public schools.
Mr. Smith stated that there are numerous letters in the file in support of this application. Many of these letters are from parents of children in this school.

Mr. Odin stated in answer to Mr. Smith's question, that all the pupils reside in Fairfax County in the subdivisions around Springfield and Annandale. The furtherest pupil lives in McLean, but the mother works in Springfield.

Mr. David Williams, Chairman, Education Committee, North Springfield Civic Association, presented a statement to the Board concerning the traffic flow on the two streets and recommended that Mrs. Roach urge patrons to use the Braddock Road entrance to Woodland Drive in accordance with a previous verbal agreement. They also recommended that the BZA set a final limitation on student enrollment at 125 to avoid continued annual requests to expand enrollment. They urged that Mrs. Roach discuss with representatives of the North Springfield Civic Association in advance any future improvement or alteration of the present physical facilities.

He stated that the statement was adopted by the Executive Board only, not the general membership.

Mr. Dando, 7018 Larrlyn Drive, representing the immediate neighbors, Trosts, Gordons, Schnes, Worshans, and Mericas, spoke in opposition to the increase in the number of pupils because of the traffic problems that they have along these streets of Woodland and Larrlyn and at the intersection of these streets with Braddock Road.

Mr. Bernard Malady, 7209 Braddock Road, stated that originally he had opposed this use. At the last hearing, he supported it and the North Springfield Civic Association pulled out all stops to oppose it. Since that time there has been a zoning case pending for this area that the Civic Association opposed. Mrs. Roach pulled out all involvment in that case. In return, the Civic Association is not objecting to her application. He stated that he did not object to this application, but all the factors are the same now as it was at the previous application that would cause the Civic Association to oppose it. He did suggest that provision be made for a traffic light at Woodland Drive and Braddock Road.

Mr. Smith explained that this was not within the jurisdiction of this Board.

Mr. Odin spoke in rebuttal stating that there are about four people who live on Larrlyn Drive who state in letters that are in the file that they have no difficulty with the traffic created by this school. The majority of the parents carpool. If Mrs. Roach subdivided this property with a pipestem arrangement, there would be more traffic using Larrlyn than there is now. There was a time when Mrs. Roach had 125 pupils per day. That number was approved by the Health Department. The Department of Welfare is saying they need this facility. This is a special school and far exceeds any standards that have been imposed by the Health Department.

The file contained two letters from the Health Department which conflicted with each other as to the number of pupils that would be permitted. The Board members felt that the case should be deferred until this is clarified. Mr. Runyon moved that this case be deferred until June 11, 1975 for decision only for the additional information from the Health Department clarifying the number of pupils that would be permitted in the school.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.
(This hearing ended at 11:35.
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10:40 - GUNSTON BAPTIST CHURCH, S-84-75 for temporary trailer to be used for church activities.

Harold Kine represented the applicant. He submitted notices which were in order. Two contiguous property owners were Aubry Vaughan, 10219 Belmont Blvd, Lorton and William Turner, 10220 Gunston Road.

Mr. Kine stated that two years ago, they applied for a Special Use Permit for a new educational building, but they ran into financial problems and were not able to begin construction. They would like to use this trailer temporarily until they can build their new building. They will not be in that new building for three to five years. The proposed trailer is 8' by 40. It is a converted house trailer with aluminum siding. It is on loan from the Mt. Vernon Baptist Association and was used at the Westwood Church in Springfield.

There was no one to speak in favor or in opposition.

Page 215, June 3, 1975

RESOLUTION

In application No. S-84-75 by Gunston Baptist Church under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit temporary trailer to be used for church activities, 10226 Gunston Road, 114((1))17, Springfield District, 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,

WHEREAS, following proper notice to the public 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 3rd day of June, 1975.

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

1. That the owner of the subject property is Trs. of Gunston Baptist Church.
2. That the present zoning is RE-2.
3. That the area of the lot is 1.996 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 is now operating pursuant to SUP #S-121-73 granted July 18, 1973.

AND, WHEREAS, the Board 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. This permit is granted for a period of 5 years.

Mr. Baker seconded the motion.

The motion passed 4 to 0.

11:00 - SPRINGFIELD BRANCH, REORGANIZED CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINTS, appl. under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit addition to existing church, 5610 Inverchapel Road, 79-2 ((3))(3)C, Ravensworth Subd., (2.55 acres), Annandale District, (R-12.5), S-85-75

Notices to property owners were in order. The contiguous owners were Laura Sprague, 5618 Inverchapel Road and Joseph Wise, 5606 Inverchapel Road, Springfield, Virginia.

Mr. Boyd Booth represented the applicant before the Board. He stated that this addition will be used as the principal sanctuary for public worship services and for social activities of the congregation. The congregation numbers about 225, a Branch President (pastor), 2 councilors, secretary, treasurer, a suitable number of church school teachers. The addition will be harmonious in architecture with the existing brick structure. They have space for 80 parking spaces at present.

There was no one present to speak in favor or in opposition.

RESOLUTION

In application No. S-85-75 by Springfield Branch, Reorganized Church of the Latter Day Saints under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit addition to existing church, 5610 Inverchapel Road, 79-2((3))(3)C, 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 held on the 3rd day of June, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Trs. of the applicant church.
2. That the present zoning is R-12.5.
3. That the area of the lot is 2.55 acres.

AND, WHEREAS, the Board 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. The 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 (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 4 to 0. Mr. Barnes was absent.

11:20 - BONARA W. OVERSTREET, appl. under Section 30-6.6 of the Zoning Ord. to permit single family dwelling to be constructed closer to front prop. line than allowed by Ord., (30' from front; 45' required) 3405 Fiddlers Green, 61-1((11))649, Barcroft Lake Shores Subd., Sect. 7, (15,246 sq. ft.), Mason District, (R-17), V-90-75.

Mrs. Irene Glass, 6618 Dearborn Drive, Falls Church, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Channing Cox, 6330 Waterway Drive and the Grahams, Waterway Drive.

Mrs. Glass stated in answer to Mr. Smith's question, that the applicant had owned the property since 1954. She lives next door on Lot 648. She would like to sell the subject lot to them so they can live there. The lot has been in existence since 1951. They have applied for two reasons. (1) The lot has an odd shape. It is like a piece of pie across the front and it

doesn't make a right angle because the curve flattens out. The topography doesn't warrant putting the house back that far. The lot is high off the street. She submitted photographs of the property to the Board.

In answer to Mr. Kelley's question, she stated that they have had a contract to purchase since 1973 when they applied for a building permit.

Mr. Runyon stated that his firm prepared the plats and he thought she had a plat showing the topography.

Mrs. Glass presented a new plat to the Board showing a different configuration for the house and showing the topography.

Mr. Runyon stated that his firm felt that she should move the house forward toward the front of the lot because of the topography. It is a problem that will have to addressed no matter who tries to build on the lot. He stated that Mrs. Glass is a friend and he knows that this house is for her family to live in and not for resale purposes. He stated that he would abstain from voting on this case but would answer any questions the Board might have. Mr. Kelley stated that he questions this application since the application was for Mrs. Overstreet and Mrs. Glass actually is going to build the house.

Mr. Smith stated that he didn't want to get into that. No matter who owns the property, the application is by the owner and real estate assessments has verified this. He asked if this is a minimum request or could they cut the size of the house.

Mr. Mitchell stated that all appearances of the application indicated that it was an application by Mrs. Overstreet and this lady is acting as her agent.

Mr. Runyon explained that this lot is higher than the street and if they put a two story house on this lot, it will stick up in the air 40'. They picked a rambler because it best suits the lot. That is why the lot has remained vacant for so long. It is a problem lot because it is odd shaped and has a topography problem also. This is not an outlot.

There was no one to speak in favor of the application.

Mr. Rennenkampf, 3404 Fiddlers Green, spoke in opposition to the application. He questioned the statement that was made that there was a 10' dropoff.

Mr. Runyon stated that actually it is more than 10'. Where the drop occurs is along the sideline where Mrs. Overstreet's lot in development comes up against this side line. He showed the Board on the plats.

Mr. Smith stated that perhaps the Board should take a look at this property.

Mr. Rennenkampf stated that he did not want to raise an objection provided he could have some reasonable assurances that any alternative would be less desirable. He stated that he, of course, didn't know what other solution was sought and if this is the only way out.

Mr. Kelley felt that the house could be turned in order to achieve a minimum variance.

Mr. Runyon stated that the more distance they could keep from that property line, the better. He stated that he showed 30' from the front property line as being the minimum because that is what the cluster development of the property would allow. This would be a minimum request to afford the maximum relief on the impact on Lot 651. There are other houses in this subdivision that have variances because of the steep topography in that subdivision.

Mr. Smith stated that the applicant's house should be built closer to the present house of the applicant on Lot 648 and move it away from Lots 650 and 651.

Mr. Kelley moved that this case be deferred to give the applicant a chance to work something out on relocating the proposed house and to give the Board a chance to view it.

Mr. Baker seconded the motion. The motion passed 3 to 0. Mr. Runyon abstained. The case was set for June 18, 1975, Wednesday for decision only. Mr. Barnes was absent.

11:40 - RHOA DAY CAMP, appl. under Section 30-7.2.6.1.3 of the Zoning Ord. to permit day camp for 60 children, 9 A.M. to 3:30 P.M. weekdays, June 23 to August 22, 11300 Baron Cameron Avenue, 17-2((1))3, (part of 1200 acre parcel), Centreville District, (RE-2), S-93-75.

Mr. Harvey Hoffman, 1930 Isaac Newton Square, Reston, Virginia, with the Reston Homeowners Association represented the applicant.

Notices to property owners were in order. The contiguous owners were Crippens, 11000 Baron Cameron Avenue and Cricher, 115 Monroe Street, Herndon, Virginia.

Mr. Hoffman stated that they plan to have a maximum of 60 children at any one time. This has been approved by the Health Department providing they do not operate the camp at the same time as the Community Pre-School which presently occupies the building. They plan to operate only in the summer when the Community Pre-School does not operate.

Mr. Smith suggested the application be amended to read: Reston Homeowner's Association, trading as, RHOA DAY CAMP,

There were several letters in the file in support of the application, two of which were from the contiguous property owners. Mrs. Martha Pennino, Supervisor, Centreville District, also wrote a letter in support of the application.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application S-93-75 by Reston Homeowners Association, T/A RHOA DAY CAMP under Section 30-7.2.6.1.3 of the Zoning Ord. to permit a summer day camp for 60 children, 11300 Baron Cameron Avenue, 17-2((1))3, 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 this Board held on June 3, 1975.

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

1. That the owner of the property is John Hancock Mutual Life Ins. Co.
2. That the present zoning is RE-2.
3. That the area of the lot is the area immediately around Browns Chapel.

AND, WHEREAS, the Board 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
3. This approval is granted for the building 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 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 not exceed 60, ages 5-12 years.
7. The hours of operation are 7:30 a.m. to 5:30 p.m., Monday through Friday from June through August.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

DEFERRED CASE: June 3, 1975

ROBERT W. GREEN, V-65-75 (Def. from May 21, 1975 for decision only and to allow appl. to be present to justify his request under the Ord. & viewing) The contractor was present. The applicant was not.

Mr. Kelley stated that he had viewed the property and could not see the hardship involved under the Zoning Ordinance.

Mr. Smith stated that this application request has not been justified.

Mr. Lucci, the contractor, stated that the hardship is the need for the carport.

Mr. Smith stated that that cannot be considered under the Ordinance.

RESOLUTION

In application V-65-75 by Robert W. Green under Section 30-6.6 of the Zoning Ordinance to permit enlarging carport closer to side property line than allowed by the Zoning Ordinance, 4206 Adrienne Drive, Sulgrave Manor Subd., 110-1((11))26, 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 held on the 21st day of May, 1975 and deferred to June 3, 1975, and

WHEREAS, the Board 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 22,124 sq. ft.
4. That the request is for a variance 5.7' to the requirement of 15'.

AND, WHEREAS, the Board 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 4 to 0. Mr. Barnes was absent.

DEFERRED CASE: June 3, 1975
D. B. JOHNSON, V-24-74, Deferred from 4-24-74, 5-8-74, 6-19-74 and again 6-28-74, for additional information.

220

RESOLUTION

In application No. V-24-74 by D. B. Johnson under Section 30-6.6of the Zoning Ordinance to permit building to be erected closer to front property line than allowed by Ordinance, 2800 Juniper Street, 49-1((1))29, Providence 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 held on the 24th day of April, 1974 and deferred to subsequent dates and a decision made this 3rd day of June, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is I-L.
3. That the area of the lot is 0.476 acres.

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/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.

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 or non-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.

DEFERRED CASE: June 3, 1975
JANE C. BURSENOS, V-183-74; Deferred January 15, 1975 to allow applicant to bring about compliance with the Zoning Ordinance.

The Zoning Inspector sent a note to the Board stating that the fence is in compliance as of 5-27-75.

The Board dismissed this case with prejudice.

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The Board again discussed the definition of "one-chair beauty shop" and the number of dryers that should be allowed under that use.

Mr. Smith suggested that the Board instead of saying how many dryers would be allowed should say how many people would be allowed on the premises at any one time.

The Board did not reach a decision and deferred this problem again for further thought and study.

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Mr. Baker moved that the minutes of May 21, 1975 be approved. Mr. Kelley

seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

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The meeting adjourned at 1:10 P.M.

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By Jane C. Kelsey, Clerk to the
Board of Zoning Appeals

Submitted to the Board on June 16, 1975

DANIEL SMITH, CHAIRMAN
Board of Zoning Appeals

APPROVED June 18, 1975
DATE

At a Regular Meeting of the Board of Zoning Appeals Held in the Board Room of the Massey Building on Wednesday, June 11, 1975, all members were present. Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Joseph Baker; George Barnes; and Charles Runyon. Mr. Wallace Covington and Mr. Harvey Mitchell were present from the Staff.

Mr. Barnes opened the meeting with a prayer.

10:00 - CHARLES W. & JOAN N. SANDERS, appl. under Section 30-6.6 of the Zoning Ord., V-87-75

Mr. Sanders testified before the Board. Notices to property owners were submitted and were in order. The contiguous owners were Robert Wilcox, Lot 19A, 3605 Landon Court, Fairfax and Emery Donelson, 9116 Southwick Street, Fairfax, Virginia.

Mr. Sanders gave the reasons why he needed the carport. However, the Chairman told him that these were not proper justifications under the Ordinance.

It was determined that the applicant did have a hardship under the Ordinance. The location of the existing house prohibited him from making any additions at any other location on his property. It is a corner lot with setbacks of 30' from both streets.

There was no one to speak in favor or in opposition to the application.

Mr. Sanders presented letters from the property owners stating that they have no objection to his request.

RESOLUTION

In application No. V-87-75 by Charles W. and Joan N. Sanders under Section 30-6.6 of the Zoning Ordinance to permit construction of addition closer to side property line than allowed by Ordinance (14.6' from line; 20' required), 9120 Southwick Street, 58-2((12))20A, 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 held on the 11th day of June, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 20,998 sq. ft.
4. That the request is for a variance of 5.4 feet to the requirement.

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/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 indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. The architecture and materials to be used in proposed addition shall be compatible with existing dwelling.

FURTHERMORE, the applicant should be aware that this granting does not constitute exemption from the various requirements of this county. He shall be responsible for fulfilling his obligation to obtain building permits and the like through the established procedures.

Mr. Runyon seconded the motion. The motion passed 5 to 0.

Page 223, June 11, 1975

10:15 - FRANCIS E. & BRIDGET H. VISCOUNT, V-88-75, request to permit construction of addition closer to side property line than allowed by Ord.

Mr. Viscount testified before the Board. He submitted notices which were in order. Mrs. Viscount certified that she had obtained the signatures. The contiguous property owners were L. R. Huber, 1017 Fowler Street and Charles McIntosh, 1015 Fowler Street. They had 5 contiguous property owners and all of them that had signed the notices had stated that they had no objection to this application.

Mr. Viscount's justification was quite lengthy and his statement can be found in the file. HIs house was built around 1894. A small addition was made in 1954 and another addition was made in 1940. The house is on a moderately steep lot. Because of the subdivision of the property since 1894, the house has become located in a corner of the lot and there does not remain sufficient land to build unless a variance is granted. The slope of the lot and the existing construction and design of the house make building an addition practical only on the southwest side of the house.

He stated that the architectural detail will be similar to the existing house.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application No. V-88-75 by Francis E. & Bridget H. Viscount under Section 30-6.6 of the Zoning Ordinance to permit addition closer to side line than allowed by theZoning Ordinance (6.5' in lieu of required 10') 7135 Ellison Street, 40-3((14))2, Providence 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 held on June 11, 1975, and

WHEREAS, the Board 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-10.
3. That the area of the lot is 13,932 sq. ft.

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/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 architectural detail shall conform to that of the existing structure.

FURTHERMORE, the applicant should be aware that this granting 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.

10:30 - WILLIAM J. & NATALIE A. KECK, appl. under Sect. 30-6.6 to permit enclosure of carport to garage closer to side prop. line than allowed by Ord., V-89-75

Mr. KEck submitted notices to the Board which were in order. The contiguous owners were Mr. and Mrs. William Austin, 1920 Miracle Lane, Falls Church and Rance Hornsby, 1912 Miracle Lane, Falls Church, Virginia.

Mr. Keck stated that he has a steep driveway which rises 15 to 20 percent in its 45' length. As a result it is unsafe to park on that driveway. The existing carport is only 12.2' and he wants to add to that carport and make it into a full sized garage that will be usable. The house is approximately 2 years old. The other houses in the area are not similar. This is the only house on Miracle Lane with a carport. All the other houses have two car garages. This lot probably is narrower than the other lots. A lot of the other houses have the garages underneath in the basement area.

There was a letter in the file in support of the application from a contiguous neighbor, Mr. William L. Austin.

Mr. Smith stated that it meets the minimum requirement of 8' on both sides.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application No. V-89-75 by William J. and Natalie A. Keck under Section 30-6.6 of the Zoning Ord. to permit enclosure of carport to garage closer to side property line than allowed by Ord. (9.1' and total of 19'; 8' and total of 24' required), 1918 Miracle Lane, 40-1((9))34, Dranesville District, Southampton Forest Subd., 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 held on June 11, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owners of the property are the applicants.
2. That the present zoning is R-17Cluster.
3. That the area of the lot is 11,600 sq. ft.
4. That the request is for a minimum variance.

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

The motion passed 5 to 0.

Page 225, June 11, 1975
Began at 10:50 A.M.
10:40 - PET-A-PET FARMS PARK, INC. appl. under Section 30-7.2.8.1.4 of Ord. to permit a petting zoo, picnic area, parking and related facilities, east side of Hunter Mill Road, approx. 1200' south of Baron Cameron Ave., 18-1((1))4, (11.86 acres), Centreville District, (RE-1), S-91-75

Marc E. Bettius, attorney for the applicant, 9401 Lee Highway, Fairfax, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Dorothea L. Torreyson, 1306 Hunter Mill Road, Vienna and Irving Adler, Trustee, 4101 Cathedral Avenue, N.W., Washington, D. C.

Mr. Smith stated that since there were numerous people in the Board room to speak on this case, he would limit the applicant and those in support to 25 minutes with 5 minutes for the applicant to rebut any opposition and 30 minutes to the opposition.

Mr. Mack S. Crippen, Jr. formed this corporation for this endeavor because of his interest in animals. He is also interested in children and the natural desire of children to be around animals. He is interested in wholesome recreation for both children and adults. He started Lake Fairfax that is now owned and operated by the Fairfax County Park Authority.

Mr. Bettius's statement in the file indicated that this "petting zoo" will include both the indoor and outdoor display of animals. Additionally, a picnic area is planned for the rear portion of the property. They will provide toilet facilities for this picnic area since it is removed from the main area. The hours of operation will be 7:00 a.m. through 9:00 p.m., seven days a week, twelve months a year. Mr. Bettius later stated to the Board that they might not be able to operate every day because of the limitation placed on them by the Health Department. The Health Department in their report stated that they could have 50 visitors a day and two full time employees because of the sewage disposal system. They do hope to put in another sewage disposal system and as a rough estimate hope that they could then have 400 visitors per day. He stated that he understood that they would have to come back to the Board for this additional number if the Board can only approve 50 now.

Mr. Bettius stated that the method of disposal of the waste would be to spread it over the other acreage that Mr. Crippen now has his animals on. This will fertilize the crops that will provide the feed for the animals. They plan to employ about 12 to 15 children to work in this "zoo". He stated that they do not plan to advertise this facility on the radio or t.v. Therefore, they do not expect a problem with the parking that they plan to provide for 40 cars.

Mr. Bettius had the two veterinarians there to speak to the Board about the care that Mr. Crippen gives his animals. However, the Chairman stated that that testimony would not be necessary. The Board has to consider the impact of the total use on the surrounding area and consider the application according the standards for Special Use Permits uses in R Districts.

Mr. Bettius stated that the people who live adjacent to this property have no opposition to this application. He submitted photographs of the animals. The largest landowner in the area is Mr. Crippen. He owns 600 acres. He stated that Mr. Crippen plans no new construction for this facility.

There were 16 people present in the Board Room who indicated that they supported this application.

Lisa Bettius, daughter of Marc Bettius, spoke in support of the animals being on display at this location. She stated that all the animals are well kept and well fed and it is very educational for children to be able to have close contact with these animals.

Joyce Bowen, President of the Reston Community Association, and neighbor living within a stone's throw of the subject property, spoke in support of this application both for the Association and for herself.

Eric Shultz, 1518 Eric Court, Reston, a youngster who works at this property, spoke about how children could learn from these animals.

Mr. Bettius stated that they could and would comply with the recommendations of the Staff, Health Department, Animal Warden and Federal authorities.

Pat Weisel, President of the Great Falls Citizens' Association, spoke in opposition to this application. She stated that there is already a sufficient amount of commercial zoning in this corridor and this will set a precedent for more commercial ventures.

Mr. Kunkle, property owner one-fourth mile from the edge of the subject property, spoke in opposition. His reasons were mainly that he felt this would be similar to a camel's nose being stuck in an Arab's tent. Pretty soon the Arab would be out and the camel in. He didn't want to see this commercial venture brought into this residential area. He stated that the traffic along this road is dangerous. It is dangerous to make a left hand turn onto Baron Cameron Road. This establishment will generate much more traffic than is there already and it is already bad. He stated that the refuse from all these animals would bring about an unsanitary condition. He stated that the way Mr. Crippen cleaned out his new barn with a fire hose which washed down into a pond was very unhealthy and unsanitary because it caused a lot of flies. It also was very smelly even for him one-fourth mile away.

Mr. Barnes stated that he felt the Health Department would be the one to control the disposal of the waste from the animals.

Mrs. Wolf, 1453 Hunter Mill Road, from the Crowell's Corner Community Association consisting of 50 families, spoke in opposition because of the increase in traffic and she felt this would pave the way for future commercial development.

Mrs. Carver, Co-Chairman of the Upper Potomac Area 3 PLUS Task Force, spoke in opposition. She stated that this use would be in violation to the AREA 3 Plan that has been passed by the Fairfax County Planning Commission and a motion of intent to adopt passed by the Board of Supervisors in its markup session. She also spoke of the danger of having wild animals on the property.

Mr. Runyon asked her where she felt a facility such as this should go.

She suggested that it should go in the Pohick area of Area 3 where there is a lot of undeveloped land.

Mr. Runyon stated that he did not see where the impact of 50 visitors per day would be. He stated that he was at a loss to see the commercial nature of this. Lake Fairfax has a much greater impact than this would. This is an allowed use in a residential area. This Board has to see if it meets the standards for Special Use Permit uses in R Districts. If it does, it is permitted. He stated that the impact for this use which requires a Special Use Permit is not as great as 'The Green Scene', a plant nursery which is down the road. That is allowed by right. Mr. Crippen could open up one of those tomorrow.

Mrs. R. A. Bradaman, 8805 Edward Gibbs Road, Deputy Director of the Animal Board, spoke in opposition to this type operation which she stated causes the proliferring of these type animals which could be dangerous to humans.

Mr. Bettius spoke in rebuttal to the opposition. He stated that the waste from the animals for this use would only be 1 percent of that of the diary barn operation that Mr. Crippen had there at one time. They do not plan to have a pet shop where they sell animals. That has been deleted from the application.

Mr. Smith stated that it hasn't been deleted from the plats before the Board. Mr. Bettius marked out those two words on the plats before the Board. Mr. Smith stated that the Board would have to have new plats before making a decision.

Mr. Bettius submitted a list of the animals that they now have to He... stated that they do have two lion cubs on the property at the present time and will have them until November. They are on loan from the Lincoln Park Zoo. Mr. Smith stated that the lion cubs would not be allowed. He asked that they be deleted from the list.
The list stated: 26 goats (14 babies), 3 baby pigs, 16 sheep (11 babies) 95 ducks (40 babies), 75 chickens (50 chicks), 40 rabbits, 20 guinea birds, 5 peacocks, 3 ponies (1 mare and 1 foal), 2 sicilian donkies, 1 mule, 10 llamas (3 babies), for a total of 250 domestic animals. They have 23 wild animals: 1 gibbon, 1 C. monkey, 14 wallabies, 4 Rhea, 3 Emu.

In answer to Mr. Smith's question, he stated that the ultimate size of this facility would be determined by the confines of what they can do with the

septic field. They could expand the parking lot.

Mr. Runyon moved that this case be deferred until next Wednesday, June 18, 1975 for decision only and for a copy of the lease, new plats, and for the Board members to analysize what has been said.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

Mr. Runyon stated that from the opposition's standpoint, they could submit any additional written information that they might have speaking more to the facts that the Chairman read earlier regarding the standards for Special Use Permit uses in R Districts. If those were in by Monday, the Board members would have time to digest them by Wednesday.

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11:00 - ROLAND P. & PAULINE GALLEY, appl. under Section 30-6.6 to permit addition closer to front property line, V-92-75

Mrs. Galley presented notices to the Board which were in order. The contiguous property owners were Mrs. Rene Thirion, 6422 Waterway Drive, Falls Church and Connie E. Smith, 3504 Farm Hill Drive, Falls Church, Virginia 22044.

Mrs. Galley's justification was that their lot is on a corner and is an irregular shape. The depth of the rear is very narrow and also steep. In addition, by putting the addition to the house on the side proposed, they can follow the architectural design of the existing house.

There was no one present to speak in favor or in opposition.

RESOLUTION

In application V-92-75 by Roland P. and Pauline Galley under Section 30-6.6 of the Zoning Ordinance to permit addition to be constructed closer to front property line allowed by Ordinance (45.7' from front line; 50' required), 6420 Waterway Drive, 61-1((11))421, 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 held June 11, 1975, and

WHEREAS, the Board 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 26,897 sq. ft.
4. That the request is a minimum variance.

AND, WHEREAS, the Board has reached the following conclusions of law:
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,
(b) exceptional topographic problems of the land.

NOW, THEREFORE, BE IT RESOLVED that the application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats 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 shall be compatible with existing dwelling.

FURTHERMORE, the applicant should be aware that this granting does not constitute exemption from the requirements of this county. He shall be responsible for fulfilling his obligation to obtain building permits and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

11:15 - BEACON DAY CARE, INC., appl. under Section 30-7.2.6.1.3 of Ord. to permit day care center for 50 children, 7 a.m. to 6 p.m., weekdays, ages 2-5 years, 6511 Richmond Hwy., 93-1((1))27, (2.565 acres), Mt. Vernon District, (R-10), S-94-75.

Mary Oldman, Director of the School, submitted notices which were in order. The contiguous property owners were the Sheltons, 6508 Hillside Lane and Penn Daw Garden Apartments, 1424 Laburnan Street, McLean, Virginia.

Mrs. Oldman stated that this facility would be on the second floor of the Groveton Baptist Church. She will be assisted by Mrs. Scott who is presently working in a well established nursery school with four year olds. They will not provide bus service. The facility will serve the Beacon Hill, Groveton, Bucknell, Belleview, Belle Haven, Hybla Valley, and Pen Daw area. They have a one year lease with the Church and expect to continue to have their day care facility there for years to come.

The Staff Report indicated that a number of the existing parking spaces are non-conforming as to the specific requirement for Group VI regarding setback, as well as to the requirement that the parking lot have a dustless surface. The Health Department reports that the building is adequate for a total of 120 children for 4 or more hours daily.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application No. S-94-75 by Beacon Day Care, Inc. under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit day care center for 50 children, 7 a.m. to 6 p.m., weekdays, on property located at 6511 Richmond Hwy. 93-1((1))27, County of Fairfax, Mt. Vernon District, 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 on June 11, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Trs. of Groveton Baptist Church.
2. That the present zoning is R-10.
3. That the area of the lot is 2.565 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 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.

Page 229, June 11, 1975
BEACON DAY CARE 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. Hours of operation: 7 a.m. to 6 p.m., Monday through Friday, 12 months per year.
7. Number of children not to exceed 50, ages 2 years to 5 years.
8. This permit is to run for One (1) year with the Zoning Administrator being empowered to extend the Permit upon presentation of a new lease 30 days prior to the expiration of this Permit.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

June 11, 1975.
DEFERRED CASE -- GERALD MALOVANY, V-68-75 (Deferred from May 21, 1975 for new plats and to give members a chance to view property)

The plats had been submitted in accordance with the Board's request.

RESOLUTION

In application V-68-75 by Gerald M. Malovany under Section 30-6.6 of the Zoning Ordinance to permit applicant to construct a dining room and adjoining deck 9.6' from side line, 7800 Holmes Run Drive, 59-2((8))(5)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 held on the 21st day of May, 1975 and deferred to June 11, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 10,800 sq. ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 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. 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 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 CASE:
JOHN L. HANSON, V-80-75 (Deferred from May 28, 1975 for new plats, to find out why the lot was created and why the previous variance request was denied.)

The Staff did not have the file of the previous application where the variance was denied.

Mr. Runyon stated that he had not had an opportunity to get together with the Staff. The variance was applied for by Mr. Thurman who owned the property at that time. There was inadequate evidence presented.

Mr. Michael Valentine, representing Mr. Barker, the contiguous property owner, spoke in opposition to this application. He stated that Mr. Barker was present on this same type variance request for this property two years ago. He stated that he has a plat that lists the subject lot as an Outlot. He stated that the reason the Board denied this case two years ago was Mr. Thurman was the one who participated in the original submission of the subdivision plats. He submitted a copy of that plat showing the subject lot as an Outlot to the Board. He also presented a Petition from six of the residents on Hideway Road requesting that the variance request be denied. He stated that he believes that Mr. Hanson worked with Oxford Properties and was aware of the problems with this lot at the time he purchased it. He stated that he also believed that the property was given to Mr. Hanson as payment for attorney's fees in the subdivision. He stated in answer to Mr. Baker's question, that his client,Mr. Barker,lives on the adjacent lot.

Mr. Kelley moved that this case be deferred for one week because he would like for the Board to read the minutes on the previous variance request.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

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DEFERRED CASE: JUNE 11, 1975
ANNANDALE-SPRINGFIELD COUNTRY DAY SCHOOL, S-83-75 (Deferred from 6-3-75 for additional information from the Health Department)

Mr. Dexter Odin was present representing the applicant.

The information from the Health Department was not available.

Mr. Runyon stated that he had asked the Staff to do a traffic count for this school.

Mr. Odin agreed to a deferral of another week. The Board deferred the case until June 18, 1975 for decision only and hopefully the additional information.

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AFTER AGENDA ITEMS: JUNE 11, 1975

1. THE ENTERPRISE OF NORTHERN VIRGINIA, Request for Out of Turn Hearing.

In the letter requesting this hearing, the applicant stated that they had been operating during the past year with 10 children. Mr. Smith stated that he did not recall the Board granting a Special Use Permit. He asked the Staff to determine where they had been operating and get a copy of their Special Use Permit, if they have one.

The Board deferred a decision on this request until June 18, 1975.

2. STEPHEN W. POURNARAS, V-264-75, Request for extension.

Mr. Pournaras requested this extension based on problems he had had hooking up to the public sewer.

The Board requested the Staff to get a clarification on the status of his sewer permit.

3. BERNIE COX,-Zoning Inspector Lenn Koneczny asked the Board to clarify their motion granting this Special Use Permit to Mr. Cox for a riding facility. The motion reads: Hours of operation, 9:00 a.m. to 5:00 p.m. Monday through Friday. However, another Zoning Inspector, Mr. Atlee brought a problem to the Board back in 1974 asking for a clarification on this limitation on hours. At that time and at the present, the neighbors were complaining because Mr. Cox was bringing in a trailer and truck to pick

up the ponies around 7:00 a.m. in the morning and bringing them back late at night. This truck had an amusement type ride attached to it and then the pony van behind that. Mr. Cox's operation is to take amusement rides and ponies out into an area for the day. He stores these rides at this location that is under Special Use Permit. His employees report to work around 7:00 a.m. They park on the cul-de-sac or in the street. He has put up a gate, so they can't get into his property to park. He has been maintaining about 30 horses on his property. The complaints have been continuous and numerous.

Mr. Barnes suggested that he be brought back to the Board.

Mr. Koneczny stated that the Zoning Enforcement Office has not issued him a violation yet because of the confusion regarding the hours of operation. At the time Mr. Atlee brought this question to the Board, the Board felt that the picking up of the ponies was not within the purvue of the Board and that this would be allowed.

Mr. Smith stated that he shouldn't drop the horses on the street to begin with. That is certainly not permitted. The loading and unloading should be on the premises. He stated that the Board should allow him to pick up the horses at 7:00 a.m., but they should be picked up on his property and not the street.

Mr. Koneczny stated that Mr. Cox does not have what the Board has been granting as a riding stable. He has two boarders. He does not instruct. He just uses this property for his horses and then takes the horses elsewhere for the rides.

Mr. Smith stated that unless Mr. Cox could get rid of the noise factor and the loading and unloading on the premises, the Board will have to re-evaluate the Special Use Permit.

Mr. Runyon stated that he feels that Mr. Cox doesn't need a Special Use Permit for the activity as Mr. Koneczny has described it.

Mr. Kelley stated that Mr. Cox is getting a monetary value for the use of the horses. He inquired about the trucks that have the rides on them.

Mr. Koneczny stated that the trucks have the rides mounted to the beds of the vehicles. He will drive the truck and the horse van behind the truck onto the property. He leaves it all hooked up and that is the way he gets around the Limitation in the Resolution granting the Special Use Permit that says that he will have no storing of these amusement rides and could not do this by right. on the property.

The Board instructed Mr. Koneczny to give Mr. Cox a violation notice and if it isn't cleared up, the Board will have to take further action.

5. SEVEN CORNERS DAY CARE CENTER, ACCA DAY CARE CENTER

Mr. Mitchell submitted to the Board for the Board's review an application that had been submitted to the Staff. This application had the plats that had been submitted when the Church was constructed. The plats did not show the setbacks to the parking or the dimensions of the building. The school did not propose to make any changes in the property.

It was the Board's decision that the applicant would have to submit revised plats conforming to the Board's requirements for new applications. The Board suggested that since the parking probably would not be within the Group VI requirements for setbacks, the school could propose to use the parking area in back of the church. That area would comply with the Group VI requirement.

6. HAPPY INN MOTEL, S-114-73

The applicant wished to delete the pool and some of the decorative items that had been on the plat originally when the applicant came before the Board.

The Board asked for new plats showing these deletions and also an explanation of why they wanted to remove these items.

They deferred decision on this request until June 18, 1975.

// The meeting adjourned at 1:45 with no lunch break.

By Jane C. Kelsey, Clerk

Submitted June 16, 1975

DANIEL SMITH, CHAIRMAN
BOARD OF ZONING APPEALS

APPROVED June 18, 1975
(DATE)

232

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Wednesday, June 18, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Joseph Baker; George Barnes; and Charles Runyon. Harvey Mitchell and Wallace Covington were present from the Staff.

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

10:00 - ROBERT E. DETIENNE, under Sect. 30-6.6 of the Zoning Ord. to permit front porch overhang closer to front property line than allowed by Ord., (38.4' from front, 40' required), V-95-75

Mr. Detienne presented notices to the Board which were in order. The contiguous property owners were Robert McGraw, 8525 Acorn Circle, Vienna, Virginia and Mrs. Barbara H. Wilson, owner of the property at 8531 Acorn Circle, Vienna, Virginia.

The reason for his needing the variance is because of the arc of the cul-de-sac which creates an irregular front in that there are various distances from the front of the house to the road. The lot is shaped irregularly and the placement of the house is not parallel with the street. He purchased the house in 1961 and is the original owner. He plans to continue to live there and this construction is for the benefit of his family and not resale purposes. He plans to construct with materials that are similar to the existing house.

Mr. Detienne presented letters from the contiguous property owners stating that they have no objection to this request.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application V-95-75 by Robert E. Detienne under Section 30-6.6 of the Zoning Ordinance to permit posts for front porch closer to front property line than allowed by the Zoning Ordinance, 8527 Acorn Circle, 49-1((9))(N)23, Centreville District, 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 on June 18, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 13,762 sq. ft.
4. That the request is for a minimum variance of 1.6' to the requirement of 40'.

AND, WHEREAS, the Board 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. irregular shape of the lot.
b. location of existing building.

NOW, THEREFORE, BE IT RESOLVED, that the application is 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 this granting does not constitute exemption from the 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. Runyon had not yet arrived.

10:15 - FAIRFAX COUNTY YWCA appl. under Sect. 30-7.2.6.1.3 to permit change in operator, change in hours to 9:00 A.M. to 1:00 P.M. weekdays, and increase number of children to 44, S-96-75

Jean Berg represented the applicant. Notices were in order. The contiguous property owners were John J. Sullivan, 6701 Pine Creek, McLean and Stephen S. Boynton, 1955 Poole Lane, McLean.

She stated that a school has been operating under S-53-70 in the Westmoreland Baptist Church since April 21, 1970. This school was operated as a nursery school for 30 children. The YWCA took over this operation some time ago, but wase not aware that they had to get a new Special Use Permit. As soon as they found that they were in violation, they immediately filed. The Health Department has approved this nursery school for 44 children. The children are divided into different classrooms. They have 4 people on the Staff. They do not transport any of the children. They are transported by parent carpool.

There was no one to speak in favor or in opposition.

RESOLUTION

In application No. S-96-75 by Fairfax County YWCA under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit change in operator, change in hours to 9:00 A.M. to 1:00 P.M. weekdays, and increase number of children to 44 for existing nursery school, 1988 Kirby Road, 40-2((1))48, County of Fairfax, Mr. Runyon moved that the Board of Zoning Appeals adopt the following Resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board held on June 18, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Trs. of Westmoreland Baptist Church.
2. That the present zoning is R-12.5.
3. That the area of the lot is 7.32 acres.

AND, WHEREAS, the Board has reached the following 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 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 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 hours of operation are from 9:00 A.M. to 1:00 P.M., Monday through Friday during the school year.
7. The number of children are 44, ages 5 mo. to 5 years.

Mr. Baker seconded the motion. The motion passed 5 to 0.

10:30 - FRANCONIA VOLUNTEER FIRE DEPARTMENT INC., appl. under Section 30-7.2.6.1.2 of the Zoning Ordinance to permit addition to existing fire station, 6300 Beulah Street, S-97-75.

Mr. William Walters presented notices to the Board which were in order. The contiguous owners were Olivet Episcopal Church, 6107 Franconia Road and Marion Huffman, 6312 Beulah Street, Alexandria, Virginia.

The applicant presently is operating pursuant to Special Use Permit No. S-74-73 granted June 13, 1973 for a fire station. Mr. William Walters stated that this addition is for the sleeping quarters of the firemen, the kitchen and the training center. They plan to use the same type materials as is in the existing building, block and brick.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application S-97-75 by Franconia Volunteer Fire Dept., Inc. under Section 30-7.2.6.1.2 of the Zoning Ord to permit addition to existing fire station, 6300 Beulah Street, 81-3((5))20&21, Lee District, Co. 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 this Board held on June 18, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 2.6065 acres.
4. That the applicant operates a fire station pursuant to SUP No. S-74-73 granted June 13, 1973.
5. That compliance with Site Plan Ordinance is required.
6. 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:
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 application is granted with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in 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 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 Special Use Permit.
4. The granting of this 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 shall be provided to the satisfaction of the Director of Environmental Management.

Mr. Baker seconded the motion. The motion passed 5 to 0.

10:45 - JAMES RABER appl. under Section 30-6.6 of Ord. to permit addition closer to front property lines than allowed by Ord. (43' from line along Elba Road, 40' from line along Davenport St., 45' required), 7800 Davenport St., 102-1((20))9, (22,315 sq.ft.), Mt. Vernon District, (R-17), V-98-75

Mrs. Raber presented notices which were in order. The contiguous owners were Robert Wachter, 7802 Daverport Street and James Stromayer, 7804 Elba Road.

Mrs. Raber stated that the Park land runs directly behind their property, so their only contiguous neighbor who would be affected would be Mr. Stromayer.

Mrs. Raber's main justification was the fact that they are on a corner lot and the existing house does not set parallel to the property lines on the lot. IN addition, there is a fairly steep slope in the back of their house that would preclude the addition being constructed there.

Messrs. Kelley and Smith felt that this addition was double the size of the existing house. They felt that the applicant would have reasonable use of their land without encroaching on the setbacks.

In answer to Mr. Smith's question, Mrs. Raber stated that this addition is for a studio and dark room and study. There will also be a master bedroom and an extension of the present bath. This house has no basement and no garage. Her family consists of she and her husband at the present time. Her husband is a Naval architect and she is a teacher. They hired a professional architect to plan this addition. They wanted the addition to be aestheically pleasing to the neighborhood and one that would fit their needs. Art is her hobby she stated. She stated that other variances have been granted in her neighborhood.
Mr. Barnes asked her to go back to the architect and try to work out a plan that would make construction of this addition possible without a variance. He told her that this Board is not here to deny them the use of their property, however, this must be a reasonable use. The justification for the variance must be due to topographical problems or physical problems with the land.

Mr. Smith added that the Board could only grant a minimum variance that would permit the applicant the reasonable use of the land.

Mr. Runyon stated that this is only a 12 and one-half foot wide addition and it runs the full length of the existing house. The architect's plans before the Board do not show the roof overhang on the existing house, but the plans Mrs. Raber presented to the Board shows that. This is a minor variance in the front.

Mr. Runyon stated that in light of the discussion he would move to defer this and give the applicant a chance to reevaluate their plans. He moved that this be placed on the July 9th Agenda for decision only or additional information if they wish to provide it.

Mr. Barnes seconded the motion.

Mr. Kelley stated that he did not feel there was a hardship here. He stated that he would support the deferral only to see if the applicants can do this without a variance.

Mr. Runyon stated that that was the purpose of his motion.

The motion passed 5 to 0.

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11:00 - INTERNATIONAL TOWN AND COUNTRY CLUB, INC. appl. under Section 30-7.6.2.1.1 of Ord. to permit relocation of fertilizer and equipment building and to permit mobile office for use by tennis pro and for storing and sale of tennis wares, 13200 Lee Jackson Hwy., 35((1))106 & 45-1((1))11, (240.87 acres), Centreville District, (RE-1), S-99-75.

Mr. Robert Kohlhaas, attorney for the applicant, submitted notices to the Board which were in order. The contiguous owners were Chantilly Farms Ltd. Partnership, c/o Mr. Swann, 10604 Warwick Avenue, Fairfax and Roland C. Morris, P.O. Box 4, Chantilly, Virginia.

Mr. Kohlhaas stated that because of the drainage problems, they had to make some minor readjustments in the location of the fertilizer and equipment building. This was minor and they did not seek to have this approved. However, when the application for the tennis pro's office was submitted, the Zoning Office suggested that they also request permission to relocate these buildings.

The area surrounding these buildings is completely wooded and they are not visible from the road or from anyplace else on the property unless one comes right down to that location. One of the sheds is already there. It was moved from the road back there, but the metal shed for the equipment has not yet been constructed.

They propose to use the mobile trailer for an office for the tennis pro. This is located adjacent to the tennis courts. The tennis pro will handle his appointments and book work and also sell tennis balls, rackets, etc.

In answer to Mr. Smith's question, Mr. Kohlhaas stated that they are now using this trailer .

Mr. Smith told him that they have no right to use this trailer before this Permit is granted or before all the inspections have been made and the Non-Residential Use Permit has been issued.

Mr. Kohlhaas stated that he would assume some inspections have been made because a County Inspector found they were in violation.

In answer to Mr. Kelley's question, Mr. Kohlhaas stated that there are no sanitary facilities in this trailer. It is adjacent to the Club house.

In answer to Mr. Barnes's question as to why they didn't ask for this trailer at the same time they came in for the tennis courts, Mr. Kohlhaas stated that they did not intend to have a tennis shop at that time. The tennis pro came and he felt it would be more convenient for him to have this office and a place for him to sell his tennis balls, etc. The Club's intention is to build more tennis courts in the future and they will consider building a permanent structure at that time. However, because of monitary problems, they cannot build now.

Mr. Barnes stated that the tennis courts were put up without a permit too. The shrubbery looks nice but it is small and will take time to grow. That trailer sits right out in the front and is in view of Lee Jackson Highway. He asked what the definition of temporary is and why they couldn't move this trailer back, or use that stone house for this use.

Mr. Kohlhaas stated that they do not want to use the stone house for any commercial purposes. The stone house is used for the greens keeper. He stated that he felt the trailer is very unobtrusive.

Mr. Barnes stated that it is still a trailer.

In answer to Mr. Barnes and Mr. Smith's question as to why they could not sell the tennis balls from the golf shop that they already have inside the Club house, Mr. Kohlhaas stated that the golf pro gets the proceeds from the golf shop and the tennis pro gets the proceeds from the tennis shop. Tennis pros are hard to get and all of them want to have a shop.

Mr. Barnes stated that Fauquier County allows trailers, but they are very strict and will only allow them a limited time and then they have to remove them.

In answer to Mr. Barnes' question, Mr. Kohlhaas stated that they have not talked to the Health Department or anyone regarding whether or not they would allow this trailer as an office without requiring them to put sanitary facilities in it.

Mr. Smith stated that he didn't see how the Board has the authority to grant a commercial use on residential land. The golf pro shop is in the Club house, but to set up a temporary structure for it, he would question.

After a lengthy discussion regarding whether or not sanitary facilities would be required and whether the Board has the authority to grant a commercial use in a temporary structure on residential land, the Board moved to defer this case until June 25, 1975 for decision only and for information regarding the sanitary facilities.

Mr. Kelley stated that the Club should not be using that trailer since it has not been approved by this Board and has not had the required inspections and met the requirements of the County and State. He stated that he would hate to see their Special Use Permit revoked, but it might be necessary. This could be a health and safety hazard.

Mr. Smith stated that if he could not get the necessary information by next week, the Board would defer the case further. He suggested that they not continue to use the trailer.

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11:20 - VINSON E. ALLEN appl. under Section 30-6.6 of Ord. to permit office building to be constructed closer to zoning boundary line and to permit it closer to front property line than allowed by the Ord., (2' from residential zone, 27' from front) northeast corner of Little River Turnpike and Woodland Road, C-O, V-100-75.

Mr. Vinson Allen presented notices to the Board which were in order. The contiguous owners were Annandale Recreation Association, P.O. Box 271, Annandale and Mr. and Mrs. Warren McPeak, 4115 Woodland Road, Annandale.

Mr. Allen stated that this property is quite narrow. He and his partners have had a difficult time trying to come up with a plan to make the lot usable. When they dedicate the front portion of the property for a service drive, they will only have 26,000 square feet or less with which to work. The height of the proposed building is 30'. It was shown that only a 50'x120' building area existed on the lot.

Mr. Covington explained that the applicant could build to a height of 45' and set back 45'. However, for a building of a height greater than 45' to a limit of 90', the setback would be greater than 1 to 1.

Mr. Allen explained that the building height would be 20' in the front and 30' in the rear because of the topography of the land. This will be a three story building with no basement. After many different considerations and plans, they felt this plan would be the best in all respects, architecturally to blend with this particular lot, aesthetically pleasing to the neighborhood which is residential to the rear and commercial to the front. They plan to have the visitors park in the front of the building and the employees in the rear. They want to orient this building toward 236 so that it would not imply commercial on Woodland. The parking arrangement would make it easier for visitors to get in and out of the property. There is a drop from the front to the back of the building.

Mr. Allen stated that they visited with the Annandale Recreation Center Board of Directors and Mr. Stark. They laid out their plans and explained what they planned to do. They also checked out the plans with the other neighbors. The other neighbors have no objection to their plans. However, a representative from the Annandale Recreation Center is present to speak in objection today.

Mr. Smith stated that the applicant actually needs a variance of 28' from the side property line abutting the Annandale Recreation Center.

Mr. Allen stated that he had owned this property since 1959. It was rezoned to C-O in 1971. He had not requested C-O zoning. They had requested C-N because they had an opportunity to get Shell Oil to build a gasoline station there. However, the Board of Supervisors denied the C-N zoning and zoned this property to C-O.

There was no one to speak in favor of the application.

Mr. Frank Spink, Jr., 5158 Piedmont Place, member of the Board of Directors for the Greater Annandale Recreation Center, spoke in opposition to the application. His main points of objection were: (1) lack of definite plans for future use of GARC property that might be damaged through approval of such variance, (2) the plan proposed is poorly conceived as to building and parking layout resulting in three points of access on a small property which will result in unnecessary on-street traffic congestion, (3) a split parking lot, as reflected on the plan, is undesirable for similar reasons, and (4) the variance is not required since the property may be used under existing zoning regulations and building setback requirements without undue hardship. He asked the BZA, should it approve the variance, to allow GARC to prepare appropriate acceptable conditions which might include suitable landscaping, fencing, and architectural treatment of the wall of the building which will be facing the GARC property.

Mr. Spink stated that the Greater Annandale Recreation Center has about 500 members and has been in existence for about 20 years. He stated that he felt the site plan was very poor. The applicant has suggested that part of the building will be used for a bank or savings and loan. Three accesses into the property as proposed will create three points of conflict in his opinion. In addition, should one find the front parking lot full, he would have to exit onto the service road and go to the rear parking lot. This would cause confusion. There is insufficient turn-around space because one would have to back out. He stated that he felt they could still put this same size building on the property using a different plan.

Mr. Spink stated that the Greater Annandale Recreation Center may, in the future, wish to construct an indoor pool or indoor tennis courts. They feel this variance would adversely affect their property. Their parking lot is now located in that area of the lot contiguous to the subject property.

Mr. Barnes stated that he felt the parking spaces as proposed meets the parking requirements. He stated that Mr. Spink gave the impression that the applicant does not meet these requirements and that there would not be enough spaces for parking.

Mr. Spink stated that he was commenting only on the design of the parking layout, not the number of spaces.

The Board discussed the parking situation briefly.

Mr. Allen then spoke in rebuttal to the opposition. He stated that he did not feel this variance would adversely affect the Greater Annandale Recreation Center's property. He and his partners, his engineer and architect took all the adjacent properties into consideration when they were working on this plan. At one time, they approached the Annandale Recreation Center about joining he and his partners to build on the entire parcels there. The Annandale Recreation Center people said at that time that they were going to build but were not then in a position to do so.

Mr. Allen stated with regard to the parking that one of the plans that was suggested by one architect suggested that they put the building on the back of the property next to the McPeak's on the northern end of the property. This would put the parking in front of the building. However, they would then have problems with the setback from the back property line. Facing the building along Woodland makes it appear as if Woodland is a commercial street instead of residential. This change to the split parking was also a safety factor in getting in and out of the front which would enable them to work with the light off Route 236 off the service road and also in getting out onto Woodland which is approximately 120' down on Woodland from Route 236.

Mr. Allen stated that the design of the building is not definite at this point, other than they plan to use brick and mortar and they will try to fit it aesthetically to the neighborhood in a low silhouette type building. They will put a masonry wall between their property and the McPeaks' property approximately 6' high. They had told the Annandale Recreation Center that they would put shrubbery on the east part of the property next to the Recreation Center which would improve both the Recreation Center's property and their property.

Most of the people in the neighborhood felt it would be better to orient the building toward Route 236 rather than Woodland, he stated. It was difficult to plan the building on this lot because of the narrowness of the lot. Mr. and Mrs. McPeak have no objections as long as they put up the wall, which they plan to do. He stated that he had also talked with Mr. and Mrs. Leith who live on Woodland. They also have no objection to this plan and to this request for a variance.

Mr. Barnes moved that this case be deferred until July 22, 1975 for decision only, for any additional information that the applicant could profer and for the applicant to give this some more thought and study to try to reduce the variance request, if possible. There will be no additional testimony taken, but the Board might want Mr. Allen present to answer questions.

Mr. Baker seconded the motion.

The motion passed 4 to 0.

Mr. Smith told the applicant that he felt it would be beneficial to him if he would try to reduce the variance request. He suggested that he discuss this with his architect or engineer to see if he could reduce it.

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11:30 - LRW CORP., A VA. CORP. appl. under Section 30-6.6.5.4 of Ord. to permit completion of single family dwelling closer to side lot lines than allowed by Ord., (18' and 17' on sides, 20' required), 1023 Delf Drive, V-101-75.

Mr. Henry Mackall, attorney for the applicant, submitted notices to the Board which were in order. The contiguous property owners were Luis G. and Phyllis Encinias, 1042 Clover Drive, McLean, Virginia and Munir L. and Ruth C. Bushara, 1043 Clover Drive, McLean, Virginia.

Mr. Mackall stated that this is an odd shaped lot. The applicant builds basically two different styles of houses. Because of the shape and topography of this lot, the builder felt that he must have another house style for this particular lot. The building permit was obtained showing the setbacks on all sides. The engineer made a mistake when the house location survey was prepared. The walls were already up when the mistake was discovered. Mr. Williams, the developer, stopped construction on the house. There are two variances needed. One variance is from the adjoining lot in the same subdivision which Mr. Williams owns and on which there is a house constructed. That house sets back farther than the required setback. It would be possible for Mr. Williams to resubdivide those two lots and have the required setback for both of the houses. However, they feel that this would be an unnecessary procedure since it would not accomplish anything. The houses would still be the same distance apart. The other variance that is required is 2'. This side backs up to Mr. Encinias's back yard.

He stated that the engineer when he staked this house out made a 2 degree error. The engineer was Mr. James Smith. He is not present today. However, Mr. Williams is present. Mr. Williams is the principal owner of this corporation.

Mr. Randolph Williams, the builder of this subdivision, spoke before the Board. He stated that Mr. Smith's engineering firm staked out the houses in this subdivision. Mr. Smith did not do the work himself. On this type of irregularly shaped lot, they do it by computation by angles. They set up a transit in the middle of the lot and the actual surveyor in the field made the mistake. The house is really not moved either one direction or the other. It is twisted on the lot. They did not detect the error until they were beyond the first floor of construction. Once they have the footings in, they make sure there is no violations. However, the bricklayers worked over the weekend and the surveyors did not come in until Monday. The field crew thought there was a mistake, but they sent in another crew to check it again and they then told Mr. Smith who called him two or three days after the first engineer had thought there was a mistake. This accounts for the house being constructed to the phase that it is. As soon as they found out that there was a mistake, they stopped construction immediately.

Mr. Luis Encinias, 1042 Clover Drive, owner of the lot directed in back of this house, Lot 33, spoke in opposition. He objected to the fact that this house sits on a high lot and it is a three story house. Therefore, he felt that this is an enfringement of his privacy.

Mr. Smith, the Chairman, told him that 35' is permitted under the Ordinance.

Mr. Encinias stated that he would have to move the fence that is in the rear of his property back 2' on the property line. It is now 2' off the property line.

In answer to Mr. Runyon's question if moving this house 2' further away would make any difference, Mr. Encinias stated that it would because the cost of moving this fence is $1200.

Mr. Runyon stated that if the house is moved 2' further away, it would still cause the same problem with the fence.

Mr. Encinias stated that the 2' makes a difference in that it makes it more critical because of the smallness of the lot.

Mr. Kelley asked him if he realized when he purchased his house that someone might build behind him. He stated that this is a mistake. He stated that he was sure that this man, Mr. Williams, did not move this house over 2' intentionally. He stated that he could not see how it would affect his property adversely.

Mr. Enchinias stated that there was a 12' roadway in the back and he thought it was county property. He stated that he had a drawing that called that road an outlet road. He stated that he is also concerned about the trees.

Mr. Smith stated that the trees will not have to be removed because this house is 2' over the setback line. This will not affect the trees at all.

Mr. Munir Bushara, lot 34, 1043 Clover Drive, spoke in opposition. He spoke to the outlet road and the fact that he too had been under the assumption that this was county property and no one could use it for building. He also spoke to the drainage problems. He stated that these houses are too high.

Mr. Richadella, 7318 Churchill Street, spoke in opposition. He stated that the fence on Mr. Enchinias's property is into the property 2' because that property owner wanted to keep out of litigation. There was a dispute as to exactly where his property line was. He asked the Board to come and look at this subdivision. It is stark. He said they should have built houses with a lower profile. He stated that the engineers should have known that they had made a mistake just by looking at the house.

Mr. Mackall stated in rebuttal that this subdivision has an approved grading plan that takes care of the drainage and trees. Of course, if the trees are on somebody else's property, the builder does not have the right to cut them down. Mr. Williams has no intention of cutting down the trees. All of Mr. Williams' houses are as close to the front as he can get them. There was an old outlet road in the rear of Mr. Enchinias's property and it is part of the lot that Mr. Williams has built on. He stated that this is an honest mistake and he did not feel that it would adversely affect any of the adjoining property owners.

RESOLUTION

In application V-101-75 by LRW Corporation under Section 30-6.6.5.4 of the Zoning Ordinance to permit completion of single family dwelling closer to side lot lines than allowed by the Ord. (18' and 17' on sides, 20' required), 1023 Delf Drive, 21-3((15))10, 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 held June 18, 1975, and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 20,921 sq. ft.
4. That the applicant was constructing a single family residence on its property, located on the cul-de-sac terminating Delf Drive in Sturbridge Subdivision, Dranesville District, when it was learned that the building had been located incorrectly on the site, such that the partially constructed building is 17 feet and 18 feet respectively from two side property lines, where the minimum required setback is 20 feet. The applicant is seeking variances of 3 feet and 2 feet, respectively, to the requirement, pursuant to the "Mistake Clause" of the Ordinance.

AND, WHEREAS, the Board 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.

THE APPLICANT should be aware that granting of this action does not constitute exemption from the requirements of this county. He 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 5 to 0.

Page 241, June 18, 1975

Mr. Runyon stated that he felt the gentlemen who spoke in opposition had points that are well taken, but this Board has to determine whether or not a mistake was made. They Board is in sympathy with the facts that have been raised, but they are really not pertinent to the case. Everyone would like to have space behind his lot and trees, but the facts that the Board has to look at is whether a mistake was made. The builder's grading plan shows the house to be 20' proposed, and the 2 degrees mistake would cause the 2 or 3 foot mistake.

The motion passed 5 to 0.

The Board recessed for lunch at 1:30 P.M. to return at 2:30 to take up the Deferred Cases.

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DEFERRED CASE - BONARO W. OVERSTREET, V-90-75. (Deferred from 6-3-75 for viewing and to allow the applicant to study plans to see if relocation of the house would be possible.)

New plats had been submitted reducing the amount of the variance from 15' to 9'.

RESOLUTION

In application V-90-75 by Bonaro W. Overstreet under Section 30-6.6 of the Zoning Ordinance to permit single family dwelling to be constructed within 36' of front property line (45' required), 3405 Fiddlers Green, Barcroft Lake Shores Subd., 61-1((11))649, 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 requirements of all applicable State and County Codes and the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to 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 on the 3rd day of June, 1975 and deferred to June 18, 1975 for decision, and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 15,246 sq. ft.
4. That the request is for a variance of 9 feet to the requirement of 45'.

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 involved:
   (a) exceptionally irregular shape of the lot,
   (b) exceptional topographic problems of the land.

NOW, THEREFORE, BE IT RESOLVED, that the subject application 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 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 that date. THE APPLICANT should be aware that this granting does not constitute exemption from the variance 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. Runyon abstained as his firm drew the plats.

ANNANDALE SPRINGFIELD COUNTRY DAY SCHOOL, INC., S-83-75 (Deferred for letter of clarification from the Health Department).

The letter had been received from the Health Department.

Mr. Runyon asked for a further clarification from Mr. Odin regarding paragraph of that letter dated June 17, 1975 which stated:
"If children under the age of five are to be enrolled and they are to be kept longer than four hours each day then there is space and facilities for one hundred and five children."

Mr. Odin stated that as Mr. Wheeling explained it to him, this statement is not in conflict with the memo he wrote earlier approving the school for 125. He stated that the first paragraph which reads:
"If children over the age of five are enrolled and they are kept separate from those under the age of five, then Chapter 15C of the Fairfax County Code does not apply and the Health Department has no requirements for areas used by those children over five years."
He stated that if the entire school consisted of children under five, they would be limited to 105. However, if it is not, and they keep the age group separate, the Health Department looks to the five year olds which are there. There is no limit for over five year olds. The Health Department makes continual checks on all of these schools and would not allow any school to go beyond their space limit. Mr. Wheeling has expressed his willingness to come before the Board and explain this.

Mr. Kelley stated that he was not questioning the limitation by the Health Department and if the Health Department said this school could have 200 it would not change his opinion that there is a saturation point as far as impact to the area. This school has 81 now. When you reach the saturation point, you have to stop. This is a residential neighborhood.

Mr. Barnes agreed.

Mr. Smith stated that he felt 105 would be a reasonable number.

Mr. Runyon stated that Health Department also states that:
"If children under the age of five are to be enrolled and they are to be kept less than four hours each day, then there is space and facilities for one hundred sixty-five children."

He stated that he would like to follow-up on the traffic information. The morning that the Staff checked the school, there were a total of 55 trips. The school represents about 30 percent of the total volumn on that road between the hours of 7:30 a.m. and 9:30 a.m. Mr. Odin had stated that there were 48 total trips. He wasn't off too far.

RESOLUTION

In application S-83-75 by Annandale Springfield Country Day School, Inc. under Section 30-7.2.6.1.3.2 and 30-7.2.6.1.3 of the Zoning Ordinance to permit operation of private school of general education and day care center 7152 Woodland Drive, 71-3((7))24A&25A, Leewood Subd., Annandale 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 on June 3, 1975 and deferred to June 18, 1975 for decision and additional information.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is John E. and Eleanor Roach.
2. That the present zoning is RE0.5.
3. That the area of the lot is 80,000 sq. ft.
4. That the site is presently operating under SUP S-43-73.

AND, WHEREAS, The Board has reached the following conclusions of law:
That the applicant has presented testimony indicating compliance with

Page 243, June 18, 1975

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 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 are: 7:00 a.m. to 6:00 p.m., Monday through Friday.
7. The number of children is to be 105 with ages of 2 years to 12 years.
8. All buses and/or other vehicles used for transporting children shall comply with County and State standards for color and light standards.
9. All other provisions of the existing Special Use Permit shall remain in effect.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

PET A PET FARMS PARK, INC., S-91-75 (Deferred from 6-11-75 for viewing and new plats)

The plats had not yet arrived. The Board recessed this case and took up several other cases. When the plats arrived, the Board again called this case.

Mr. Marc Bettius, attorney for the applicant, submitted a copy of the lease between the property owner and the corporation.

Mr. Smith entered the letters in support and opposition into the record. There was a letter from Mrs. Pennino, Supervisor of the Centreville District, in support; a letter from the Humane Society President for the State of Virginia in opposition; a letter from Pat Weisel who spoke at the hearing on June 11, 1975 in opposition; and a letter from the Reston Community Association in support with limitations on the number of parking spaces.

The Board was in receipt of another letter from the Health Department dated June 16, 1975 stating that the intent of item number 1 of the previous letter was to imply an average daily attendance of 50 visitors. The average weekly daily attendance should be around 50. If two portable toilets are used, they could accomodate 200 additional persons per day above the 50, for an average daily attendance of 250.

Mr. Runyon stated that that figure seemed to be more reasonable.

Mr. Smith agreed.

Mr. Kelley questioned whether the parking spaces would be adequate.

Mr. Runyon stated that he felt they would be since the 250 people would not be coming all at once.

After considerable discussion, the Board voted on the following Resolution.

In application S-91-75 by Pet-A-Pat Farms Park, Inc. under Section 30-7.2.8.1.4 of the Zoning Ordinance to permit petting zoo, picnic area, parking and related facilities, east side Hunter Mill Rd. approx. 1200' s. of Baron Cameron Ave., 18-1((1))4, Centreville 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 held on June 11, 1975 and deferred to June 18, 1975 for additional information and decision.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Mack S & Myrtle W. Crippen.
2. That the zoning is RE-1.
3. That the area of the lot is 11.860 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following 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 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 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 hours of visitation are 9:00 a.m. to 9:00 p.m., seven days per week.
7. The site will remain open for unlimited inspection by the Animal Warden and his approval of any resident animals is required.
8. The operation will be limited to an average daily attendance of Two Hundred and Fifty (250) visitors.
9. All parking related to this use must be on site.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

Mr. Smith asked if there were 58 parking spaces provided.

Mr. Runyon answered that there were.

The Board agreed that in order to expand to an additional number of visitors or parking spaces, there would have to be a new application.

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JOHN L. HANSON, V-80-75 (Deferred from 5-28-75 for new plats --plats in file-- and to find out why lot was created and why the previous variance request was denied)

The Staff provided the old file for the Board to review.

Mr. Kelley stated that this is a case where he was personally going to have to eat crow. He stated that he had supported the motion to deny the previous application for a variance for this property on August 2, 1972. However, the applicant had not adequately presented his case. Now, after going into it thoroughly and getting all the information from the County engineer, he finds that the information was not submitted at the time of the original hearing on the previous application. Therefore, he stated that he had changed his opinion on this application. He stated that he had also viewed the property.

RESOLUTION

In application V-80-75 by John L. Hanson, Jr., Trustee, under Section 30-6.6 of the Zoning Ordinance to permit house closer to center line of principal access street (31 feet) than allowed, 2897 Hideaway Road, 48-2((14))A, County of Fairfax, Virginia, Mr. Kelley moved that the Board of Zoning Appeals adopt the following Resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board held on May 28, 1975 and deferred to June 11, 1975 and a decision made this 18th day of June, 1975, and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 20,215 sq. ft.
4. That the applicant wants to construct a house on property such that it would be 16' from the property line along the access road and since the minimum required front setback is 75' from the center line of the road, and the proposed house would be 31' from such center line, the applicant needs a variance of 44' to the requirement.

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

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) exceptionally narrow lot.

NOW, THEREFORE, BE IT RESOLVED, that the 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 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 3 to 1. Messrs. Kelley, Barnes and Baker voted Aye.

Mr. Runyon abstained since his firm prepared the plats. Mr. Smith voted No.

AFTER AGENDA ITEMS:

1. THE ENTERPRISE OF NORTHERN VIRGINIA (Deferred from last week. The request was for an out of turn hearing. The Board wanted to know if there was a previously granted SUP since the applicant stated that they had operated last year with ten children.

The Clerk informed the Board that the applicant did not have a Special Use Permit to operate last year. She stated that the Staff had contacted the applicant. This school had operated a short time in a church in Lorton. However, they had to move because of septic field problems. They then operated in a house on Braddock Road, but because they could not come to a lease agreement with the owner of the property, they were unable to apply for a Special Use Permit.

The Board suggested that this case be scheduled for August 1, 1975 at 10:00 a.m. since the Zoning Administrator, Mr. Covington, has a meeting with the citizens in the area next week and he can inform them the exact time of the hearing.

The Board requested the Staff to get all the information possible in order for them to make a decision on that date.

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AFTER AGENDA ITEM - JUNE 18, 1975

2. STEPHEN W. POURNARAS, V-264-73, Request for extension due to difficulties in getting sewer hookup from the County. (Deferred from last week for Staff to get information.)

Mr. Covington stated that he had checked with the Sewer Tap Committee and they will be hearing Mr. Pournaras's application for hookup within two weeks.

Mr. Smith suggested that the Board grant him a 60 day extension to see what happens on the sewer hookup.

Mr. Baker so moved. Mr. Barnes seconded the motion. Passed 5 to 0.

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3. AFTER AGENDA ITEM - JUNE 18, 1975
HAPPY INN MOTEL, SPECIAL USE PERMIT S-114-73 MICRO SYSTEMS.
(Deferred from last week for new plats showing suggested deletions and an explanation on why they are not putting in the pool and other items.)

Mr. Smith stated that the Board is now in receipt of a copy of a violation notice that has been issued to the applicant regarding a sign on the property that is not in accordance with the sign ordinance.

Mr. Covington stated that there have been a lot of changes and it might not be a bad idea to schedule a reevaluation hearing on this case.

Mr. Smith asked if they have an occupancy permit.

Mr. Covington stated that they are in operation.

Mr. Smith asked how they obtained an occupancy permit without first complying with the plats and the resolution granting this permit.

Mr. Covington stated that he didn't know, but he would find out.

The Board deferred further action until Mr. Covington has checked this out.

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Page 247, June 18, 1975

AFTER AGENDA ITEM

4. DEFINITION OF "ONE CHAIR BEAUTY SHOP" -- Request for interpretation

Mr. Barnes moved that the definition for "One Chair Beauty Shop" be one chair and two dryers. They can be only one operator, of course, he stated.

Mr. Runyon seconded the motion.

Mr. Runyon stated that the Board can further limit the Special Use Permit in cases where there is insufficient parking. He stated that the intent of his second was to give the Zoning Administrator a handle on these Special Use Permit.

The motion passed 5 to 0.

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AFTER AGENDA ITEM - JUNE 18, 1975

5. CHESTERBROOK SWIM CLUB, Request for Out Of Turn Hearing.

The Board agreed that this could be scheduled for August 1, 1975, if the applicant has a completed and accurate application.

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6. APPROVAL OF MINUTES

Mr. Baker moved that the minutes for May 28, June 3, and June 11, 1975 be approved.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

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7. EXTRA BOARD MEETING

Mr. Kelley moved that the Board have an extra meeting to view some of the controversial properties and to decide on deferred cases.

Mr. Barnes seconded the motion.

The motion passed 5 to 0. The Board scheduled this Special Meeting for July 1, 1975, if the Board can get the Board Room. The Board will meet at 10:00 a.m. to decide on the deferred cases scheduled and any after agenda items that the Staff might have. The Board will then view the properties such as Mansion House Swim Club and Centreville Hospital Center.

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The meeting adjourned at 4:10 p.m.

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Jane C. Kelsey

By Jane C. Kelsey, Clerk to
theBoard of Zoning Appeals

Submitted June 25, 1975

Daniel Smith

DANIEL SMITH, CHAIRMAN

APPROVED July 16, 1975
DATE

The Regular Meeting of the Board of Zoning Appeals for June 25, 1975 was held in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Joseph Baker; and Charles Runyon. George Barnes was absent. Harvey Mitchell and Wallace Covington were present from the Staff.

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

10:00 - PLATAR, INC. appl. under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit change of ownership of nursery school to corporation, 1703 Collingwood Road, 102-4((1))30A, (1 acre), Mt. Vernon District, (R-12.5), S-102-75

The attorney for the applicant presented the notices which were in order. The contiguous owners were R. E. Denham, 8316 Woodacre Street and Robert T. Kelly, 1702 Cool Spring Drive, Alexandria.

He stated that the applicant is requesting a change of ownership of this use to a corporation. This corporation is owned by the two original Permittees, Mrs. Devine and Mrs. Lawrence (formerly Miss Rauch) and Patsy Cole. They did not realize that they should have applied in the name of the corporation which they were in the process of forming at the time the original Permit was granted. Their permit was for 50 children. However, the Health Department will only allow them to have 43. They operate from 7:00 a.m. in the morning until 6:00 p.m. at night, 5 days per week, all year.

Mrs. Devine in answer to Mr. Kelley's question, stated that they have not yet put in the paved parking spaces and the paved driveway.

In answer to Mr. Smith's question as to how they obtained their occupancy or non-residential use permit without having first complied with all the requirements of the Special Use Permit, Mrs. Devine stated that they have been inspected by Mrs. Brooks in the Health Department and they are allowed to operate while they are complying with the Special Use Permit.

Mr. Smith told her that she doesn't even have a Special Use Permit until the conditions of that granting have been met. The Special Use Permit specifically says that "This Permit shall not be valid until a Non-Residential Use Permit has been obtained". He asked what she lacks other than the paved parking area complying with all the Inspection Departments.

Mrs. Devine stated that they have some minor work to do for the mechanical requirements.

Mr. Smith stated that the Board could take no action until they have complied with their original Special Use Permit and obtained the Non-Residential Use Permit. He stated that they are subject to a violation notice and a fine.

There was no one to speak in support or in opposition.

Mr. Kelley moved that this case be deferred until August 1, 1975 at the latest until the original applicant meets the requirements set forth in the original Special Use Permit and acquire a Non-Residential Use Permit for the use.

Hearing no objections, the Chairman so ordered.

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10:20 - FRANCIS J. McILVAINE appl. under Section 30-6.6 of the Ord. to permit construction of addition closer to side property line than allowed by the Zoning Ordinance (15' from side, 20' required), 12005 Hamden Court, 46-1((8))22, (20,000 sq. ft.), Centreville District, (RE-0.5), V-103-75.

Mr. McIlvaine presented notices which were in order. The contiguous owners were Don Repici, 12007 Hamden Court and Daniel Raisovich, 12003 Hamden Court.

Mr. McIlvaine stated that he proposes to build a double garage with a utility room above. They cannot build on the southwest because of the storm drainage easement there. They have a drain field for their septic system in the rear of the property and cannot build there.

Mr. Smith and Mr. Kelley felt that the applicant had similar circumstances to the other houses in the subdivision. Mr. Smith stated that he could build a one car garage or a two car carport without a variance. Messrs. Smith and Kelley reminded Mr. McIlvaine that this Board can only grant a minimum variance under the Code. This variance is to allow the applicant to have reasonable use of his land. They told Mr. McIlvaine that he would have reasonable use of his land without this variance.

Mr. Kelley read the written justification and stated that most of Mr. McIlvaine's reasons were not proper justification under the Zoning Ordinance and State Code.

Mr. Kelley stated that he would like to defer this case to allow the applicant to see if he could reduce the request. He asked the applicant if he wished to do so.

Mr. McIlvaine stated that he would like to think that he had considered all the possibilities and all other alternatives.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application V-103-75 by Francis J. McInvaine under Section 30-6.6 of the Zoning Ordinance to permit construction of addition closer to side property line than allowed by Ord. (15' from side, 20' required), 12005 Hamden Court, tax map 46-1((8))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 the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public 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 25th day of June, 1975, and

WHEREAS, the Board 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 20,000 sq. ft.

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

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 3 to 0. Mr. Runyon had not yet arrived. Mr. Barnes was absent.

10:30 - CLARENCE E. GATTON appl. under Section 30-7.2.6.1.14 of the Zoning Ordinance to permit home professional read estate office in residence, 7112 Carol Lane, 60-1((13))A-1B, (16,005 sq.ft.) Providence Dist., (R-10), S-104-75.

Mr. Al Nolan, attorney for the applicant, 133 Park Street, N.E., Vienna, Virginia, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Elizabeth Hatch, 7118 Carol Lane and H. Dalton Floyd, 3338 Annandale Road, Falls Church.

Mr. Nolan stated that Mr. Gatton is a part-time real estate broker. He works for the government and is only a licensed broker part-time. He has worked for the Federal Government for 22 years and has been a broker for 8 1/2 years. He has operated out of his present home during this time and it has caused no problems in the neighborhood. He submitted letters from Mr. Gatton's present neighbors stating that they have had no problem with this use in Mr. Gatton's home for the past 8 1/2 years. Mr. Nolan stated that when the

new ordinance was passed by the Board of Supervisors that brought this type use under the requirement for a Special Use Permit, it was just prior to the beginning of construction of Mr. Gatton's new home. His lender and the builder did agree to delay construction pending this hearing. Mr. Gatton needs this income from this part-time brokerage practice to maintain his present standard of living. In answer to Mr. Smith's question, he stated that Mr. Gatton has no employees. He has two licensed agents that hang their license there, but they are not active in the business and have not been for the past two to three years.

Mr. Gatton testified that he provides two desks in his home at the present time for himself and the two agents.

Mr. Kelley stated that even though these two agents are not active at the present time, they could become active in the future. He stated that he had viewed this property two times. He stated that he did not feel this is a place for a business in a residential area. This is a beautiful area with lovely homes on each side. He stated that this is no place for a real estate office or any other type of commercial business.

Mr. Nolan stated that Mr. Gatton is presently 1 1/2 blocks away from this location. The neighbors both at his present residence and the proposed residence have no objection to this. Not a great deal of traffic is generated.

Mr. Kelley stated that it may be a small quiet business now, but it might become an enormous business in the future. He stated that he had seen real estate offices that start around 7:00 a.m. and stay open until 9:00 or 10:00 p.m.

Mr. Smith questioned the plats since they did not show parking, only a circular driveway in the front yard. He stated that the applicant would have to provide parking. The Board of Supervisors put this use under a Group VI category and this requires that the parking for the use be placed other than in the front setback and it cannot be within 25' of any other property line. Therefore, this circular drive cannot be used for parking. The Zoning Ordinance does not allow on-street parking for any of these uses.

Mr. Runyon stated that the only other place he could place the parking would be in the rear yard and this would cause it to look commercial.

Mr. Covington stated that he felt the intent of the Board of Supervisors was not to allow a proliferation of these uses in any one area.

Mr. Smith stated that the Board also has to assure that the residential character of the residential neighborhood is protected.

Mr. Nolan stated that basically the home will be used for residential purposes 90 percent of the time and as a part-time real estate office 10 percent of the time. He stated that what they are talking about is replacing one real estate office with another.

There was no one to speak in favor or in opposition to this application.

Mr. Runyon stated that he felt the Board should defer this case until next week to give the Board members a chance to consider all the testimony. The words the Board of Supervisors gave this Board 'to assure the residential character of the neighborhood' looks good on paper, but is difficult to define. He moved that this be deferred until July 1, 1975 for decision only. He stated that he felt the applicant should address the parking requirement. He stated that he felt that creating special parking in the rear would do more to discourage the residential character of the neighborhood. He stated that he likes the driveway as shown on the present plats. However, the ordinance does place setback restrictions on the parking. Therefore, the applicant will have to address that problem.

Mr. Smith stated that this Board cannot waive those setback restrictions for parking under the Group VI use.

Mr. Covington confirmed this.

Mr. Kelley stated that this is one of the things that he took into consideration If he has to have a parking lot in the rear, it makes it more commercial looking. He stated that he didn't see any reason to cause the applicant to have new plats drawn with parking spaces if the Board is going to deny the use.

Mr. Smith stated that he wasn't going to support the motion to grant with these plats and he was not sure he would any way. If he brings new plats, that doesn't mean the permit will be granted. Correct plats are a requirement. The motion passed 3 to 1 to defer. Mr. Kelley voted No. Mr. Barnes absent.
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10:50 - ROLLING VALLEY SWIM CLUB, INC. appl. under Section 30-7.2.6.1.1 of the Ord. to permit addition of two tennis courts with lights and to reduce parking spaces required, 7200 Hadlow Drive, 89-3((5))416A, (2.607 acres), Springfield District, (R-12.5C), S-105-75
6907 Ashbury Drive, Springfield, Virginia,

Mr. Lanigan, President of the Club, testified before the Board. Notices to property owners were in order. The contiguous owners were Robert Guthrie, 7017 Ashbury Drive and K. Richard Sinclair, 7021 Ashbury Drive.

Mr. Lanigan stated that there are no tennis courts in the immediate area. Their Club has to compete with three other clubs in the area that do have tennis courts. They have lost several members and will loose several more because their Club does not have tennis courts. They wish to place these courts on the only available location and that is a portion of the existing parking spaces. Therefore, they are also requesting a reduction in the amount of parking spaces from 100 to 73.

The Club polled their membership in November, 1974 regarding these requests. Out of the 300 memberships, they received 180 favorable responses and 10 unfavorable or doubtful responses.

They chose this location for their courts to minimize objections of property owners in the vicinity of the courts, to minimize the loss of the parking spaces, to place them in a location that would be asthetically pleasing, to utilize existing landscaping and blend court into surrounding area, and to facilitate control.

They plan to use Devoe's Club System for their court lights. They included in their presentation a sketch of the proposed lights and detailed information about their installation. They plan to place plastic mesh fencing which will provide additional light as well as sound baffle. They plan to close the tennis courts at 9:00 p.m. daily. They feel that adult usage of tennis courts during non-swim season periods will assist in keeping undesirable elements from the parking area. The chain gates that were installed at the entrances to the pool parking lot this past year have already assisted significantly in this regard. Access control to the courts will be enforced by a locked gate system wherein only swim club members will have a non-reproducible key.

They feel their pool is centrally located and within walking distance of the majority of the members. Approximately 275 members live within one mile and 200 within one-half mile. A count was taken of cars using the pool parking lot during the 1974 swim season and the greatest number was 28 during a 5 club swim meet on a Saturday morning. There were 36 cars using the pool parking lot at a swim meet on June 21, 1975. Normal usage is from 8 to 12 cars.

Mr. Lanigan presented the rules for the tennis courts which would have to be adhered to by the members using the courts.

Mr. Lanigan stated that he had refereed the swim team for several years and is familiar with all of the pool's activities.

Mr. McKabe, whose property is contiguous to this property and is directly behind the proposed tennis courts, spoke in opposition to the proposals. He stated that this Club has been a poor neighbor. He listed several problems, such as they have not kept their weeds cut, left an old refrigerator on the park land behind the pool, started operation around 7:30 in the morning for swim team practice, parked on the street for swim metes, changed the proposed location of the courts so that he is the most affected contiguous property owner. He stated in answer to Mr. Baker's question, that he had moved to this property about the same time the pool was being constructed. He has no objection to the swimming club for the immediate residents of Rolling Valley as long as the Club abides by the rules. He has children who use this pool, too. He stated that he also objects to the after hours swimming. The last occurrence was at 3:00 a.m. last night.

Mr. Lanigan in rebuttal stated that concerning the after hours swimming, he had called the police and the police responded 35 minutes later. By that time the swimmers had gone. They cut the chain link fence and come in. They have apprehended several of these swimmers in earlier insidents and those who were members of the pool have had their membership suspended for a period of time. They feel it is now under control. The swim team does begin at 8:00 in the morning. This is not the general membership. They start this early so as not to inconvenience the general membership.

He stated that there are several other contiguous property owners present today who could also speak in support of this application. He asked that Mrs. Sinclair, one of the contiguous property owners, and one of the committee that did the survey on the parking, answer the Board's question on that.

Mrs. Sinclair, 7021 Ashbury, stated that the 20 cars that Mr. McKabe stated were parked along Ashbury during the swim mete were not all cars belonging to people at the mete. At least 10 of those cars belong to the neighbors or visitors of the neighbors who live on that street. She stated that during these metes that they try to direct traffic into the lots.

There were 15 people in the room in support of the application who indicated that they live within one block of the subject property.

Mr. Runyon stated that the previous SUP has no restriction on hours of operation.

RESOLUTION

In application S-107-75 by Rolling Valley Swim Club, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit addition of tennis courts with lights and to reduce number of parking spaces required from 100 to 73 on property at 7200 Hadlow Drive, tax map 89-3((5))416A, 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 the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public 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 June 25, 1975.

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5 Cluster.
3. That the area of the lot is 2.607 acres.
4. That compliance with the Site Plan Ordinance is required.
5. The site presently operates under SUP S-874-68.

AND, WHEREAS, the Board has reached the following 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 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 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 theproperty 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 from 9:00 a.m. to 9:00 p.m.
7. Parking spaces shall be 73.
8. Bicycle racks for 30 bikes are to be provided.
9. Screening and landscaping shall be to the satisfaction of the Dept. of Environmental Management.
10. All other provisions of the existing SUP shall remain in effect.

Mr. Baker seconded the motion.

Mr. Smith stated that they should not operate prior to 9:00 a.m. He also stated that they should discuss with the Dept. of Environmental Management the type screening that would be necessary to cut down on the noise level so it will not afford an impact on the residental area and not affect the residential character of the area.

The motion passed 4 to 0. Mr. Barnes was absent.

11:10 - FOX MILL SWIM CLUB, INC. appl. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit community swimming pool, SE corner Otsego and Viking Drives, 25((10))F, (1.25209 acres), Centreville District, (R-17 & RE-1), S-106-75.

Donald Stevens, attorney, 4084 University Drive, Fairfax, submitted notices which were in order. The contiguous owners were Mr. and Mrs. King Eng, 2722 Viking Drive and Mr. and Mrs. Robert B. Helle, on Viking Drive.

Mr. Stevens stated that this pool is designed to serve sections 1 and 2 of Fox Mill Estates. This is a large subdivision located west of Reston. The immediately adjacent property owners are present and they have expressed some concern about the nature of the screening and landscaping. The corporation has agreed and it has been adopted by Resolution to appropriate $6,000 for appropriate landscaping and screening on the site. They have agreed that the type of screening and landscaping will be decided upon by a Committee consisting of the immediately adjacent property owners in cooperation with the engineers.

Fox Mill plans a maximum membership of 199 and they propose to have 28 parking spaces which they feel is more than adequate. The fartherest residence is one-half mile which is easy walking distance. The contiguous property owners have requested that the pool be shifted slightly to the east in order to provide 50 parking spaces. Fox Mill would like to put in the first 28 spaces with the provision that they will add the remainder of the 50 spaces when they are necessary. They understand the provision that prohibits on-street parking.

The one-story bath house will be constructed of concrete block that look like white brick.

The land is owned by Fox Mill Estates Homes Association and is leased to the applicant under a 99 year lease.

Mr. Stevens submitted an exhibit showing the location of the homes who are interested in joining this pool. They already have 101 signed up with others indicating their interest. Because of the covenants, conditions and restrictions recorded at the time of dedication of Fox Mill Estates, in the event membership is not sold out to the families residing in Sections 1 and 2, residents of the balance of Fox Mill Estates would be eligible to purchase surplus memberships. They anticipate that substantially all of the memberships will be sold to the owners of the lots in Sections 1 and 2. The hours of the proposed pool are 9:00 a.m. to 9:00 p.m.

The land west of the proposed swim club shown as future expansion on the plat, is presently owned by Reston West Development Company, developer of Fox Mill Estates and is available for purchase, should the swim club desire to expand by installing tennis courts to the rear of the club.

Mr. Stevens stated that there are several people in the room in support of this application, but will not speak unless the Board has questions.

Mr. Jim Moss, 2721 Viking Drive, directly across the street, spoke for Mr. Helle, Mr. Eng and himself. Mr. Helle and Mr. Eng are contiguous to the Club property. He stated that when they purchased their homes, they were told by the developer that the pool would be one-half mile away. This was to be park land. They are not against this application as long as it is done aesthetically pleasing to the neighborhood and as long as Mr. Helle and Mr. Eng are afforded their privacy. The Club by Resolution has said they can have $6,000 for landscaping and screening. However, that Resolution was just changed when presented to the Board. That Resolution said that they would provide 50 parking spaces in the initial construction. This was agreed to at the meetings that have been held with the Club and the neighborhood.

After a lengthy discussion on this point, the Board deferred this case until July 1 in order for the applicant to provide new plats showing the shift of the pool in order to accomodate the 50 parking spaces.

The motion to defer was made by Mr. Kelley, seconded by Mr. Runyon and passed 4 to 0. Mr. Barnes was absent.

This case will be for decision only after the plats have been received.

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11:30 - RICHARD J. & MARYANNE F. OWEN (Contract purchasers) T/A JUNIPER LANE SCHOOL appl. under Section 30-7.2.6.1.3 & 30-7.2.6.1.3.2 of the Zoning Ordinance to permit change of ownership of school (nursery and kindergarten through 3rd grades), and to increase number of students to 50, 3106 Juniper Lane, S-107-75.

Mr. Richard Stull, attorney, submitted notices to the Board which were in order. The contiguous property owners were Col. H. M. McMore, 3110 Juniper Lane and Raymond Poppelman, 717 N. Huntington Street, San Fernando, California.

Mr. Stull stated that the Owens are proposing to purchase the school that is now operated by Ruth Swaney. Mrs. Swaney has 25 children. The applicants propose an increase to 50 children. The ages of the children will be from 4 through 8. The hours of operation from 8:30 a.m. to 4:00 p.m.

In answer to Mr. Kelley's question, Mr. Stull stated that they plan to pave the driveway ultimately. There will be only two people at the school to direct its activities. They are Mr. and Mrs. Owen. They will also live there. They school will not be providing any transportation. The children will be brought by the parents. The school will operate in two sessions. The first will be from 8:30 to 12:30 and the second from 12:30 to 4:00. There will be 50 children in each session.

Mr. Stull stated that the neighborhood has been canvassed and they are not aware of any opposition.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application S-107-75 by Richard J. and Maryanne F. Owen (contract purchasers) T/A Juniper Lane School under Section 30-7.2.6.1.3 and 30-7.2.6.1.3.2 of the Zoning Ordinance to permit change of ownership of school (nursery and kindergarten through 3rd grades), 3106 Juniper Lane, 51-3((23))A-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 held on June 25, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owners of the property are Wilbur K. and Ruth G. Swaney.
2. That the present zoning is R-12.5.
3. That the area of the lot is 22,524 sq. ft.
4. That the property is presently operating under SUP granted 4/19/49.

AND, WHEREAS, the Board has reached the following conclusions of law:
That theapplicant 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 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 tis 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

OWENS (continued)
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 are not to exceed 50 per session with ages 4 through 8 years.
7. The hours of operation are 8:30 a.m. to 4:30 p.m.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

DEFERRED CASE: JUNE 25, 1975
INTERNATIONAL TOWN & COUNTRY CLUB, INC., S-99-75 -- The applicant had not yet received the memo from the Health Department. The Board further deferred this case until July 1, 1975.

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AFTER AGENDA ITEM --
DEFERRED CASE: JUNE 25, 1975
MURRAY WEINBERG, V-111-73 - Request for Extension.

Mr. Hansbarger, attorney for the applicant, wrote a letter to the Board on May 7th, 1975 which the Board considered at its meeting of May 14, 1975. At that time the Board rescheduled the request until June 25, 1975 with the request that the applicant present a letter outlining how the financing is progressing and any other problems that might cause a delay in construction.

Mr. Hansbarger addressed a letter to the Board dated June 25, 1975 stating that they had been advised that the site plan could be approved as of this date. However, the Board of Supervisors wish to review it. It is tentatively scheduled for the review by the Board of Supervisors on Monday, June 30, 1975. There is an appeals procedure from the administrative level to the Planning Commission and ultimately to the Board of Supervisors with regard to site plan approval. This is time consuming and if it should occur, it will extend far beyond the expiration date of the variance. The building permit has reached the stage where all corrections required by the County have been made and the plans resubmitted. They are awaiting instructions as to the cost of sewer availability fees. They will pay these fees immediately upon receiving notice of their amount.

They are in the process of interviewing general contractors relative to the construction of the office building and they are in the process of studying plans and specification and preparing bids. Final determination of financing cannot be made until bids are in. Thereafter, it will take the lender about two months to prepare his loan package.

His letter further stated that the applicant has done everything that can be reasonably expected of him in attempting to obtain all necessary permits from the County. The delay from the very beginning has been and still is on the part of the County and this delay should not be attributable to the applicant.

Mr. Smith stated that he felt the previous extension where the Board changed Limitation No. 2 of the conditions under which the variance was granted 'three months after Fairfax County permits connection with the existing sewage facilities thereon' would cover this variance since Fairfax County has not yet determined the amount of the fees in order for them to be paid.

In answer to Mr. Smith's question, Mr. Hansbarger stated that the site plan was filed June 1973 (No. 1192). The Interim Development Ordinance held that up.

Mr. Smith stated that in order to make sure that there was no problem, he would suggest that the Board extend this variance for another six (6) months.

Mr. Kelley moved that the variance be extended for six additional months.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

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10:50 MRS. HAROLD L. BARR, JR. appl. under Section 30-7.2.8.1.1 of the Zoning Ord. to permit kennel for 100 dogs and 100 cats, 7121 Bull Run Post Office Road, 64((1))60, (28.403 acres), Centreville District, (RE-1), S-82-75. (Deferred from June 3 for FULL HEARING).

256

Dexter Odin, attorney, presented notices to the Board. He stated that all were contiguous to the subject property. Two of the contiguous owners were Wiley D. Bly, 7317 Franklin Road, Annandale, Virginia and Ellen and Elmer L. Hensley, 15408 Compton Road, Centreville, Virginia.

Mr. Odin also submitted five letters in support of this application. Four of these were from contiguous property owners and one was from the veterinarian who takes care of Mrs. Barr's animals. He stated that he did not know of any neighborhood opposition.

Mr. Odin stated that his firm had checked the BZA files and find that there are several kennels in operation with more animals and less land than is proposed here. He stated that he did not feel this use would adversely affect the neighborhood in any way. There is very little traffic with this use. The Bull Run Regional Park nearby had 6,000 people who made use of that park. This use will not affect the neighborhood with a lot of noise either. There is the Park Authority's Gun Club down the road that produces more noise than this use. The noise from the airplanes also produces more noise than this use.

Mr. Smith stated that the file indicates that Mrs. Barr is in violation now for having more animals than is allowed under her present Special Use Permit.

Mr. Odin stated that at the time the Board granted her permission to have 30 animals, she also was raising fox hounds and had several runs for that purpose. At the time of the hearing, Mr. Barnes made the statement that she could have those fox hounds for her own use and that the Board was not concerned with the animals she owned, only the ones she was boarding. She no longer raises fox hounds. She cares for animals other people have discarded. She became involved with Friends of the Animals and they take animals that are going to be killed by the Fairfax County Animal Rescue League and cares for them until someone adopts them.

Mr. Odin stated that there are no proposed new buildings. She plans to start using the barn which heretofore has been used for horses. The stalls will be converted into exercise runs. The cats will be kept upstairs.

Mr. Kelley read the memo from Mr. Amity, Director of the Department of Animal Control, dated June 2, 1975 stating that he and the Fairfax County Chief Animal Warden inspected the subject premises on June 2, 1975. The kennels which house about 90 dogs do not appear to meet the standards required under Article V - "Kennels" of Chapter 2 of the County Code dealing with Animals and Fowl. The kennels are overcrowded, lack adequate ventilation, lack proper lighting, and cages 30"x40" are being used in many cases to hold two medium sized dogs. He further recommended that this application not be approved.

Mr. Odin stated that there are people present today who would dispute that.

The Board questioned whether the plats had all the buildings that are the property shown on them.

One of the contiguous property owners who lives at 7404 Bull Run Drive, Centreville, Virginia spoke in support of the application. She stated that she helps out at the kennel occasionally and feels that the animals are well taken care of and that this kennel will not adversely affect any of the neighboring properties.

Ann Lewis, 13721 Poplar Tree Road, Chantilly, Virginia, spoke in support of the application. She stated that most of the animals that Mrs. Barr has are under her jurisdiction because she is with the Friends of the Animals and takes most of the animals she gets to Mrs. Barr to care for until they are adopted. She stated that it is difficulty to find a kennel with this much land and space for the animals. Most of the kennels are in city circumstances on a couple of acres. Mrs. Barr takes good care of her animals. She stated that Mrs. Barr is paid only 75 cents per day for the care of animals that is taken to her by Friends of the Animals.

The President of the Animal Welfar League for Fairfax County spoke in opposition to the application. Her main reasons for objecting were the conditions, which she felt were atrocious, under which these animals were kept. She stated that when she viewed theproperty she found animals in wooden cages

which cannot be kept clean. The cages were like shipping crates. It was like a concentration camp. She stated that she felt the conditions should be improved before the Board allows Mrs. Barr to have even the animals that she has now.

Mrs. Motter, member of the Board of Directors of the Fairfax County Animal Welfare League, 7803 Holmes Run Drive, spoke in opposition. She stated that when she visited the property yesterday, there was no one there to take care of the animals. There were animals in the garage in crates and the conditions were so bad, she was nauseated. She stated that once the new rules and regulations are accepted that are now pending, Mrs. Barr will be out of business if she does not improve theconditions of her kennel.

Mr. Richard Amity, Director of the Animal Welfare Control for Fairfax County spoke stating that he was not speaking in opposition nor was he recommending that this application be granted. He stated that he did feel that Mrs. Barr is not housing the animals in accordance with the Code.

Mr. Lenn Koneczny, Zoning Inspector who had issued the violation notice, stated that he gave Mrs. Barr the notice in October, 1974. He had had a complaint about the noise from one of the adjoining property owners. He stated that he could not say in all sincerity that this kennel is in good upkeep. He stated that he had subsequently tried to make an inspection but Mrs. Barr asked him to come back another time as she had an appointment and had to leave.

Mr. Odin in rebuttal stated that he would like to invite theBoard to view this kennel for themselves since there is a conflict in the testimony regarding the manner in which Mrs. Barr keeps her kennel. He stated that it would be a good idea to see a dog that has just been brought there from the Rescue League and then compare that dog with a dog that had been with Mrs. Barr for a couple of weeks. The wooden crates that Mrs. Motter saw in the garage were animals that people had brought there while Mrs. Barr was away. Mrs. Barr was in his office yesterday afternoon. The Health Department has been out to inspect in the past and they have never had a violation. The last time they were out was in February. There was no complaint. He suggested that the Board select a veterinarian to look over the premises and the animals and make an independent report.

Mr. Kelley moved that this case be deferred until August 1, 1975 for decision to give the Board time to view the property.

Mr. Baker seconded the motion.

The motion passed unanimously with the members present. Mr. Barnes was absent.

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JUNE 25, 1975
AFTER AGENDA ITEM: WESTMINSTER SCHOOL, INC. Request for Out Of Turn Hearing.
Mr. Best, attorney for the applicant, wrote to the Board stating that the school would like to have additional classrooms available when school opens in September. This is necessitated by an increased enrollment to 218. They have a Special Use Permit for 300 students granted December 8, 1970.

Mr. Runyon moved that his request be granted.

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

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JUNE 25, 1975
AFTER AGENDA ITEM: VEPCO.

Mr. Church had presented plats to the Board earlier showing a slight re-location of a section of a VEPCO line now under Special Use Permit

Mr. Runyon moved that the plats be accepted and the Special Use Permit be amended accordingly. The Planning Commission has determined that a public hearing would not be necessary and has recommended approval for this minor change.

Mr. Baker seconded the motion.

The motion passed 4 to 0. Mr. Barnes was absent.

Mr. Smith stated that these plats and the accompanying documents should be made a part of the VEPCO file on this case.

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4. BELLE HAVEN COUNTRY CLUB. Mr. Covington reported that he had had another complaint from one of the nearby property owners stating that there had been a bad accident near the Club last Sunday and it was the complainant's opinion that it was caused by the on-street parking that is done by the Club members.

   Mr. Smith asked Mr. Covington to obtain a copy of the accident report from the Police Department and report back to the Board.

5. The Board discussed the properties they were going to view Tuesday, July 1, 1975. They were Mansion House Swim Club, Inc., Centreville Hospital property, the Barr property, and the Allen property. The Board would first meet in the Board room to take up some deferred cases and after agenda items.

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The meeting adjourned at 4:00 P.M.

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By Jane C. Kelsey
JANE C. KELSEY, CLERK TO THE
BOARD OF ZONING APPEALS

Submitted July 1, 1975

Notified other County Depts., Commissions and Board of Supervisors on 8-10-75.

Daniel Smith
DANIEL SMITH, CHAIRMAN
BOARD OF ZONING APPEALS

APPROVED July 16, 1975
DATE

The Special Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on July 1, 1975. Members Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes and Charles Runyon. Harvey Mitchell and Wallace Covington were present from the Staff. Mr. Baker was present only for a portion of the viewing.

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

FOX MILL SWIM CLUB, INC. appl. under Section 30-7.2.6.1.1 of the Zoning Ord. to permit community swim pool, SE corner Otsego and Viking Drives, S-106-75 (Deferred for decision from 6-25-75 for new plats showing additional parking)

The plats were submitted to the Board. Mr. Covington stated that the plats do not meet the specific requirements for a Group VI use regarding the setbacks. There can be no parking space in any required setback area or within 25' of any property line.

The Board again deferred this case until Mr. Stevens, attorney for the applicant, could have the plats revised by the engineers.

This case was set for July 9, 1975, decision only.

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DEFERRED CASE: JULY 1, 1975

CLARENCE E. GATTON, appl. under Section 30-7.2.6.1.14 of the Zoning Ord. to permit home professional real estate office in residence, 7112 Carol Lane, S-104-75 (Deferred from 6-25-75 for consideration by Board and possibly new plats showing parking or for the applicant to address the parking situation in accordance with Group VI of the Zoning Ordinance.

The new plats had been received showing proposed parking in the back of the house.

However, Mr. Runyon had not yet arrived and there were only three Board members. Mr. Smith asked the applicant if he would prefer this case being deferred until July 9 for a full Board. The applicant stated that he would.

This case was set for July 9, 1975, decision only.

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DEFERRED CASE -- JULY 1, 1975

INTERNATIONAL TOWN & COUNTRY CLUB. The letter had not been received from the Health Department.

The Board deferred this case for July 9, 1975, decision only.

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AFTER AGENDA ITEM - A.C. OIL COMPANY, INC., V-67-74

Mr. Smith read a letter from Mr. V. T. Worthington, President of the company, requesting an extension to this variance because they had been held up in beginning construction because of the sewer moratorium.

Mr. Barnes moved that this variance be extended 180 days from July 10, 1975.

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

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AFTER AGENDA ITEM - BELLE HAVEN COUNTRY CLUB

The Zoning Office had had another complaint from a citizen who lives in the area of this Club. This complaint stated that there had been a bad accident because of the parking on the street that is being done by Club members. The Board at its meeting June 25, 1975, requested the Zoning Office get a copy of the accident report.

The Board was in receipt of a memo from Jack Ash, Zoning Inspector, along with a copy of the accident report. This report stated that the accident was a hit and run and the cause possibly contributed to by the drinking of driver #2. There was nothing in the report that indicated that the accident related to the club parking.

It was the Board's decision that this cleared the Club on this complaint.

REQUEST FOR CLARIFICATION RE SANDRA WARD -- The Board discussed this matter and deferred the decision until July 9, 1975. The Board asked for copies of the minutes on this case.

260

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HOLLIN MEADOWS SWIM & TENNIS CLUB, 2500 Woodlawn Trail

The Board was in receipt of a letter from the Club requesting that they be allowed to begin team practice at 8:00 A.M. This gives the Club time to have swim team practice and to give swim lessons, life saving lessons, diving lessons, etc. and allows the Club to open at 11:00 a.m.

Mr. Krysa, representative from the Club, spoke before the Board. In answer to Mr. Smith's question, he stated that there has been one complaint on their Club hours because the swim team has been starting at 8:00 a.m. That complaint was from Mr. Al Aiken who is a former President of the Club. He stated that he was under the impression that the other Clubs in the area open at 8:00 a.m. for swim team practice.

The Board determined that it could not change the hours of operation without a public hearing.

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The Board then viewed several properties where it has Special Use Permit requests and Variance requests pending.
MRS. HAROLD L. BARR, JR., S-82-75, Request for kennel for 100 dogs & 100 cats. The first property viewed was of Mrs. Harold Barr, Jr. which was deferred on June 25, 1975 for viewing. This property is located at 7121 Bull Run Post Office Road, 64((1))60 on 28.403 acres of land in the Centreville District. The land is zoned RE-1.

Board Members Viewing the property were: Daniel Smith, Loy Kelley, George Barnes, and Charles Runyon. Mr. Baker joined the Board for the viewing of Mansion House Yacht Club and Mansion House Swim Club.

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MRS. HAROLD L. BARR, JR., S-82-75, Kennel, 7121 Bull Run Post Office Road.

The Board viewed the kennel. The Board felt that Mrs. Barr has adequate land area, but she is only using a small portion, approximately an acre, of that land for the kennel. The animals are crowded in their cages. There did not seem to be adequate exercise areas for all the animals. The barn where she proposed to build additional kennel cages was being used for three horses. The noise from the barking dogs was loud and could be heard from the road entering the property.

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CENTREVILLE HOSPITAL MEDICAL CENTER, INC., S-228-71, Granted January 25, 1972, 13815 Braddock Road, 54-4((1))Parcel 94 and part of Parcel 96, Centreville District.

The Board viewed this property and several members found the footings to the rear and side of the old unoccupied house. The property was overgrown with weeds.

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The Board recessed for lunch at 12:30 and continued on the tour at 1:30 p.m.

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CLARENCE GATTON, 7112 Carol Lane, S-104-75, Request for home professional real estate office in proposed residence.

The Board viewed this property to determine whether they feel this use would be compatible with the surrounding residential community. The decision on this case will be made July 9, 1975.

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VINCENT ALLEN, V-100-75, Northeast corner of Little River Turnpike and Woodland Road, 71-1((2))22,23 & 24, (28,007 sq.ft.) C-O zoning.

261

The Board members viewed this property and the properties of the contiguous property owners, the McPeaks and Greater Annandale Recreation Center. The Board found that the proposed office building would be contiguous to the parking lot of the Annandale Recreation Center. Woodland Drive was residential from the applicant's property line to the north. The properties to the front were all commercial and office use.

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MANSION HOUSE YACHT CLUB AND MANSION HOUSE SWIM CLUB

The Board gave particular attention to the proposed easement road that would give the Yacht Club access to their property. This is the only means of access to the Yacht Club. The swim club was built on a steep hill. The land for the Yacht Club dropped down into a ravine. The Yacht Club is proposed to be at the bottom of that ravine in a cove-like area. The topography was extremely steep.

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VOB, LTD., S-78-70.

The Board viewed this property and found Mt. Vernon Auto Sales operating at this location. The Zoning Administrator told the Board that they were operating in violation and have been issued a violation notice. The Board asked the Zoning Administrator to get some additional information such as, does VOB still own the property.

The Board also found that Mt. Vernon Auto Sales was parking their display vehicles in the front setback area where there can be no display according to the Zoning Ordinance.

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The Board returned to the Massey Building and adjourned at 4:25 P.M.

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Jane C. Kelsey

Jane C. Kelsey
Clerk to the Board of Zoning Appeals

Daniel Smith

DANIEL SMITH, CHAIRMAN

APPROVED July 22, 1975
DATE

262

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on July 9, 1975. Members Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes, and Charles Runyon and Joseph Baker. Harvey Mitchell and Wallace Covington were present from the Staff.

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

10:00 - PRINTES A. BLEVINS, JR., appl. under Section 30-7.2.6.1.3 of Ord. to permit nursery school, 60 children, 2-5 years, 7 a.m. to 6 p.m. 8010 Seven Woods Drive, 101-2((10))pt. parcel on west side of Seven Woods Dr. & S. side of Mt. Vernon Woods Elem. School, (1.77659 acres), Lee Dist., Sequoyah Sec. 1, (RT-10 and RM-2G), S-108-75.

Mr. Blevins presented notices to property owners which were in order. The contiguous owners were John R. Miller, 8001 Ashton Street and Harold C. Sohn, 8005 Ashton Street, Alexandria.

Mr. Blevins stated that he would like to have 60 children, ages 2 through 5 years, 7 a.m. to 6 p.m., weekdays. There are 500 families living in the Sequoyah Subdivision. Sixty percent of the mothers work outside the community and must have babysitters. The building in which he will have this nursery school is owned by the counsel of co-owners of the development. He stated that he does have a lease, but he has not yet signed it. He stated that he was waiting to see whether or not he had the Special Use Permit before signing it.

There was no one in the room to speak in support or in opposition to the application.

The Board deferred the case until he could obtain the lease. Mr. Blevins stated that he felt he could have the lease by next Wednesday.

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10:20 a.m. - NATIONAL WILDLIFE FEDERATION ENDOWMENT, INC., appl. under Section 30-7.2.5.1.4 of the Zoning Ord. to permit additional parking (49 spaces) and wall for a sign for existing facility, 8925 Leesburg Pike, 28-2((1))10 & 11, (41.4102 acres), Dranesville District, (RE-1), S-109-75.

Mr. Oliver H. Houck, counsel for the applicant, presented notices of the hearing to property owners in the area. All nine of the property owners notified were contiguous to the subject property. Two of those owners were Clifton W. Pennington, 9011 Leesburg Pike, McLean and Archie Borges, 8934 Leesburg Pike, McLean, Virginia.

Mr. Houck stated that the National Wildlife Federation Endowment, Inc. is basically an educational facility. They prepare educational materials, teaching aids, etc. and also conduct teaching activities. They have a nature trail behind the building where they take visitors through many kinds of terrain. They have many biologists who go to the Fairfax County schools to give lectures. 66 percent of the visitors to the facility are from Fairfax County. They have found that in order to service the demands on the Staff for the educational materials and accomodating visitors, they have had to increase their staff from the initial 250 persons to 350. These employees are for the most part residents of Fairfax County. The Board allowed them 218 parking spaces initially. Now they have so many visitors, at a rate of 1,000 per month, they need more parking spaces to accomodate these visitors. They have proposed to set this parking back from the road and in between the road and the new parking lot is all in trees. They are taking extensive steps to save these trees. He stated that he did not think the physical impact of this parking lot will adversely affect any of the nearby properties or the aesthetics of the area. This parking is not for an expansion of the facilities, but to accomodate the existing use. The employees start to work at 8:00 a.m. which means they are into the parking lot before the morning rush hour and the same is true for the afternoon. The employees are out of the lot before the rush begins. They have found that two-thirds of the employees go in the opposite direction from the rush hour traffic anyway.

Mr. Houck stated that there is a rendering in the file of the sign they propose to install. This sign is in accordance with the Zoning Ordinance and the Sign Ordinance. This sign will be placed on a brick wall and will be placed 90' back from the road. There will be trees all around the sides of the sign. They have no sign now and it would be useful to County residents who do not

know their exact location. They have an access road which was built at the County's request. They do have an entrance and exit sign for that road. The brick for the sign will match the building brick as closely as possible.

They also would like to place a temporary structure on the patio area which will house some redwood tables, plants, etc. and also place some solar energy collectors there for the purpose of collecting data on solar energy. This research facility will be open to the public. They would like to get the firmest data possible and the summer months is the best time to obtain this data. They would like to convert their facility to solar energy and they need to know whether or not this particular model will do the job. The equipment is already in and they are ready to go. They did not apply for this when they applied for the parking and sign because they did not feel it would be necessary since it is a temporary structure and is very small. It is located against the building and will not stick up in the sky. It will be landscaped with trees and potted plants. It will look like a picnic area. Visitors can see just how they could use this type energy for heating and cooling their homes. The cost factor of putting this equipment into their homes would depend on the area and whether or not one is considering generating electricity or just heating and cooling.

In answer to Mr. Smith's question, he stated that their facilities are open to the public and is not restricted to membership.

There was no one to speak in favor or in opposition to the application.

Mr. Smith read a memo from Martha Pennino, Supervisor, Centreville District, stating that she feared that permitting additional parking would continue to overpollute the Route 7 corridor from indirect sources, and would diminish the use of public transportation and car pooling. She asked the Planning Commission to pull and hear this case.

Mr. Smith stated that the Planning Commission did not see fit to pull this case and did not hear it. He stated that the applicant's agent has adequately represented to the Board that the additional parking spaces is needed for visitors and not for the expansion of the use and for that reason is not for a repeat group of people but for visitors visiting the facility for educational reasons. The Route 7 corridor should be adequate to accomodate this small number of people. This will diversify the traffic by having visitors attend a remote area of the County rather than concentrating educational facilities in one specific area.

RESOLUTION

In application No. S-109-75 by National Wildlife Federation Endowment, Inc. under Section 30-7.2.5.1.4 of the Zoning Ordinance to permit additional parking (49 spaces) and wall for a sign and a solar energy display exhibit on property at 8925 Leesburg Pike, tax map 28-2((1))10 and 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 held on July 9, 1975, and

WHEREAS, the Board 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 41.4102 acres.
4. That compliance with Site Plan Ordinance is required.
5. That the site is presently operating under SUP S-248-69 granted January 27, 1970.

AND, WHEREAS, the Board has reached the following 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 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 (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 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 County and State Codes shall apply.

7. All other provisions of the existing Special Use Permit shall remain in effect.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

Amended to Mavis Johnston

10:40 - HIDEAWAY, INC., a Virginia corporation, (contract purchaser), appl. under Section 30-7.2.6.1.5 of the Zoning Ordinance to permit one-chair beauty salon as a home occupation, 9018 Lee Highway, 48-4((3)) (36)29 & 30, (25,300 sq. ft.), Providence District, (RE-1), S-110-75.

Barry Murphy, attorney for the applicant, 301 Maple Avenue, West, Vienna, Virginia, attorney for the applicant, presented notices to the Board which were in order. The contiguous property owners were Jack Bradley, 2916 Hideaway Road and Douglas Clark, P.O. Box 138, Merrifield, Virginia.

Mr. Murphy stated that the contract to purchase was executed in March, 1975 by Mr. Preston Walker. Then a corporation was formed and took title to the property. That deed was recorded in May, 1975. He stated that he understood that there is difficulty about the corporation getting a permit. Therefore, he stated that he would like to ask the Board if it would defer this case until he can amend the application in the name of the operator, Mrs. Mavis Johnston, and submit a lease from the corporation to Mrs. Johnston. Mrs. Johnston resides at this location with her two children. She alone will operate this one-chair, one customer at a time, beauty shop.

Mr. Preston Walker testified in support of the application. He commended the Board in opening the meeting with a prayer. He stated that he is the sole owner of Hideaway corporation. Mrs. Johnston has no interest in the property other than as a Director of the corporation. There is no monetary interest. He stated that Hideaway, Inc. owns no other property in Fairfax County. There is no lease with Mrs. Johnston at the present time.

BOARD RULING

Mr. Smith stated that the Chair would rule that a lease is necessary. He also ruled that Hideaway, Inc. is not a proper applicant in this case.

Mr. Walker stated that Mrs. Johnston is the sister of the wife of a close friend of his and she is under personal hardship and needs to have this small shop in her home. He stated that the wide driveway that Mr. Kelley had questioned earlier was there when the property was purchased.

Mrs. Johnston testified before the Board. She stated that she does have an operator's permit. She has been a beauty operator for 13 years. She now works at 9411 Lee Highway at the Mavis World of Beauty at Circle Towers. She stated that she now lives at the subject property with her two children. She said that she can no longer work outside the home as her health is bad. She is allergic to hair spray and will try to make a small shop in her home to be allergy free.

Mr. Barry Murphy explained to the Board that he had filed the application using the address that Mrs. Johnston uses to get her mail,2924 Hideaway Road, Fairfax, Virginia 22030. However, Mrs. McCleerey called from the Zoning Office and told him that the real estate records show the address to be 9018 Lee Highway. He stated that he told Mrs. McCleerey to indicate whatever was the proper address as far as the County was concerned.

Mr. Channing Pace, 2900 Hideaway Road, represented himself and his wife and several other residents who own property in the Briarwood Farms subdivision. He stated that these people have joined him in a Petition which he would like to present to the Board in which they express their objection to this rezoning of this property at 9018 Lee Highway.

Mr. Smith corrected him and explained that this is not a rezoning but a Special Use Permit for the use of the property as a one-chair beauty shop as a home occupation which is a permitted use in a residential zone.

Mr. Pace stated that they oppose the use for commercial purposes on the grounds that this would constitute a threat to the residential nature of their property and would establish a precedent which would lead to possible future encroachment of commercialism of their neighborhood. He stated that since this is not a rezoning matter, his Petition would be out of order and perhaps he should correct the Petition to properly reflect this.

Mr. Smith stated that this case would not be resolved today and the Board would allow him ample time to correct the Petition. He stated that he should advise the Petitioners of this correction because they might wish to reconsider. There will be no further hearing on this case.

Patricia Monacella, 2908 Hideaway Road, spoke is opposition to the application. Some of her reasons were that this is facing on a very narrow street that has no sidewalks and she is concerned for the safety of the children. They also feel that the additional traffic this use will bring will have an adverse impact on the neighborhood.

Col. Steadman Nelson, 2904 Hideaway Road, spoke in opposition. He stated that he is the former chairman of the Briarwood Citizens Association. They feel that the ultimate result of the granting of this use will be to change the character of the neighborhood into an increasingly commercial neighborhood. They have recently had a very disturbing experience with this Board on another case where this Board made a decision on a case without their being notified. They would have liked to have been present when that decision was made. That case was a variance case on an outlot.

There were ten people in the room who stood to indicate that they were in opposition to this application.

Three people stood to indicate their support of this application.

Mr. Murphy stated in rebuttal that this will not be a commercial operation. Mrs. Johnston will operate by appointment only and there will only be one customer on the property at any one time. The property will remain single family residential. There will be no adverse traffic as there will only be one person there at any one time. As far as setting a precedent, there is an attorney next door and he is using his home for his office as a home occupation.

Mr. Smith stated that if he was, he had been doing it before the Ordinance was changed. The Board has not granted any Special Use Permit for professional offices in a home as yet. That Section of the Ordinance was changed just recently.

A lady in the audience asked if it would be possible for Mrs. Johnston to have more than one chair since she understood that the definition of a one-chair beauty shop is one chair and two dryers.

Mr. Smith stated that that was correct, she could possibly have more than one person on the property at any one time under that definition if she so chooses.

Mr. Smith stated that the record would be held open until July 16, 1975. He requested the applicant have the proper lease in by Friday and a copy of Mrs. Johnston's operator's permit. He stated that these should have been in the file. This will be a deferred case which will come up after the Regular Agenda Items have been heard. He also asked Mr. Pace to have his Petition in by Monday, July 14, 1975.

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11:00 - ROBERT B. MOORE, II appl. under Section 30-6.6.5.4 of the Zoning Ordinance to permit enclosed porch to remain closer to side property line than allowed by Ord., (4.2' from side; 12' required), 6069 Wooten Drive, 51-4((2))(D)5, (8,400 sq.ft.), Mason Dist., (R-12.5) V-111-75.

Mr. Moore presented notices to the Board which were in order. The contiguous property owners were Mandez, 3101 Olin Drive, on the corner of Wooten and Olin, and Frances Waters on the other side, 6067 Wooten Drive.

Mr. Moore stated that he contracted to have an existing porch enclosed to expand their small kitchen. The contractor started construction and when it was almost finished one of the neighbors came over and inquired if he had obtained an issuance. He stated that he became suspicious of the contractor and began to make inquiries and found that the contractor had not obtained a building permit and would not have been able to obtain a building permit. The porch was constructed in 1953 prior to the Zoning Ordinance amendments involving these setbacks which were adopted in 1959. Therefore, this porch could not be enclosed this close to the property line. He stated that he did confront the contractor with this and has also turned him in to the Building Inspector's office. The contractor's name is John Moore and is not a relation of his even though he has the same last name. The contractor has a Virginia contractor's license and an Arlington County license, but does not have a Fairfax County license.

Mr. Smith asked for a copy of his contract.

Mr. Moore stated that he had turned a copy in to the Building Inspector's Office and he could promptly get a copy for the Board.
(There was no one to speak in favor or in opposition to the application.)
The Board deferred this case until later in the day when Mr. Moore presented a copy of his contract to the Board.

After the Board reviewed the contract, the following motion was made:

RESOLUTION

In application V-111-75 by Robert B. Moore, II, under Section 30-6.6.5.4 of the Zoning Ordinance to permit enclosed porch to remain closer to side property line than allowed by the Ord. on property located at 6069 Wooten Drive, tax map 51-4((2))(D)5, 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 July 9, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 8,400 sq. ft.
4. That the request is for a 4.8' variance to the requirement to allow that construction remain.
6. That the property is subject to pro-rata share for off-site drainage.

AND, WHEREAS, the Board 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 by the contractor who failed to obtain 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 is hereby granted.

Mr. Barnes seconded the motion and the motion passed 5 to 0.

Page 267, July 9, 1975

11:20 - THE COURT HOUSE COUNTRY CLUB OF FAIRFAX, INC. appl. under Section 30-6.6 of the Zoning Ord. to permit 6' fence in front setback area along Brookline Drive, 5110 Ox Road, 68-1((1))18 and 20, (119.8683 acres), Springfield District (RE-1), V-112-75.

Mr. Stephen L. Best, attorney for the applicant, with offices at 4069 Chain Bridge Road, Fairfax, Virginia, presented notices to the Board which were in order. The contiguous property owners were Mr. and Mrs. Ira Godwin, 11036 Brookline Drive and Mr. and Mrs. William Linne, 11035 Brookline Drive, Fairfax, Virginia.

Mr. Best submitted additional photographs and a copy of an Agreement which was entered into with the residents of Breckinridge Subd. In that Agreement on page 3, it was agreed that the Club could build a 6' fence along the entire boundary and could submit a copy of that Agreement to the Board in support of the variance request.

Mr. Best stated that this application was before the Board in the spring of 1974 and was denied. There has been some change since then. Last spring they asked permission to build a 6' fence along most of the property line of the Club. There is a 6' fence along most of the property line now. Along the back part of the Club where Brookline Drive deadends, they had asked permission to build a 6' fence on the additional 150' span there, 50' on each side of Brookline Drive and a gate across Brookline Drive. At that time, there was a public right of way in existence. The Club had no right to put any fence or gate along the right of way, so there would have to be a 50' opening until that right of way was terminated. He believed that the Board felt that, since there was a 50' opening a fence back there would have no effect in keeping people off the property whether it was a 6' or 4' fence. Therefore, a suit was filed to terminate the right of way and the Club entered into the Agreement with the residents. The right of way was terminated by the Circuit Court of Fairfax County and the ownership of that property reverted to the Club. The Club is now in a position to build that fence along the entire boundary line. That right of way is being used now by the Club members. It is a compacted gravel road. In answer to Mr. Smith's question, he stated he did not know whether or not the road meets the County requirements for a dustless surface.

Mr. Smith stated that if the road is being used by the Club members, it will have to have a dustless surface and meet the County requirements.

Mr. Covington stated that it does not meet the County standards unless it has a two shot bituminous surface treatment or its equivalent.

Mr. Smith asked Mr. Best to explain the hardship as far as the Club is concerned. He stated that he had noticed on recent trips down 123 that the front gate is never closed.

Mr. Best stated that it is locked when the last people leave the Club.

Mr. Smith stated that he had been by there as late as 11:00 P.M. and the gate was open and was still open the next morning when he went back by around 7:00.

Mr. Best stated that the golf pro opens the gate in the morning around 6:00 or 6:30.

Mr. Best stated that it is impossible to locate a 6' fence any place except on the property line without causing substantial damage to the golf course. The need for the fence has been demonstrated by the fact that the County has erected a 6' fence around the entire Twinlake Golf Course. A 6' fence is more difficult to climb than a 4' fence.

Mr. Covington explained that the Twinlake Golf Course is a public facility and does not come under the control of the Fairfax County Zoning Office. He stated that their fence does exceed the height limit along Braddock Road.

Mr. Smith stated that this concerns him, that the County is able to fence its property in any way that suits it and the individual property owner is not able to do the same thing. He stated that this is a question for the County Attorney, but it is using a double standard.

Mr. Best stated that the reasons for limiting the fence height is for aesthetics, he assumed, and sometimes vision. Back in that area, their requested fence height would not affect the aesthetics nor vision. There is only one house where you can see the fence and that is Mr. Lenne's house. He has signed the Agreement consenting to a 6' fence. He stated that he

felt this 6' fence would be more harmonious and more effective than a 4' fence.

Mr. Best cleared up the question regarding the land area of the Club. He stated that the fence request is on the 119 acre parcel. The total land area is around 150 acres.

Mr. Smith stated that the application should be amended to reflect the 150 acres.

In answer to Mr. Runyon's question, Mr. Best stated that the gate would be located at the end of Brookline Drive. The size of the gate would be 15' wide and 6' in height. It would be a chain link gate. Everyone using the road would have to open that gate to get in and then close the gate. It would be locked after dark.

There was no one to speak in favor or in opposition to the application.

Mr. Runyon requested that this case be recessed until later in the day.

The case was called later in the day and the following Resolution was made.

RESOLUTION

In application V-112-75 by The Court House Country Club of Fairfax, Inc., under Section 30-6.6 of the Zoning Ordinance to permit 6' fence in front setback area along Brookline Drive, 5110 Ox Road, tax map 68-1((1))18 & 20, 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 held on the 9th day of July, 1975,

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 RE-1.
3. That the area of the lot is 153.2074 acres.

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

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 4 to 0. Mr. Kelley abstained.

11:40 - CROWN CENTRAL PETROLEUM appl. under Section 30-7.2.10.3.1 of the Zoning Ordinance to permit removal of existing station and building new one, 8103 Leesburg Pike, 39-2((2))56A and 58, Freedom Hill, (35,094 sq. ft.), Providence District, (C-N), S-113-75.

Mr. Charles Shumate, attorney for the applicant, with offices in Fairfax City, submitted notices to property owners which were in order. The contiguous owners were Tyco and Assoc., Inc., 1511 K Street, Washington, D.C. and Clarence W. Gosnell, 8130 Boone Blvd., Vienna, Virginia.

Mr. Shumate stated that there is an existing CITGO station at this location that is operating pursuant to a Special Use Permit that was granted September 27, 1966. The property is presently under contract of sale to the James River Realty Corporation which is the holding company for Crown Central Petroleum, Inc. Crown does not wish to operate anything but a gasoline dispensing operation. There will be no repair, no rental, no laundry.

Mr. Shumate submitted a photo of the Crown Station in Belle Aire, Maryland to show how this station will look, with the exception of some slight modifications. They propose to use the same sign standard as the one CITGO has now. The sign area will be reduced.

Mr. Smith stated that the sign could not be any greater than the one there now.

Mr. Shumate stated that the canopy will be lighted, but with no sign on it. There will be the word 'Crown' on the building.

Mr. Harold Starborough, 5533 Braddock Road, spoke for the Gasoline Dealers Association, in opposition to this application. He stated that he was speaking at the request of the dealers which surround this particular location. He submitted a Petition from all of the seventeen independent dealers which operate in this area. The reasons for the objection the Petition stated were that this area is already overpopulated with service stations and an operation of the type proposed by Crown would diluge the area even more, making it more difficult for the existing dealers to survive. It would also present a traffic hazard in this location with Crown's 'Gas and Go' type operation. He stated that Crown is applying to the Federal Government for six times what the original allocation was for that location and what the average would be for the locations around that area. They also sell their gasoline cheaper.

Mr. Smith stated that the cost factor could not be considered by this Board.

Mr. Starborough stated that this type operation is a traffic hazard because of the increased volumn of traffic. This station is near the most dangerous intersection in the County according to the Providence Journal. (He submitted a copy of that newspaper.)

Mr. Kelley stated that this is a service station already.

Mr. Starborough stated that this station has been closed since September 1974. He stated that the increase of traffic will be because this is a 'gas and go' rather than the usual neighborhood station. It was originally zoned for a neighborhood service station which is the type of station that can give complete and total service to the neighborhood.

Mr. Kelley stated that if there is an increase in traffic, they must be providing a service at this station that the other stations do not provide.

Mr. Starborough stated that they provide a cheaper price.

Mr. Shumate in rebuttal stated that Crown has stations that people like to come into. The history of their operations in Fairfax County has evidenced the fact that they have been good neighbors and have provided a much needed service. There have been instances that they have offered a cheaper price. He stated that he could appreciate what these gentlemen are saying. His firm has represented Gulf and Esso in the past and has been involved with the J & B Gasoline Station in the U-Haul case they took to Richmond on appeal. This opposition evidences a fear of competition. With regard to the allocation allottment, they should be before another governing body, not this Board. This country's economy has long thrived on the free enterprise system of supply and demand. He stated that he did not believe that this use would have an adverse impact on the surrounding neighborhood, which is commercial. The existing use is the same as that which is proposed and is compatible with the zoning trends in the area.

Mr. Kelley stated that he agreed with Mr. Shumate's statments. He is in sympathy with the operators of the other stations, but there is an existing station there and Crown intends to upgrade that station and continue the same use. The traffic in that area is caused primarily by the fact that Tysons Corner Shopping Center is just down the road a short distance from this station.

There was no one else to speak before the Board on this application.

RESOLUTION

270

In application S-113-75 by Crown Central Petroleum, Inc. under Section 30-7.2.10.3.1 of the Zoning Ordinance to permit removal of existing station and building of a new one, 8103 Leesburg Pike, tax map 39-2((2))56A & 58, Freedom Hill, Providence 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.

WHEREAS, following proper notice to the public 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 July 9, 1975.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Cities Service Oil Company. The applicant is contract purchaser.
2. That the present zoning is C-N.
3. That the area of the lot is 35,094 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 a gasoline service station has been operating on said property pursuant to Special Use Permit S-422-66, granted to Cities Service Oil Co., September 27, 1966.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in 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 operation of the permitted use.
6. There shall not be any display, selling, storing, rental, and/or leasing of automobiles, trucks, trailers, or recreational vehicles on said property.
7. Landscaping and/or screening shall be provided to the satisfaction of the Director of Environmental Management.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

The Board recessed at 12:45 for lunch.

Page 271, July 9, 1975
The Board returned at 2:00 P.M. TO TAKE UP THE ITEM:
12:00 N - RE-EVALUATION HEARING - CENTREVILLE HOSPITAL MEDICAL CENTER, INC. S-228-71 to permit construction and operation of a hospital and related facilities, 13815 Braddock Road (Rt. 620), 54-4((1)) parcel 94 and pt. of parcel 96, (12.05243 acres), Centreville District, (RE-1), Granted January 25, 1972.

Mr. Smith stated that this hearing came about at the request of the Comprehensive Health and Hospital Planning Commission of Northern Virginia in a letter which will be made part of the record. The Board felt after reviewing this letter and in the interest of the general health and welfare of the southern part of Fairfax County and Prince William County that this hearing should take place. He asked Mr. Jeffrey Human, Executive Director of that Commission, to testify before the Board.

Mr. Jeffrey Human, 7245 Arlington Blvd., Falls Church 22042, spoke before the Board. He stated that the Health Planning Council is a non-profit voluntary corporation whose members are appointed by the various governing bodies of the cities and counties of Northern Virginia. They have a general responsibility for planning under State and Federal law for determining whether or not hospitals ought to be constructed. In the case of the Centreville Hospital, the law is exempt because the law was passed since the zoning was approved. The Council finds that the hospital is not necessary. Since unnecessary hospitals result in increased cost, the Council instructed the Staff on October 14, 1974, to take actions to try to discourage the development of this hospital, including zoning and other related kinds of activities if they were to come up. They then tried to look into that situation and they did write the letter which the Board has before it. He added that in his dealings with Mr. Knowlton, Zoning Administrator, it has become apparent that there is no credibility problem such as was raised by the Department of Consumer Affairs. They have learned from the Division of Design Review that the Site Plan is now inactive. They show April 2, '71 as the initial submission date; logged in as complete on April 5, 1971. However, on February 8, 1973, engineering approvals were granted subject to the posting of surety bonds and a letter went out asking that the bonds be posted. The next entry indicated that development plans were inactive, that the approvals had lapsed and would have to be pursued again. With regard to obtaining a building permit, the usual sequence of events was not followed. By a motion by a member of the Board of Supervisors, a footing permit was issued before engineering approvals were granted and before bonding arrangements were made. That happened on December 3, 1971. On December 16, 1971, the footing inspection was approved. On December 13, 1974, the footing permit was cancelled and he assumed that this was the result of their looking through the file and seeing that more than 3 years had expired. Therefore, in terms of permits, it is back where it began. During this period of time, there was a technical claim to the beginning of construction in that, according to the testimony of one of the inspectors, a couple of yards of concrete were poured. However, in the spring of 1975, inspection services division was unable to find the footings. The Department of Consumer Affairs had also failed to find the footings. Apparently, things have overgrown so they were not there anymore. This seems to support the contention that the progress that is necessary in order to continue the Special Use Permit does not appear from what they have found to have actually occurred.

Mr. Steve Reynolds, Preliminary Engineering, stated that the Site Plan has not been voided by the Division of Design Review. The Plan was sent to the bonding office in February, 1973. They hold the plan for one year and if it is not bonded within that one year, the Plan is then voided. The applicant has been notified. The Bonding Branch did work up a bond package and send it to the owner/applicant. He stated that he did not know what occurred after that, but he would find out for the Board.

Mr. William B. Lawson, attorney for Centreville Hospital, spoke before the Board. He stated that he lives at 2745 North Randolph Street in Arlington, Virginia.

Mr. Lawson stated that, although Mr. Human said there is no question of credibility, he would like to present the applicant's position to the Board in two steps. The first step is the question of his representation to the Board at the last hearing. He stated that to Mr. Human's point of view that this is something that they would pass over, but it is not to his. The gentleman, Mr. Human, who spoke before the Board, was directed evidently directly by his Association, the Comprehensive Health and Hospital Planning Council of Northern Virginia, to present the documents that he presented by his letter and the attachments to that letter. Those attachments were called 'Investigation of Centreville Hospital Medical Center, Inc.'. It was prepared by the County's Department of Consumer Affairs. One of the three

reasons that the Health Planning Council asked the Board to rule that Centreville Hospital does not have a valid Use Permit was due to the lack of credibility and the fraudulent or intentional or unintentional misrepresentations made to this Board on November 19, 1973. He stated that this is a serious concern to him and to Dr. Berberian and since it has been published, he would like to talk about what those 'criminal violations' are, so, at least, he can continue his relationship with this Board in the future since this is how he makes his living and something he has devoted 25 years to attempting to present accurate cases and accurate information to the Board.

Mr. Smith asked Mr. Lawson to address the fact of the validity of the Special Use Permit and not get into the criminal aspects. He asked Mr. Lawson to present his side. The reason the Board decided to have a re-evaluation hearing on this case was because Prince William County has made application to increase the rooms in their hospital there which services that county and the southern part of Fairfax County. In so doing, they were denied the right to expand because this particular permit was outstanding. In Richmond, there is an indication that there are 100 rooms down there. The Board took a day last week and found that there was only some grown-up land area and an old house on the property. The re-evaluation hearing was not based on those points just referred to as criminal violations. He stated that he would state that for the record. He stated that he had never seen the footings that were alledged to either, but the Board was told by Mr. Covington, the Assistant Zoning Administrator, that they were there and he was sure that they were. However, there has been no progress made on the construction of this hospital. The Board wants to know why and what the status of the progress is.

Mr. Lawson asked Mr. Smith if he was clear that there was no question that he had not mislead the Board at the last hearing.

Mr. Smith stated that if the Board was mislead, it is the Board's fault.

Mr. Lawson stated that it was his because he presented the facts to the Board. He stated that he would direct his statements to that. Mr. Thompson and Dr. Berberian will explain the progress made since the last hearing and the status of the hospital.

Mr. James Thompson, 201 North Washington Street, Alexandria, Virginia spoke before the Board. He stated that they have formed a non-profit organization to facilitate financing and in order to utilize industrial bonds. It is proposed that the non-profit corporation either have a lease arrangement with the existing profit corporation or buy-out the assets of the profit making corporation and continue solely as a non-profit corporation. This non-profit corporation was chartered February 21, 1975. The Permittee's name has not changed. The non-profit corporation is proposed as an operating entity. Centreville Hospital Medical Center, Inc., the Permittee, still owns all the assets. There has not been any interrelation between the profit and non-profit corporation at this point. He stated that a representative from the operating entity, Charter Medical, is present today. He has been active in the financing aspect and can answer questions relating to this. They are ready to move forward just as soon as they can finalize the arrangements for financing.

Dr. George Berberbian, President of Centreville Hospital, presented the Board members with a package relating to the hospital's progress. He stated that the architect is present to testify that the plans were complete over a year ago, but have been held up in Richmond. They do have an assigned bid from E. H. Glover, Inc., contractor, who submitted a proposal to build the hospital for $4,889,000.00. They are ready to proceed as soon as the bonds have been sold and financing is available. There is a letter in the file from Mr. Glover stating that his company submitted drawings to the County with an application for a building permit on April 26, 1973. They were issued an application K7508. Mr. Bowman from the Health Department could not sign the permit application until he had a copy of a letter from the State Board of Health in Richmond approving these drawings. That approval was not made until November, 1974. They have posted $2700 in cash for the siltation bond. That money is held by the F & M Bank in Vienna. They made attempts to get construction bonding and the bonding company said they would not bond them until the State Fire Marshall and State Health Department had approved the plans. One of the letters in the file is from Thomas H. Walker, Architect, Bureau of Medical and Nursing Facilities Services of the State of Virginia, explaining why they didn't review the plans for about one and one-half years. They were busy initially and finally Mr. Walker discovered that he had not sent a set of plans to the State Fire Marshall. He then carried them by hand to him in July, 1974, and the letters that follow show the date they finally approved the plans. The State Corporation Commission sets forth in their memo called "Plans Review", the dates: plans dated, May 17, 1973; received

May 29, 1974, reviewed July 30, 1974. This letter is in the file to show that they are stating the truth in stating that the State had those plans and it took one and one-half years to approve them and it was no fault of Centreville Hospital. The architect is present today who was with him at the time Mr. Walker told him this, that the plans had not been submitted to the Fire Marshall until May, 1974. The letter dated July 26, 1974 from Mr. Walker states in part "...In our conference during the latter part of May, 1974, we again discussed the review by the Fire Marshall for compliance to the Life Safety Code and you took the set of documents directly to Mr. Wade's office for his review. Since that date, he has reviewed the drawings in his letters dated June 13 and July 12, 1974..."

The next documents in the package show their submission of the site plan and the letter that came from the County's bonding department asking them to comply with some issues in order to get the bond. They were not able to get the bond because no one would bond the site plan until the plans were approved by the State.

The next three documents in the package show that the Storm and Sanitary Easement Agreement with the County and the Water Authority Easement Agreement were executed on the 17th day of January, 1973. He wrote to Mr. Joe Sunday in Public Works on November 25, 1974 asking him to extend the sewer extension as specified in their tri-partite agreement. Finally, after continual checking, Mr. Lawson called the County in June, 1975 and someone told him that they were waiting before making the extension to see what was going to happen next.

Mr. Smith stated that there are a couple of Smiths on the Board of Directors of the Hospital and one is D. Smith. Neither of the men does he know, nor is he any relation to them to the best of his knowledge.

Dr. Berberian stated that one is Mr. Verlon Smith, M.D., who is a radiologist in Arlington. Mr. Verlon Smith stated in a previous hearing that he is not any relation to Chairman Smith. Dick Smith is President of Manna Financial Corporation at Seven Corners.

Dr. Berberian stated that Section II of the package shows their financing efforts. They have 66,000 shares outstanding for a total value of $330,000. That is $5.00 per share. Initially it sold for $10.00 per share, but there was a 2 to 1 split. There is a copy of the inducement contract between the hospital association and the Town of Clifton for industrial bonds. There is a letter of approval for the exemption for this latest method of financing. That letter is dated December 5, 1974 from Mr. Crews, Assistant Attorney General. They have enclosed the document showing the incorporation of the non-profit corporation by the State of Virginia. Another document is from J. C. Bradford & Co., the bond company, stating that as soon as they finish their feasibility and get approval and minimum rating, they would be willing to consider the selling of the bonds.

The next section in the package shows the hospital association's involvement with the Health agencies in Northern Virginia and also at the State level in an attempt to be reviewed by the various commissions. The first one shows October 12, 1971 from the Comprehensive Health Planning Council stating that they do not have the mechanism by which to decide whether a project was needed or not since the Council was in its early development stage. The second letter dated January 20, 1972 states in part "...the Fairfax County Hospital and Health Center Commission concluded that the need for such a facility is questionable until late in the 1970's; however, the Commission does not view the construction of such a facility as having a deleterious effect on County efforts to establish a balanced system of health care facilities. Therefore, the Commission has no objection to the renewal of the Special Use Permit..."

The next letter dated July 25, 1973, from the Director of the Bureau of Medical and Nursing Facilities Services states that they are exempt from the provisions of Chapter 12, which means that Centreville Hospital does not have to have approval of the Comprehensive Health and Hospital Planning Commission.

In concern for all the attacks they were receiving from that Commission just mentioned in the newspaper and otherwise, they wrote to Dr. Shanholtz, the State Health Commissioner, who stated that he had reviewed the facility and they would remain exempt from the Virginia Medical Care Facilities Certificate of Public Need Law. In the letter of June 16, 1975 they determined that in

of Centreville Hospital,
in view of the minimal progress/he (Dr. Shanholtz) was reluctant to continue the exempt status, but he did. However, Dr. Shanholtz asked that the Hospital Association submit monthly reports in order to update the status of the project.

274

Dr. Berberian submitted in Section 4 evidence of citizen support, physicians support, County Supervisor, and County support.

Dr. Berberian stated that he would submit to the Board a copy of the report they filed with Dr. Shanholtz. They do have the support of the physicians and they have 24 physicians that have purchased a medical site two blocks from the proposed hospital. He submitted in the package a list of those Doctors and their telephone numbers. He also submitted signatures of the Doctors who have asked for priviledges to serve in that hospital. He submitted a letter from Supervisor Pennino from the Centreville District stating that she, the citizens and the County supports this venture.

Dr. Berberian stated that the last letter in the package is a copy of a letter from the Comprehensive Health Planning Council dated June 23, 1975 written to their lenders threatening them with all types of actions if they consider lending bond money to them. They sent a copy to the feasibility people also, he stated. This is only one more aspect of that Council's involvement with a project that has been considered exempt for 2 or 3 years by the Commissioner himself. He stated that he is getting tired of those attacks. These attacks have been going on in the newspapers too. The Board has a copy of their apology for what they stated to the Washington Post. That Council has harassed them by constantly reminding the County that they should be destroyed because they were late in this and that and now the latest argument is that they are holding up Prince William County Hospital. The Commissioner of Health has denied approval to Prince William County Hospital and none of his statements says that he has denied them on the basis of Centreville Hospital's existence. They have evidence of the Council's harassment at a time when their Board has not even approved that harassment. In the letter that was written to their lender in paragraph 4, they have gone beyond their legal and moral rights to interfere with this hospital. He was not asking the Board to discuss this. All they are saying is, they have done their best to progress. They have not held anyone up. Two hundred fifty stockholders have trusted them to go forward and they plan to continue.

On the 25th of June, they had a stockholders meeting telling them that they were on their way to move. Suddenly, they heard from Charter Medical stating that they were concerned about what the Comprehensive Planning Council is threatening to do to the lenders, the Town of Clifton, and everyone concerned with this hospital. They said if this continues, they cannot sell the bonds. J. C. Bradford says that if they can get a good feasibility appraisal, they can sell the bonds.

Mr. Smith stated that the purpose of this hearing is to determine whether or not the applicant is diligently pursuing the Special Use Permit. It is a question of land use and the general health and welfare of the people in Fairfax County and Prince William County.

Dr. Berberian stated that Centreville Hospital and Prince William Hospital have never worked against each other. Even if Prince William gets approval of their hospital, they will have no beds for 4 years. They are full and they need beds and they are begging Centreville Hospital to proceed and get beds so at least between now and two years, they will have some beds.

Mr. Smith asked if they get bonding within 3 months, how long would it take to begin construction.

Dr. Berberian stated that he would like to hear from the County how long it would take to approve the site plan which they will resubmit immediately. They were never aware that it had expired.

Mr. Steve Reynolds stated that the time limit depends on the plans and the degree to which it was prepared. It usually takes from 2 to 6 months. It depends on the speed at which the applicant can execute a completion bond also. Many times, the bonding stage is the most lengthy portion.

The next speaker was
Mr. Bob Behm with the firm of Sheridan & Behn, 5510 Yorktown Blvd., Arlington, Virginia. The status of the plans are they have been completely reviewed and approved by the departments in Richmond. They had been submitted for a permit in '73 and they, of course, heard nothing because of the delay in the approvals from Richmond. When they did get requests from Richmond for modifications by virtue of the Fire Marshall's report, they immediately acted on them. It took something like 30 to 45 days of revisions and communications back and forth to comply with their requests. If they bring the application back, they would expect it to go to the Health Dept. where it stopped. They would estimate that it would take 30 to 45 days to get the building permit.

Mr. Lawson stated that with regard to the sewer permits, the hospital and the shopping center's sewer permits were granted for one year. They have paid the taxes on these permits. Construction had to be completed in either 2 or 3 years. That time has passed and the hospital and the shopping center have requested the Board of Supervisors to extend that agreement. Carol Whitcomb is in charge of that and both he and she agreed that that extension process should wait until after this hearing today. She might like to speak to this.

Mr. Joseph Pope, Moore Road, Centreville, Virginia, spoke before the Board. He stated that he is a 25 year resident of Centreville and President of the Centreville Citizens Association. He stated that he testified at the original hearing and again in 1973 that this hospital has the support of the entire Centreville community. He stated that he did not believe that he had ever heard any opposition to the hospital.

Mr. Smith stated that in view of the information the Board has received, the Board would hold the record open until it can get copies of the report Dr. Berberian had submitted to Dr. Shanholtz.

Mr. Baker moved that the Board take this under advisement for a period of 30 days, or until the first meeting in September, which will be September 4, 1975.

Mr. Runyon seconded the motion.

The motion passed 5 to 0.

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12:20 - MICHAEL MATTA T/A VIRGINIA DEVELOPMENTAL SCHOOL OF READING, appl. under Section 30-7.2.6.1.3 of the Ordinance to permit four week summer reading clinic each summer for part of July and August, 6215 Rolling Road, 79-3((8))6, Springfield District, Messiah United Methodist Church, (3.927 acres), RPC, S-120-75.

Mr. Matta presented notices to the Board which were in order. The two contiguous owners were Dr. DeAngelos, 6159 Roxbury Avenue and Mr. and Mrs. Victor K. Trogaeon, 6155 Roxbury Avenue, Springfield, Virginia.

Mr. Matta has been operating a four week summer reading clinic for the two past summers in the Messiah United Methodist Church. The Health Department reports that no permits from that Department are required and it has no objections to the issuance of a special use permit provided this school does not infringe on the facilities used by Accotink Academy #2 Day Care Center located in the same building.

The file indicated that the school will operate from 8:00 a.m. to 3:00 p.m. on Tuesday, Wednesday and Thursday; from 8:00 a.m. to 1:00 p.m. on Mondays, and from 8:00 a.m. to 10:30 a.m. on Fridays. The total enrollment would be 100, but there would be no more than 25 students at any one time. There will be a staff of eight and no class will have a ratio of more than 5 students per teacher. The applicant is a reading specialist, certified by the Virginia Department of Education, currently employed by theFairfax County Public Schools. The staff will be all certified reading teachers, also employed by the county. They have made car-pool arrangements. The maximum car trip generation would not exceed 12 to 15 cars. Sessions are scheduled 30 minutes apart, every two hours. The majority of the students will be from the Springfield, Burke, and Fairfax areas.

He submitted a letter from the church indicating that he could use the property for 1975 and 1976.

Mr. Kelley stated that the Board had deferred another case this morning because the applicant did not have a lease and would have to defer this also.

Mr. Matta stated that for the past two years, he had submitted a letter from the church similar to this one.

Mr. Kelley moved that the case be deferred for one week for the lease.

There was no one present in favor or in opposition to the application.

Mr. Baker seconded the motion. The motion passed 5 to 0.

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DEFERRED CASE: JAMES RABER, (Deferred from 6-18-75 for applicant to determine if a reduction in the variance request could be made) , V-98-75

The architect stated that only a small portion of the additon remains outside the setback area, about 25 square feet out of 800 square feet. The addition is proposed to be in line with the existing house. There is a 5' variance request on Davenport Street and a 2' variance request on Elba.

RESOLUTION

In application V-98-75 by James Raber under Section 30-6.6 of the Zoning Ordinance to permit construction of addition closer to front property lines than allowed by Ord. (within 43.0' of Elba Road and within 40.0' of Davenport Street), on property located at 7800 Davenport Street, 102-1((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 this Board held on June 18, 1975 and deferred to July 9, 1975, 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 22,315 sq. ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
(a) exceptional topographic problems of the land,
(b) unusual condition of the location of existing buildings,

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

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. 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.

MRS. HAROLD BARR, JR. (Kennel) The Board deferred for viewing until August 1, 1975.
The Board asked the Clerk to request the applicant to submit drawings showing how the barn will be converted into a kennel and have those drawing for the Board prior to the August 1, 1975 meeting. In addition, the Board suggested to the applicant that she not take in any more tenants until the Board has made a decision on this on August 1, 1975. This was Mr. Runyon's motion. Mr. Barnes seconded the motion. The motion passed 4 to 0. Mr. Smith objected to reducing the number until the Board takes a position as to how many she can have.

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Page 277, July 9, 1975

CLARENCE E. GATTON, home professional real estate office in residence, S-104-75 (Deferred from 6-25-75 for consideration by Board and possibly new plats or for the applicant to address the parking situation in accordance with Group VI of the Zoning Ordinance and for viewing)

The Board was in receipt of new plats showing the parking area to the rear of the house.

Mr. Kelley moved to deny.

Mr. Barnes seconded the motion.

Mr. Runyon stated that he felt the guidelines that this Board has been given by the Board of Supervisors that states that the residential character of the neighborhood shall be protected, is confusing. They put this in the Group VI category which means that the parking cannot be in any front setback or within 25' of any other property line. In this particular instance, Mr. Gatton will only have one or two cars there a week. He originally proposed a circular drive. Now, he has moved the parking to the rear and made four parking spaces. He stated that to him that does more harm to the residential character of the area than the circular drive would. There was no opposition from anyone. He stated that he did not feel that this small part-time real estate office would endanger the residential character of the neighborhood.

Mr. Smith disagreed that the parking area in the rear did more harm than the circular drive to the residential character. He stated that the only use that does not require the parking setbacks is the beauty shop in the home as a home occupation.

Mr. Runyon stated that that is his next point.

Mr. Kelley stated that he agreed with Mr. Runyon as to the parking in the rear. It isn't allowed in the front and it seems more commercial when it is a large parking lot in the rear, therefore, it can't possibly comply with the Ordinance.

Mr. Barnes stated that as he recalled there was no opposition. He stated that he seconded the motion because he was afraid this would look like a real estate office and would impact the neighborhood. He withdrew his second.

Mr. Allen Nolan, 133 Park Street, N.E., Vienna, Virginia, came forward to answer some questions at the request of Mr. Runyon. He stated that this proposed residence is only 10 lots away from their present residence. He bought this property several years ago. Two days before the construction was to start, the emergency ordinance was passed requiring them to come before this Board. They originally proposed the circular driveway, because they did not feel they would need parking. This is a one man operation. His wife is his secretary. The four parking spaces were put in after the Board told them that that was a requirement. It will probably end up as a badmitton court.

Mr. Runyon asked if they could move the house back and still get in the circular driveway out of the setback area.

Mr. Smith stated that the parking in the rear hidden by shrubs and trees appears more residential to him than the circular drive. He stated that he felt this plan was good and in keeping with the residential character of the neighborhood.

Mr. Nolan stated that he had checked out this rear parking plan with the contiguous property owner that might be affected and he had no objection.

Mr. Smith stated that if the Board could not make a decision at this point, he would pass over this case until later in the day after the other items have been finished.

The Board continued with the other After Agenda items and returned to take up Gatton. After a brief discussion the following motion was made:

----------RESOLUTION----------

In application No. S-104-75 by Clarence E. Gatton under Section 30-7.2.6.1.14 of the Zoning Ordinance to permit a real estate office in the home on property located at 7112 Carol Lane, 60-1((13))A-1B, 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 held on June 25, 1975 and deferred to July 9, 1975.

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-10.
3. That the area of the lot is 16,005 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 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 theproperty 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 area to be screened and landscaped to shield the parking.
7. The minimum number of parking spaces shall be 4.
8. This operation is to replace the existing real estate office located at 3218 Korte Court now operated by the applicant.
9. This office is for the use of only the applicant and his wife.

Mr. Baker seconded the motion.

The motion passed 5 to 1. Mr. Kelley voted No. Mr. Barnes abstained.

Mr. Smith stated that the operation of the real estate office on Korte Court will cease at the time that the new premises are occupied.

Mr. Nolan stated that it would.

FOX MILL SWIM CLUB, INC., S-106-75 (Deferred for decision only from 6-25-75 for new plats)

A copy of the lease had been submitted for the file. New plats had been submitted as required conforming with the Group VI setback requirements.

RESOLUTION

In application No. S-106-75 by Fox Mill Swim Club, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit community swimming pool on property located at southeast corner Otsego and Viking Drives, 25((10))F, 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 this Board held on June 25, 1975.

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

1. That the owner of the subject property is Fox Mill Estates Homes Association. The applicant is the lessee.
2. That the present zoning is RE-1 and R-17.
3. That the area of the lot is 1.25209 acres.
4. That compliance with the Site Plan Ordinance is required.
5. That compliance with all applicable State and County Codes is required.

AND, WHEREAS, the Board 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 family membership is to be 199, which shall reside in the immediate vicinity.
7. That the hours of operation shall be 9:00 a.m. to 9:00 p.m. Any after hours parties will require written permission from the Zoning Administrator and shall be limited to six (6) per season.
8. That the landscaping and/or screening shall be provided to the satisfaction of the Director of Environmental Management.
9. That the Directors' Resolution of Fox Mill Swim Club, Ltd., shall be a part of this Resolution, namely, "Resolved, that the budget submitted to the membership be amended to include Six Thousand Dollars ($6,000.00) for landscaping.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

INTERNATIONAL TOWN & COUNTRY CLUB, S-99-75

A letter from the Health Department had been received and was in the file stating that they would approve this temporary trailer use without restroom facilities for a period of two years.

RESOLUTION

In application S-99-75 by International Town & Country Club, Inc. under Section 30-7.6.2.1.1 of the Zoning Ordinance to permit relocation of fertilizer and equipment building and to permit mobile office for use by tennis pro and for storing and selling of tennis wares to remain on property located at 13200 Lee Jackson Highway, Centreville District, 35((1))106 & 45-1((1))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 this Board held on the 18th day of June, 1975.

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 240.87 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 applicant operates a country club on said property pursuant to Special Use Permit Use S-100-74, granted September 18, 1974.

AND, WHEREAS, the Board of Zoning Appeals has reached the following 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 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 temporary permit to allow a mobile trailer for use by tennis pro and storage shall be limited to Two (2) years.
7. That landscaping and/or screening shall be provided to the satisfaction of the Director of Environmental Management.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Runyon was out of the room.

AFTER AGENDA ITEM: WOODLAWN MANOR APARTMENTS, SECTION 1 (8.95673 acres)
MAP REFERENCE 101-3

Mr. Hugh Cregger, 2054 N. 14th Street, Arlington, Virginia, attorney for Woodlawn, testified before the Board and Mr. Hoffman, the owner of this project, was present.

Mr. Cregger stated that they want to know whether they have a non-conforming situation or not. There was a 29 acre parcel of land zoned RM-2G fronting on Route 1 in the Mt. Vernon District. This 29 acres was under one ownership and remained in one ownership until about 2 1/2 months ago. At that time, the parcel became split insofar as the fee simple title is concerned. The original tract was leased by the Fagelson family and the Rubin family to L. R. Broyhill who built about 200 units in the front section. They then subleased a portion of the property which is called Woodlawn Manor, Section 1. This is actually the second section of apartments. This parcel was divided into three sections and only two sections have been built. This section 1 is actually the second section of apartments. It is section 1 of the intended development by the second owner. There was a mortgage put on these buildings There were 15 buildings with a 2,600,000 dollar mortgage. The mortgage went into default and it has been foreclosed. The occupancy permits are issued and the apartments are occupied. The question is, since it is a 50' setback and you have a mortgage line before, that mortgage line has become a property line because the fee simple title changed. We don't think it is non-conforming under the circumstances.

Mr. Covington asked Mr. Cregger if he didn't tell him some time ago that it was a Court ruled line.

Mr. Cregger confirmed that he did tell him that. He stated that he later talked with Mr. Knowlton and Mr. Knowlton said that he wasn't sure what the facts were and he would bring it to the Board of Zoning Appeals.

Mr. Smith stated that he didn't think the Board of Zoning Appeals should have this as an After Agenda Item. He told Mr. Cregger if he wished to make application for a formal interpretation of the status of this, the Board would hear it, but the Zoning Administrator first has to make an interpretation and if they do not agree, then they apply to this Board on an appeal. This Board does not take these things just off the cuff, especially with the facts involved here. There has to be a formal action.

Mr. Covington stated that it became non-conforming as to setback when the Court established the property line by foreclosure.

Mr. Cregger said that if the building burned down, they could not build it back at its present location since it is non-conforming.

Mr. Smith stated that that is correct, but this is a brick structure and there isn't much possibility that it would burn down entirely.

Mr. Cregger stated that if they want to protect themselves against that, they would have to come to this Board on a variance request.

Mr. Smith stated that that was correct. If this is not alleviated prior to any disaster such as a fire, this certainly would be a good case for a variance, unless at that time it would subject the contiguous area to a greater impact than would normally be.

Mr. Cregger stated that he thought he understood. He thanked the Board for taking the time to discuss this.
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2. SANDRA WARD --

The Board then considered a letter from Robert Lawrence, attorney for the applicant, which they had discussed the previous weeks. The letter questioned the condition in the Resolution granted April 9, 1975 limiting the number of horses on Parcel 15C and Parcel 6 to 28. In addition, he questioned the limitation on the number of students to 250.

Mr. Smith stated that the Board could not increase the number of students without a formal hearing. The Board set a year limit and made all the consessions to allow this lady to continue to operate here. There have been complaints down there already on one of the horse shows where she was using loudspeakers and people were parking all over the place.

Mr. Runyon moved that the Board stand by its original motion made April 9, 1975 since the Board plans to re-evaluate in a year. Mr. Baker seconded the motion and the motion passed 5 to 0.

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4.
AFTER AGENDA ITEM: GOOD SHEPHARD CATHOLIC CHURCH (Change in configuration of building)

The Board reviewed the plans which were sent by Preliminary Engineering.

The Board stated that this change in the configuration of the building is a minor engineering change.

Mr. Baker moved that the Board accept these substitute plats showing this minor change in theconfiguration of the building.

Mr. Barnes seconded the motion.

The motion passed 5 to 0. Mr. Smith signed the substituted plats.

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5. KINGS PARK POOL (Request for a swimathon)
SPECIAL USE PERMIT -- (PARLIMENT SWIMMING POOL)
The Board discussed this at length. The letter contained an enclosure which showed the signatures of the contiguous and nearby property owners and stated that they had no objection to this.

The Board indicated their concern that this might be noisy or might set a precedent.

Mr. Runyon moved that the request be granted for the time and date requested. This should not be considered as setting a precedent and would only be allowed based on the merits of each case.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

6. KENA TEMPLE (Request for a change in the location of the building, which will be smaller)

The Board reviewed the plats and stated that they felt this would be a minor engineering change.

Mr. Baker moved that the request be granted for this change in the location of this building. This will be a smaller building.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Runyon abstained.

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7. COMMONWEALTH SWIM CLUB, Commonwealth Blvd., Kings Park West.

Mr. Covington explained that this Club would like to remain open for 7 days in order for the Club to give an Adult Life Saving Class from 9:00 to 10:00 each night.

Mr. Baker moved thatthe request be granted.

Mr. Runyon seconded the motion.

The motion passed 5 to 0.

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The meeting adjourned at 5:09 P.M.

Jane C. Kelsey
By Jane C. Kelsey
Clerk to the Board of Zoning Appeals

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED: July 31, 1975
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held On Wednesday, July 16, 1975 in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes; Joseph Baker and Charles Runyon. Harvey Mitchell and Wallace Covington were present from the Staff.

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

10:00 - JOHN RALPH PEO appl. under Section 30-6.6 to permit enclosed structure to be made part of existing house within 1.5' of side property line (20' required) and to add breezeway to connect this structure with the house, 6616 Ridgeway Drive, 90-1((2))209, Springvale, Section 3, Springfield District, (31,935 sq.ft.), (RE-0.5), V-114-75.

Mr. Peo submitted notices to property owners which were in order. The contiguous owners were Maxwell Coleman, 6612 Ridgeway Drive and Roy W. Korth, 6620 Ridgeway Drive.

Mr. Peo stated that he could not add an addition to his house on the other side because of the landfill there and it would be a major undertaking. He has owned the house for 2 1/2 years. The house is about 14 years old. The garage that he is converting into living space for his parents is a masonry structure. In addition to the other side of the house being landfill, it is also on a slope.

In answer to Mr. Kelley's question, if the contiguous property owner has the same problem, Mr. Peo stated that they are on a slight grade also. However, the people next door have built out on the opposite side. That house is set in front of his house.

Mr. Kelley stated that Mr. Covington informed him that the garage was constructed in error several years ago. The building permit had indicated it would be 2'. It is a substandard lot, so he is not asking for an 18' sideyard variance, Mr. Covington said.

Mr. Smith stated that this amounts to a second house on the lot.

Mr. Peo stated that there is a 6" overhang on the edge of the roof and that may be the problem.

Mr. Kelley stated that he felt the applicant is trying to overbuild the lot.

Mr. Runyon moved that the Board defer this case to give the applicant the benefit of the doubt. The Board has to look at this in conjunction with the other properties.

Mr. Baker seconded the motion.

The motion passed 5 to 0. The case was set for August 1, 1975.

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10:10 - ROSE HILL VETERINARY CLINIC appl. under Section 30-7.2.10.3.9 of the Zoning Ord. to permit small animal hospital, 6142-A Rose Hill Drive, Rose Hill Shopping Center, 82-3((1))pt parcel 41, Lee District, (C-D), S-116-75.

Dr. Fenton submitted notices to property owners which were in order. The contiguous owners were Sue Abbou, 6115 Rose Hill Drive, Alice Eibright, 5110 Franconia Road and Lenn Nestor, 5221 Franconia Road.

Dr. Fenton stated that this location is a little less than than 3 miles. from his other location at Penn Daw. The operation at Penn Daw has become rather specialized. They have several specialists on the staff. Because of these specialists, their colleagues in the area have been referring cases to them, so that the hospital has become a referral diagnostic and treatment clinic. They find that they do not have enough space for offices. They want to use the Rose Hill address as an out-patient clinic. An out-patient clinic does not appear in the Fairfax County Code. It is a radical departure from an animal hospital. The difference is, they do not keep any patients in an out-patient clinic. They come in, are treated, and then leave. Of course, if it was an emergency and the animal could not be moved or was getting whole blood transfusions, the veterinarian would stay with that patient. This would be a rarity. The patients that need hospitalization

would be shipped immediately to the hospital on Richmond Highway where the facilities are complete.

Dr. Fenton stated that he was familiar with the Ordinance relating to this use which states that all operation shall be within an enclosed building and that building shall be adequately soundproofed and constructed so that there will be no emission of odor or noise that would be detrimental to other property in the area. This would require Health Department approval.

Mr. Dave West, President of the Rose Hill Citizens Association, came before the Board and stated that he came for information. He stated that he and the citizens in the area are basically in favor of this. They are the subdivision that is the closest to this shopping center and they do have an interest in whatever goes into it. They would be opposed if they were going to keep the animals overnight. The location 6142-A is next to a Safeway Store on one side and a real estate office on the other. It would be very important that noise and odor be kept confined to the subject premises. They had heard that they might move into another wing in the shopping center that is now open, 6116. That area would not be as conjested. It is next to a laundromat.

Dr. Fenton stated that he was sorry because he meant to ask to ask the Board to amend the application to allow them to change the address to 6116-A. This is within the same shopping center and is much better location. He submitted a copy of that lease.

Mr. Runyon moved that the Board amend the application to 6616-A. Mr. Baker seconded the motion. The motion passed 5 to 0.

The applicant did not have pictures of the new location. Mr. Smith asked him to get those pictures for the file.

Mr. West stated that he was much more in favor of the application at this new location.

There was no one to speak in opposition.

RESOLUTION

In application S-116-75 by Dr. A. Budd Fenton and Dr. Bradford E. Buell T/A Rose Hill Veterinary Clinic under Section 30-7.2.10.3.9 of the Zoning Ordinance to permit a small animal hospital on property located at 6616A Rose Hill Drive, Rose Hill Shopping Center, tax map 82-3((1))pt 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 held on July 16, 1975.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Mortgage Investors of Washington. The applicant is the lessee.
2. That the present zoning is C-D.
3. That the area of the lot is 2,080 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:
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 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 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 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 operation will be an out-patient operation.
7. The hours of operation are 8:00 a.m. to 9:00 p.m.
8. All County and State requirements shall be met pertaining to noise and odor for small animal hospitals.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

10:30 - JOHN M. DERR, III appl. under Section 30-6.6 of the Zoning Ord. to permit construction of house within 38' of center line of unimproved ingress - egress easement, Hampton Road, 105-2((1))2A, (2.159 acres), Springfield District, (RE-1), V-117-75.

Mr. Derr represented himself before the Board. Notices to property owners were in order. The contiguous property owners were Mrs. Marijke Tellekemp on Julian Street and Peter F. Ball, 8301 Ox Road, Fairfax Station.

Mr. Derr stated that there is a Fairfax County Water Authority easement all along the side and rear of his property. The flood plain line runs outside that easement. They cannot move the proposed seepage pits as this is the only place on the lot acceptable to the County for them. The lot is very steep and will not take a normal septic field. Prior to applying for a building permit, they had the property surveyed and found that there was an existing 16' access easement along the other side of the property. Even though this easement was unimproved, it is a recorded easement belonging to Mrs. Tellekemp to provide acces to some of her land, about 13 acres. They, therefore, have to setback from that easement.

Mr. Smith asked if that access easement could ever be developed.

Mr. Covington stated that it could be with enough waivers. However, the land is difficult to develop because the topography is very steep and there are a lot of flood plain problems.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application V-117-75 by John M. Derr, III under Section 30-6.6 of the Zoning Ordinance to permit construction of house within 38' of center line of unimproved ingress-egress on property located at Hampton Road, 105-2((1)) 2A, County of Fairfax, Virginia, Mr. Kelley moved that the Board of Zoning Appeals adopt the following Resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by this Board held on the 16th day of July, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 2.159 acres.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 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 5 to 0.

10:40 - R. K. ENSMINGER appl under Section 30-6.6 of the Zoning Ordinance to permit storage room in rear of carport to be constructed within 4' of side property line (12' required), 8427 Georgian Way, 70-1((16)) 269, Oak Hill Subd., (12,241 Sq. Ft.), Annandale District, (R-12.5), V-118-75.

Mr. Ensminger submitted notices to property owners which were in order. The contiguous owners were Reedy and Scultz.

Mr. Ensminger stated that there is a sewer easement across the back of his lot. There is a steep slope up from the house and it doesn't level out until just before the sewer easement. There is also severe run-off problems. They have the lowest property in the area. Seven homes drain into that property. Because of the angle of the property line and the way the dwelling sits on the lot, it makes it impossible for them to set a storage shed any place except on the back of this carport. He stated that they need the shed to store garden equipment and bicycles. His son also has a motorized go-cart which they would like to store in there.

In answer to Mr. Kelley's question, he stated that he had made a previous application. However, the surveyor put the storage shed on the wrong side of the carport. This would not help them at all. Therefore, he withdrew that application and reapplied. This is the same sized storage shed, but they have moved it out from the house in order to have a little opening between the house and the storage shed.

In answer to Mr. Smith's question, he stated that there is a problem with the next door neighbor. The applicant would like the shed in this location in order to help alleviate this problem, to shield his wife from verbal and physical abuse.

There was no one to speak in favor or in opposition.

Mr. Smith stated that this is certainly an irregular shaped lot.

Mr. Kelley stated that he thought the Board allowed the applicant to withdraw the case in order to reduce the variance.

Mr. Smith stated that the minutes reflect that the applicant withdrew this case right away as soon as it was called because he said the request was not what he had intended it to be. The surveyor had made a mistake in drawing the plat. The Board told him that he could not amend the application to ask for a greater variance, that he would have to refile with a new application. The applicant has done this.

Mr. Runyon moved that the Board defer this case until August 1, 1975 for viewing and review.

Mr. Kelley seconded the motion.

Mr. Ensminger stated that he would accept the 9'x15' shed if the Board would grant that size.

Mr. Runyon stated that he still would like to take a look at it.

The motion passed 5 to 0.

10:50 - DAVID L. REDDING, V-119-75

The applicant did not have proper notices. He had not notified the contiguous and nearby property owners at all of the time, date and place of the hearing. They had told the property owners of their plans and had letters from the property owners stating that they had no objections. This does not conform to the Code requirements however.

The case was deferred until September 4, 1975 for a full hearing.

Mr. Runyon's motion, Mr. Baker's second. Passed 5 to 0.

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11:10 - CALVARY CHRISTIAN CHURCH appl. under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit church, 4420 Olley Lane, Little River Estates, 69-2((2))5, Annandale District, (2.50 acres), (RE-1), S-121-75.

Mr. Walter Stevens, attorney, submitted notices to property owners which were in order. The contiguous property owners were Donald Early, 4400 Olley Lane and Wilma Hoover, 4416 Olley Lane.

Mr. Stevens stated that this is a small church group that presently occupies a small structure on Twinbrook and Braddock which has been purchased as an over-all development plan for the church. The proposed location on Olley Lane is sought for a new church building. They have 182' frontage on Olley Lane. There are architectural drawings in the file showing the way the proposed structure will look. In addition, there are photographs in the file showing the topography of the particular lot. The material that will be used will be brick.

Mrs. Helwig, 4429 Glenrose Street, Fairfax, Virginia, asked some questions of the applicant regarding this proposed church. She stated that she and some of her neighbors are concerned about whether there will be a buffer of trees between the church and their property. They back up to the church.

After checking the plats, it was determined that there will be about 100' of trees between the parking lot on the church property and Mrs. Helwig's property.

Mrs. Helwig asked whether or not they plan to secure the property to prevent people from just driving in when church is not in session.

Mr. Byrd, the architect, stated that there are no such plans.

Mr. Smith stated that if it becomes a problem, the church should take some action. If this is not done, the Board could also take some action.

Mr. Stevens stated that the State statute says it is a violation to use church or school property unless one is a member of the church and has permission to be on the property.

Mrs. Helwig stated that that may be so, but the church that she goes to has that problem and they have not been able to do anything about. However, there are no houses backing up to that church.

Mrs. Heather Ehalt, 4408 Olley Lane, spoke in opposition to the application. Her main points of opposition were that there is no need for a church since no nearby property owner or resident is a member of this congregation. Therefore, the church will not serve the people in whose midst it is to be located. The configuration and topography of the property argue against this property being used for anything other than residential purposes.

The construction of a large building would require altering the fall of the land to a point that it would cause either real property damage to adjacent property owners down the slope or would destroy the aesthetic value of the immediate area. The covenants of that subdivision restrict buildings to within 50' of the side line and requires at least a 75' setback from the road. The topography of the section of Little Run Estates from Athens Road south to Little Run is a slope down from Athens of 200'. At the approximate 300' from Olley Lane, it rises to a ridge line and falls off again. The small gully that is formed serves as a natural drainage area for Athens Road to a large pond adjacent to Little Run. Storm runoff during heavy rains has approached a rate of at least one-third of a million gallons per hour. The feature that prevents a serious erosion problem is that the valley is wide enough in most places to permit the flow of water to spread out and go slowly downhill. If a structure is going to be built in the valley, the flow of runoff will have to be channeled. This would present a tremendous flow of high velocity water to Mr. Bratter's property which would utimately result in the erosion of the drainage ditch and adversely cause the siltation of a pond owned by a corporation of Little Run Estates residents. The large hard surface parking lot would contribute even more to the detriment of the nearby properties. She recommended that the architectural plans and an impact statement be submitted to the Board for study and evaluation.

Mrs. Ehalt stated that they had lived in the area for two years.

Mr. Smith explained that this is not a zoning change and the problems of drainage would be considered by site plan control. The church would have to pay a certain amount of money to develop drainage control. This Board does not get involved in the covenants of a subdivision.
Mr. Eugene Hoover, 4416 Olley Lane, contiguous to the subject property, spoke in opposition to the application. He stated that this property had failed the perk tests up until 1974. It was tried a number of times by Mr. Angel and his sons, the previous owner of the property. He stated that he had no interest in the property. His main points of opposition were the problems a large structure would cause to the adjacent properties due to improper drainage and it would also be in conflict with the restrictive covenants of this subdivision. In addition,they are concerned about the increase in traffic that this use will cause and the fact that there is not a sufficient buffer between his property and the property of the church.

Mrs. Dorothy Bratter, 2500 Olley Lane, Lot 6 and part of Lot 7, spoke in opposition to the application. She stated that constructing a large building of this size and a large parking lot would affect the fresh water springs that they have used for drinking water for years and years. This property drains into that spring fed lake and she fears that a septic field will contaminate it. There is sewer available along the front of the property that the church could tie into. They are strongly opposed to a septic field being used. They also feel that this use will devaluate the property in the nearby areas.

Sandra Moran, 9409 Athens Road, spoke in opposition to this application. She stated that with just the neighborhood traffic, you get 5 or 6 cars lined up at the light on Olley Lane. This church use will increase the traffic problems.

Mr. Walter Stevens spoke in rebuttal to the opposition. He reitterated that this is not a rezoning and the fact that the drainage problems will be taken care of by the Department of Design Review under site plan. This property is located directly across from the school and there doesn't appear to be any reason given thus far as to why the Special Use Permit should not be granted.

John Leggin thanked the neighbors for being interested and guaranteed them that they would do everything they could to make sure they did not create any problems.

In answer to Mr. Smith's question as to whether or not there were any people who were members of the congregation that live near the subject property, several of the audience stated that they lived nearby: Circle Towers, Burke Station Road, Braddock Road, Lake-Braddock Subdivision. There were 16 people in the audience in favor ofthe application.

When Mr. Smith asked for those who were in objection to raise their hands, one of the men objected to this and stated that it was a silly question. His name was Morton Bratter, one of the adjacent property owners.

the architect for the project,
Mr. Byrd, 12308 Stafford Lane, Bowie, Maryland, came forward to answer questions Mr. Runyon asked.

Mr. Byrd

Mr. Runyon stated that it shows he has sited the building in the middle of the property at an elevation of 332', then he shows the parking area over to the property line. He stated that it looked like he was dropping about 10' in a 5' strip. He asked how this property was planned to be developed as that is an awful lot of grade change in a distance of about 50'. He stated that he realized that this is something that would be handled by the site plan. However, the Board has to consider the impact on the adjoining property, which would be Mr. Hoover's property. It shows a buffer strip of about 5' in there with a change in grade of as much as 10'. He stated that he is dropping from 355' to 332' in a distance of about 100' with parking, landscaping and screening and he was wondering how he planned to do that.

Mr. Byrd stated that it would be a gradual slope.

Mr. Runyon stated that"there is a difference of 12' in 5' and that is not consistent with what would be required. If you drop 12' you have to have about 25' of buffer. You don't have enough room between the Hoover property and the beginning of the property there. You need a wider buffer."

Mr. Runyon stated that another question he had was on the location of the septic field toward the western part of the property.

Mr. Smith stated that if the Health Department does not approve the location of the septic field and tank, the use would not be allowed there anyway. "A perk of 17 at a depth of 120 is pretty deep," he stated.

Mr. Runyon stated that he would like to have theinformation from the Health Department on that because they require that you cut down to a cover of only 22" over the top of the field after you are through. That would require major cutting in this area, about 6', and he would like to know where that is proposed to be. He stated that he had two problems, one is the depth of the septic field. This could be answered very easily if it is hooked to the public sewer which is down the hill from this lot and the slope on the north side, next to the Hoover property. He has asked that question and it needs to be answered.

Mr. Smith stated that the Board could require a tree buffer of any type, but the site plan takes care of the other aspects of it. The Board has never gotten into the site plan part of it and required buffers.

Mr. Runyon stated that the reason these things are required by Use Permit and not by right is because of the reason these people are here. He stated that he didn't admire Mr. Bratter's outburst and he should apologize to this Board in that respect. But, these people are concerned, and they are reasonable people. Their points are very well taken and that is, the church itself needs to provide for the residential character of the neighborhood,which a 5' buffer is not going to take care of. The question of the sewer needs to be answered to determine how much cutting is going to be done. This is very steep topography from the standpoint of putting a church on it as opposed to two or three residential houses. The question on the covenant of the subdivision would have to be answered in a civil matter.

MR. RUNYON:

"This Board is determining land use and the land use has to meet the requirements which says that the residential character will be met. They have plenty of buffer on the south side, but not the north side. The two people who will be most affected will be the Hoover property and the Blatter's property. Perhaps the parking area and the access drive can be moved away from the two properties to a distance of some 20' or at least out of the building restriction area, so that some of that buffer will be left and some of that slope could be taken up. The requirement of the Ordinance is that they will not discharge any more surface water from the site after development than before. Site Plan will take care of this, but they don't really take care of the buffer provision because they will come right back to us and ask what we meant."I would like to defer this case until the September 4, 1975 date to give the applicant time to perhaps restudy this condition on the north and south property line/far the buffer and elevations are concerned.

Mr. Baker seconded the motion.

The motion passed 5 to 0. Mr. Smith stated that no new testimony will be taken. The architect should be present to answer questions the Board might have.
// Mr. Bratter apologized for his earlier outburst toward the Board.

The Board recessed for 5 minutes.

After the recess, Mr. Smith stated that for reasons of membership, it is a desire of the Board to change the meeting for the previously deferred case to August 1 instead of September 4, 1975. One of the members has resigned effective the 5th of August and the Board would like to dispose of all deferred cases prior to that time.

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11:30 - DULLES BICENTENNIAL CAMPGROUNDS, INC. appl. under Section 30-7.2.8.1.5 of the Ord. to permit bicentennial campground, Route 28, 1/2 mi. south of Route 50, 1.7 mi. from Route 66, 44-1((1))1, 1A (2 parts), 1B, 6, and 6A, 44-2((1))Parcel 5, (approximately 540 acres), Centreville District, (RE-1), S-122-75.

Mr. Smith stated that the purpose of this hearing is to designate areas if the Board feels it is compatible land use for campground purposes, apparently on a temporary basis. The Use Permit for the particular development will not take place until such time as development plans have been presented to this Board and a new hearing, or what amounts to a new application on each development.

Mr. Bob Colbert, Suite 402, 10560 Main Street, Fairfax, Virginia, represented the applicant. He presented notices to the Board which were in order. Two of the contiguous property owners were Helen Hutchison Smith, 4600 Centreville Road and Crestwood Development Corporation 7394 Reservoir Road, Springfield, Virginia.

Mr. Smith stated that "basically what the Board is doing today is holding a hearing as to the land use itself without specifics as to land area except the 540 acres that is under application. It is the Board's understanding that this will be developed in parcels and will not all be developed at one time. For that reason, the applicant would have to come back in after the development plans are formulated with a new application for each development, if it is, of course, determined that this land should be designated as a land use in the category of campgrounds, after the discussion and criteria is set forth as to development phases of it, what the density should be, where the ingress and egress should be, and this type thing."

Mr. Colbert stated that the entrance to this campground would be from Route 28. He indicated the planned entrances on the map. He stated that they have paid for 224 sewer taps which will accomodate approximately 825 units. The land is still under the ownership of the individuals listed on the plats. The applicant proposes a temporary campground site for tourists during the Bicentennial. The applicant is trying to accomodate people coming into the area from Charlottesville and Route 81 down through the Valley. They have been working through COG. They are working with KOA primarily. KOA has obtained a $47,000 grant to do a feasibility study on the Bicentennial Campgrounds which should be complete by the end of September. KOA operates 800 campgrounds throughout the country and owns about 76 themselves. The applicant is to provide KOA with a site where they can set up campgrounds for recreational vehicles such as trailer and tent units. The applicant has been working with Susan Melville, Bicentennial Coordinator for Fairfax County, who has viewed the sites with KOA. The campground will not be a recreation park such as Burke Lake or Lake Fairfax. This is primarily so a person can park his tent or trailer and leave it while sightseeing. Hopefully, there will be mass transportaiton from this site downtown to keep cars and trucks off the road. This is one of the key items they must consider.

The projection is that 30 to 40 million people will be coming into this area for the Bicentennial. There are 30,000 rooms available. There will be a 120 day period in which 300 to 400,000 people per day will be coming in. Mr. Colbert stated that the problem of where to put these people must be solved.

Mr. Gilbert Knowlton, Zoning Administrator, stated that the Board must keep in mind that there are many other bodies of law other than zoning, especially the Health Department, which will get involved with this particular case. Requirements must be met for handling traffic, determining entrances, site distances, etc. All of that will be considered when the Board considers the smaller individual parts of the development plan. The Staff is not even in a position to speak to this at this point.

Mr. Andy Flooze, 920 Vine Street, Herndon, Virginia, resident of Fairfax County for 10 years, is active in the recreational vehicle business, is a member of the National Capitol Recreational Vehicles Dealers Association and National Camping and Hiking Association and writes and publishes a book entitled, Campground Directories, Mid-Atlantic. Mr. Flooze stated that Fairfax County is much better off in this situation than Prince George and Montgomery Counties. There are 600 campsites in Fairfax County, either under the County or Regional Park Authority. There are another 180 campsites in Prince William under the Department of Interior. There are, within a 30 mile radius of Washington, a total of only 1,826 campsites. There is a shortage. There is 2 to 3 times as many sites in Williamsburg and Philadelphia. The Army has refused to turn over any lands at Ft. Belvoir or Ft. Meade and the FAA will do nothing.

Mr. Steve Smith, Research and Planning Division, Fire and Rescue Services, stated that looking at this from a fire and rescue standpoint, there is no water for fire protection within the 540 acre site. The Fire Department would like to know who is going to pay the cost for transmission of water lines to protect this property.

Mr. Robert Manuel, 110 North Royal Street, Alexandria, attorney representing Mr. and Mrs. Edward Smith, one of the contiguous land owners who own 90 acres of land, spoke in opposition to this application on their behalf. (Mr. Smith stated for the record that he was not related to Mr. Manuel's clients, the Smiths.) Mr. Manuel stated that should the Board grant an intent today without proper site plans, then when those plans are presented, if the Board denies the request, the applicant then can say that he had been mislead.

Mr. Manuel stated that he also represents Mr. and Mrs. Edward Lewis, who live nearby. He submitted statements of their objections to the Board. He also submitted colored pictures of Walney Road. The objections primarily dealt with the traffic this campground would create. Walney Road is very narrow and there are two bridges that are only wide enough for one car to pass. When Mr. Lawrence donated his land for the Lawrence Park, he made the provision that if Walney Road were ever widened, that park's ownership would go to a church. There is a great deal of traffic on Walney Road already because of the new subdivision on that road. He stated that his clients live on Walney Road. He stated that he felt this would also have an adverse impact on the residential character of this neighborhood and the value of the property there. Mr. Ed Smith leases part of the land in question (159 acres) for pasturing his cows. That lease expires next year.

Mr. Frank Thomas, with the law firm of Hunton, Williams, Gay, Powell and Gibson in Richmond, represented Sandra Hutchison, Bessie Hutchison (life tenant of the property), Mrs. Hawes (who lives across the road), and a number of other people who live nearby. It was his opinion that this Board has no power to act on this. Assuming that the Board does have the power to act, the Board should seriously consider Mr. Manuel's point about being presented with a fait compli at some point down the road. He questioned the type trailer that would be accepted at this campground.

Mr. Smith stated that the definition of recreational vehicle is set forth in the ordinance and has been interpreted by the Zoning Administrator as basically a vehicle one can tow with a car or hook on a truck. Mr. Smith stated that he considers seasonal use as less than 30 days. A recreational vehicle would not be one you could live in.

Mr. Covington read the definition of recreational vehicle under 30-7.2.10.5.4, page 582.4a of the Zoning Ordinance. He stated that even though this section sets this out as a use that is permitted in a C-G district, it nevertheless gives the definition of recreational vehicles.

Mr. Thomas stated that the Police Department has not commented, but the Fire Department has stated that there is no water to provide adequate fire protection. This is a residential and farming area. There are a number of subdivisions around this area. There will be a large number of people coming in and out on a short term basis which will create an adverse impact on the local residents. This is too much of a change in the residential neighborhood.

Mr. Kelley questioned Mr. Thomas about how he felt about the fact that this land is in the master plan for industrial zoning.

Mr. Thomas stated that the specific goals stated in the master plan are that the farmland and open space be preserved as long as possible. Industrial

uses would not be nearly as burdensome with traffic or change in the residential character as this campground. It would not impact this residential area with the high density and high turnover of people. He felt that the developer whether it be KOA or Ramada or whoever should come in with their plans and talk to the Board about what they are going to do.

292

Mrs. Harry Berresford, 5040 Walney Road, Chantilly, member of the newly formed Environmental Education Association, spoke in opposition. She spoke on the environmental and aesthetic impact this would have on their area. She said this would adversely affect Lawrence Park, which is an educational park for the children of Fairfax County, and would cause Fairfax County to loose this park. She talked about the traffic problems this use would create and compared this to what might become another Resurrection City.

The Board should take into consideration, she stated, the fact that there are no shopping centers nearby, no transportation, poor roads, and very few recreation facilities.

Mrs. Frances Hawes, 4401 Walney Road, directly across from the campground site, spoke in opposition. She questioned the posting, but the Chairman stated that there had been seven areas of this property that had been posted. There was one sign that had been put on the wrong property, but that was corrected.

She stated that she understood that there could be no residential use of property that was in the direct flight pattern of the Dulles Airport, and this is. She felt this use would adversely affect her by the noise, and would disrupt her peace and quiet. She indicated that bad traffic problems already exist.

Mr. James Tidis, President of the Brookfield Civic Association, stated that they were neither for or against this application because they do not know enough about it. Their concerns are that an environmental impact study has not yet been made with all aspects looked into regarding traffic, transportation, public facilities, and the like. There are a lot of things the Board should consider before making a decision. He asked if the citizens would have access to the site plans when they do come in.

Mr. Smith stated that the plats are filed in the Office of the Zoning Administrator at least three to four weeks before a public hearing. The public can view them in this office at 10555 Main Street, Fairfax, Virginia.

Mrs. Elizabeth Ann Hall, 4840 Walney Road, Chantilly, one-fourth mile south of the proposed campground, speaking for herself and also representing Richard Korink, President of the Country Club Manor Civic Association, stated that the roads in that area are now too narrow to handle the present traffic. She opposed the increase in traffic and the fact that County facilities which will have to service this number of people do not exist. She read Mr. Korink's letter of opposition into the record. His objections were primarily the same as those stated by the others. He did ask that specific studies be made to determine the impact of the project on the Occoquan Reservoir and the cost to the County in terms of services.

Mrs. Robert Dunham, 3609 Colony Road, Fairfax, Virginia, spoke in opposition regarding the danger to the domestic animals in the area from the children in this park.

Mr. Norman Smith, P.O. Box 374, Vienna, Virginia (He stated he was no relation to Chairman Smith) who lives on Lee Road in Chantilly spoke in opposition about the impact of the additional traffic on the roads. He also represented Mr. Leonard Weil of 1330 Mercer Lane, McLean, Virginia, who also owns property adjacent to this use.

Mr. Steve Reynolds, Preliminary Engineering Branch of Design Review, stated that any development for this use would be under site plan control and under the review of his department. The problems of erosion and siltation control will be taken care of by that department. He stated that he had checked with the Dept. of Public Works and could find no evidence that the applicant had paid for any sewer taps.

Mr. Colbert explained that the sewer taps were paid for by Ted Kolankiewicz and Dick Utz, two of the landowners. Their money paid for the extension of the Flatrock Sewer Plant.

Mr. Reynolds stated that this should be verified for the Board. He stated that he called Mr. Katrell, Fairfax County Park Authority about the possible trip generation from this use. Mr. Katrell estimates that there could be 15 units on one acre based on the Fairfax County Park Authority's campgrounds. Mr. Reynolds stated that the trip generation per campsite would be 3 to 4

trips per site per day. If this were developed for industrial uses, it would be approximately 100 to 115 trips per acre per day. If it were developed as industrial, improvements within the industrial subdivision would be made on the road to take care of any increase in traffic. Without an on-site inspection, he stated that he didn't know what might have to be done to Route 657, Walney Road. The Virginia Department of Highways is reluctant to grant approval for access to Sully Road because it is a limited access route. Presently, Route 28, in this particular area, can carry 6,000 vehicles per day but he did not know whether it could effectively carry that many vehicles.

Mr. Colbert stated that he felt the traffic would be no problem. The exit one-half mile from Route 50 will be the primary exit because of the close proximity to the water and sewer. The Police Department is located on Route 50 near Sully Road. There is a shopping center down Route 50. KOA would provide the basic shopping needs at a convenience center.

Mr. Reynolds stated that perhaps the Board might consider consulting the Office of Comprehensive Planning's Transportation Branch to determine if there is any traffic impact.

Mr. Smith stated that if the development plan is submitted and the Board approves it, all these things will be taken into consideration. There certainly needs to be some method of transportation for the people from the campgrounds to the D.C. area, Woodlawn and Mount Vernon.

Mr. Smith stated that the Board is concerned with what the area can accomodate without an adverse impact and with the least amount of impact to the local residents.

There were 22 hands raised to indicate their opposition.

One lady in the audience who did not identify herself stated that at times the traffic has been backed up from Route 29-211 to Route 50 during rush hour. That is a little over 4 miles.

Mr. Kelley, talking to Mr. Colbert, stated that he felt that Mr. Thomas and the other attorney, Mr. Manuel, brought up a good question as to how far the Board can go with this without proper site plans, etc. He stated that he hoped that Mr. Colbert understands that the Board has not done anything to obligate itself in a legal way.

Mr. Colbert stated that he had no question about that.

In answer to Mr.Smith's question, Mr. Colbert stated that he felt they would be able to provide an acre of open space for each acre of campsites and still provide the 200' buffer that is a requirement.

Mr. Smith asked Mr. Colbert if he understood that the advice that the Board is about to give is not a decision in the matter but guidelines for a development plan for theproposed use.

Mr. Colbert indicated that he understood.

Mr. Smith outlined the following guidelines:

1. The maximum number of sites should be no more than 825.
2. The development cannot be more than 7 1/2 campsites per acre on an average, including the 200' setback that is required.
3. The period of time that the Board will consider will be resolved at the time of the hearing on the development plan. The Board questioned the feasibility of a 2 year time limit. Basically, a 2 year time limit has been the time limit everyone is talking about for a temporary use.
4. If any of this property is rezoned to industrial, it could not be used for this purpose.
5. This in no way can be binding on this Board as far as what would be the final result. This is only guidelines that might possibly be used by the applicant to present an application.
6. All entrances and exits should be from Route 28.
7. Any convenience center should be planned for the center of the development and not along Route 28. It should be easily accessible from all campsites. Should there be 2 developers of this site, there might be two convenience centers.

The Board members agreed to these guidelines.

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12:00 N - ROBERT C. FAYLOR appl. under Section 30-6.6 of the Zoning Ordinance to permit less lot width at front building restriction line on proposed lot 9B than required by Ord. and to permit existing house to remain closer to proposed access than allowed by Ord., (24.7' from center line of access, 65' required), 6013 Lebanon Dr., Lebanon Subd., 51-4((4))9, Mason Dist., (1.0754 acres), (R-12.5), V-124-75.

Mr. Faylor represented himself before the Board.

Notices to property owners were in order. The contiguous owners were Edna and Bruce Puppa, 6024 Munson Hill Road, owner of the property to the rear and Mary H. Stacks, 6021 Munson Hill Road, owner of the property to the side.

Mr. Faylor stated that Lebanon Subdivision is within an older subdivision, recorded in 1946, containing lots of 1 acre plus, and is now zoned R-12.5. The configuration of the lot does not allow resubdivision other than by a panhandle lot, which requires a variance to permit less lot width at the front building restriction line on proposed lot 9B. He stated that he wanted to divide this one acre into two roughly equal parcels so he could build a new home on Lot 9B. He stated that he wished to use the driveway of the existing lot so he could have access to 9B. This access is 10' wide. This is the only way he can get access to this back lot. He stated that he would be able to construct the house on Lot 9B without further variances. He and his family have lived on this property for 20 years.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application No. V-124-75 by Robert C. Faylor under Section 30-6.6 of the Zoning Ordinance to permit less lot width at front building restriction line than required, on proposed lot 9B and to permit existing house to remain closer to proposed access than allowed by Ord. on property at 6013 Lebanon Drive, 51-4((4))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 held on the 16th day of July, 1975, 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 1.0754 acres.
4. That no further variances are required.

AND, WHEREAS, the Board of Zoning 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 lots 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.

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.

Page 295, July 16, 1975
DEFERRED CASE
MICHAEL MATTA T/A VIRGINIA DEVELOPMENTAL SCHOOL OF READING appl. under Section 30-7.2.6.1.3.4 of Ord. to permit four week summer reading clinic each summer. (Deferred from 7-9-75 for lease.)

The lease was in the file and was in order.

RESOLUTION

In application No. S-120-75 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 4 week summer reading clinic each summer for part of July and August, 6215 Rolling Road, 79-3((8))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 held on the 9th day of July, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the 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.

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 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 the SUP.
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 hours of operation are from 8:00 a.m. to 3:00 p.m., Monday through Friday during the months of July and August of each year, upon presentation of a proper lease to the Zoning Administrator.
7. The number of children is 100.

Mr. Kelley seconded the motion.

The motion passed 5 to 0.

HIDEAWAY, INC., A VIRGINIA CORPORATION, (contract purchaser), appl. under Section 30-7.2.6.1.5 of the Zoning Ordinance to permit one chair beauty salon as a home occupation, S-110-75. (Deferred from 7-9-75 for lease.)

The lease is in the file. The applicant wishes to amend the application to Mavis Johnston, applicant, who will be the operator of the beauty salon.

The Board was in receipt of two Petitions. One Petition was from the neighbors who opposed this application. There were approximately 51 signatures. The second Petition was from neighbors who wanted this use. There were about 4 of these signatures that were duplicates of the other Petition. There were 18 names on the Petition in favor.

The attorney for the applicant, Barry Murphy, explained that these four names that were duplicated on the Petitions were signatures who had originally signed the Petition in opposition, but have now signed the Petition in favor. He stated that these people said they had not known all the facts when they signed the original Petition.

Mr. Runyon stated that in the Petition, it talks about the location of existing shops within the area. The Board has been using as a guide that if there are existing shops within a certain area where services could be provided, the Board would not look favorably on the application. He asked the Chairman if this was correct.

Mr. Smith stated that it was. He stated that this applicant owns a shop less than a mile away in Circle Towers.

Mr. Covington stated that there is another shopping center coming in at Nutley and Routes 29-211. There is also a beauty shop at the shopping center at Cedar Lane and Routes 29-211. It is about 5/10th of a mile away.

Mr. Runyon stated that if the Board is going to be consistent with the standards it has been setting and the standards that the Board of Supervisors have directed the BZA to consider, considering that the services are provided locally, then he would make the following motion.

RESOLUTION

In application S-110-75 by Hideaway, Inc., A Va. Corp., under Section 30-7.2.6.1.5 of the Zoning Ordinance to permit one-chair beauty salon as a home occupation on property located at 9018 Lee Highway, also known as tax map 48-4((3))(36)29 & 30, Providence 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 this Board held on the 9th day of July, 1975 and deferred to the 16th day of July, 1975 for lease and further consideration by the Board, and

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

1. That the owner of the subject property is Hideaway, Inc., a Virginia corporation, purchased from Gilbert and Cathleen Bell. Deed recorded in May, 1975 according to applicant. Property leased to Mavis Johnston.
2. That the present zoning is RE-1.
3. That the area of the lot is 25,300 sq. ft.
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 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 5 to 0.

Mr. Murphy asked that the Board note his exception.

VOB, LTD., A Maryland Corporation, appl. for used car dealership, 8753 and 8801 Richmond Highway, S-3-72

At the original hearing on March 15, 1972, the Board deferred this case for an indefinite period in order to allow the applicant to try to work with the County to clear up the zoning problem of the land. A portion of the property was located in the RE-0.5 category. This case later went to Court on this zoning question. After much delay, it was determined that the Board of Supervisors should again consider this zoning question. The Board of Supervisors considered it and zoned the RE-0.5 portion of the property to C-D. The Final Order was signed by Judge Keith on the 3rd day of April, 1975. The applicant did not contact the BZA's office to reschedule this case thereafter,however. The Clerk wrote the applicant on July 2, 1975 regarding this case. The applicant did not respond.

The Zoning Inspector reported that VOB is no longer in operation at this location. Mount Vernon Auto Sales is now operating there. They have been issued a violation notice.
A SUP for VOB would not be valid for Mount Vernon Auto Sales.

RESOLUTION

In application S-3-72 by VOB, LTD., A Maryland Corporation, under Section 30-7.2.10.5.4 of the Zoning Ordinance to permit used car dealership including rentals or new car dealership on property located at 8753 and 8801 Richmond Highway, 109((2))7A, 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,

WHEREAS, following proper notice to the public 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 28th day of February, 1972 and deferred on subsequent dates to July 16, 1975, for Court decision on zoning of the subject property.

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

1. That the owner of the subject property is Anton Schmidt and Richard Rankin.
2. That the present zoning is C-G and C-D.
3. That the area of the lot is 120,000 sq. ft.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby denied for lack of pursuit and proper zoning.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Runyon abstained because he was not present at the original hearing.

AFTER AGENDA ITEMS: July 16, 1975

REQUEST FOR EXTENSION -- JOHN H. WOOD, Variance Granted 9-11-74.

After the time that Mr. Wood's application was heard and deferred for review, he was transferred overseas. When the case came back up for decision in September, 1974, he told the Board of this news. The Board granted the variance request and told him that when he returned to the States in 1975, he could request an extension in order to give him additional time to begin construction.

Mr. Wood stated that he would be returning to the States shortly and would like an extension.

Mr. Barnes moved that he be granted a 6 month extension from 9-11-75.

Mr. Runyon seconded the motion.

The motion passed 5 to 0.

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WESSYNTON HOMEOWNERS ASSOCIATION -- Request to add barb wire to the top of their existing fence for security reasons.

After a short discussion, Mr. Runyon moved that the request be granted for the three strands of barb wire projecting outward from the top of the wooden fence and that plats be submitted showing this barb wire notation and that they be initialed by the applicant.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

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APPROVAL OF MINUTES FOR JUNE 18 and JUNE 25, 1975

Mr. Baker moved that the minutes for June 18 and 25, 1975 be approved.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

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The meeting adjourned at 5:02 P.M.

Jane C. Kelsey
By Jane C. Kelsey
Clerk to the Board of Zoning Appeals

Daniel Smith
DANIEL SMITH, CHAIRMAN
BOARD OF ZONING APPEALS

APPROVED July 31, 1975
DATE

299

The Regular Meeting of the Board of Zoning Appeals for July 22, 1975, Tuesday, was held in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Joseph Baker; George Barnes; and Charles Runyon. Harvey Mitchell and Wallace Covington were present from the Staff.

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

10:00 a.m. - MANSION HOUSE CLUB, INC. S-75-75 and V-76-75 (Deferred from 5-28-75 for Full Hearing.)

MANSION HOUSE YACHT CLUB, INC., S-74-75 (Deferred from 5-28-75 for decision only.)

Mr. George Arkwright represented the applicants. He requested deferral of the Mansion House Club, Inc. cases, S-75-75 and V-76-75 in order for them to work out their problems. They had one meeting on June 16, 1975 and the membership indicated that they wished to have a second meeting to discuss more of the changes contemplated. He stated that with regard to the variance request for parking setback variance from the entrance going down to the Yacht Club, a lot of the people would like these two cases heard together. They would like this deferred until September if this variance request would adversely affect the Yacht Club.

With regard to the Mansion House Yacht Club application S-74-75, a deferral of this case would pose a hardship on the Club. The Yacht Club would like to get underway as soon as possible.

Mary Ann Ennis, 3907 Gibbs Street, Alexandria, spoke in support of the deferral on the Mansion House Club, Inc. cases S-75-75 and V-76-75.

Mr. Baker moved that the Board defer these three applications until September 9, 1975.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

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10:40 a.m. - MR. & MRS. HERMAN GODIN, appl. under Section 30-6.5 of the Ord. to appeal decision of Zoning Administrator approving carport and wall on property located at 3911 Moss Drive, Sleepy Hollow Woods Subd., 60-4((16))(F)5, Mason District, (R-12.5), (15,422 sq. ft.), V-123-75.

Mr. Ken Smith, attorney, represented the applicants, Mr. and Mrs. Godin. Mr. and Mrs. Godin live at 3913 Moss Drive, next door to the property in question.

Mr. Godin spoke to the Board. He stated that the Board denied this application on April 9, 1975. The minutes reflect that"in the discussion that ensued it was concluded that the only difference the granting of the variance would make is that door to the storage area underneath the carport would have to be closed in because the distance from the property line to the structure is measured to the posts of the structure and not the wall because the wall is a retaining wall. The applicants are extending the overhang in the front as it now exists on the rest of the house. They are allowed a 3' overhang into the front yard and they have a 2' overhang." He stated that he was present and he did not hear the Board say this and there was no such conclusion among the Board members. He stated that the opening has now been closed up with plywood. The wall that they call a retaining wall is not a retaining wall. They have used the same type brick to make it appear that the original building and the storage room were constructed at the same time. They said in their justification that one of the reasons for constructing this addition was to solve the drainage problems. There were no drainage problems prior to the construction. Now there are severe drainage problems on his property. He said that he felt the Zoning Administrator is in error.

Mr. Smith stated that the Board is considering and discussing the interpretation of the Ordinance based on the architectural drawings that were submitted by M. A. Paterson, 5-15-75, marked reviewed and approved by the Zoning Administrator. It is possible that the plan was not followed.

Mr. Charles Jeckell, 11930 Isaac Newton Square, Reston, consulting engineer, testified before the Board. He stated that he had been asked by Mr. Kenneth Smith, the attorney representing Mr. and Mrs. Godin, to inspect the subject property and ascertain whether the wall that was built in the setback was a retaining wall. The classic definition of a retaining wall is a wall that retains something or resists lateral pressure of earth or water. He showed the Board a sketch of a retaining wall found in an old standards book of the County. He stated that it is a large gravity structure on a substantial footing. He then submitted photographs of the Denton's structure to the Board members. He stated that he concluded that the wall in question is not a retaining wall. That was the south wall. He stated that he also concluded that there were two additional walls, therefore, they are talking about three walls. He stated that there appears to be a concrete slab poured in this room that has been created. He stated that his conclusion as an engineer is that these are not retaining walls any more than any basement wall is a retaining wall. A retaining wall is normally independently supported and independently standing. These walls appear to be tied together and may well be tied into the main structure.

Mr. Runyon asked Mr. Jeckell how in a grade situation like this, would they provide support for the slab of a carport. He asked him if the word "retaining" perhaps should be "foundation" on the plan that is before the Board. The Board has already determined that the Denton's could not use that space underneath the carport when the Board denied the variance. He stated that a retaining wall as Mr. Jeckell has pointed out is, in a classic sense, the wall that he pointed out in the sketch, but how else would they build a slab up on a grade to match the grade of the street without putting some kind of wall there.

Mr. Jeckell stated that perhaps they could put a classic type cantilever or gravity retaining wall in there. They could also put brick piers, metal posts with a beam structure to it to support the carport.

Mr. Runyon stated that we are getting mixed up by saying retaining when it really is a foundation wall. He asked Mr. Jeckell if he would agree to that.

Mr. Jeckell stated that the foundation wall is normally that wall that is down below grade that you build a bearing wall on top of.

Mr. Runyon stated that the difference is here, that they are not filling up against it to match the grade since the grade does drop off about 6 or 7 feet from the front to the rear. It may be more than that. Then from the evidence Mr. Jeckell has given the Board, this is not a retaining wall but a foundation wall.

Mr. Jeckell stated that he did not agree that it is a foundation wall. "It is a basement wall. It appears to be on a standard foundation wall, poured concrete footings. In the plans, it does not appear that there is a cantilever base to that south wall. It appears to be a regular footing wall, or a foundation wall just as you would find on the other four sides of the structure."

Mr. Runyon stated that that would be allowed as far as the structure itself, but there could be no use made of the space underneath. It should be filled in.

Mr. Jeckell stated that he did not know about that.

MR. RUNYON: "You just know what a retaining wall is and isn't, right? You are saying that it is not a retaining wall."

MR. JECKELL: "That's right. I am saying that none of the walls that are built are retaining walls any more than any other basement walls in the house are."

MR. RUNYON: "So you would not call it a foundation wall, you would call it a basement wall if you had a choice of words to call it?" "Not a foundation wall?"

MR. JECKELL: "No."

MR. RUNYON: "A support wall maybe?"

MR. JECKELL: (Indicates agreement.)

Mr. Jeckell looked at the plan that was before the Board and stated that he has seen a photocopy of that plan previously. He stated that the construction is generally in accord with the plan. He stated that he did not measure nor

had he been inside the structure. He stated that that included the wall that is sited on the plan as a brick retaining wall, the wall that extends across the south side of the house.

Mr. Smith asked if this wall was constructed as a retaining wall.

Mr. Jeckell answered "No, not what he would consider a retaining wall in his opinion."

Mr. Smith stated that he agreed.

Mr. Ken Smith stated that it seemed to him that the end of any interpretation that would call this a wall that is permitted under Section 30-3.5.2 is to say that the Zoning Ordinance would permit walls of structures to be built up to the property line. He stated that he felt the Board should look at the structure that has been built regardless of the plans that are approved. He stated that there is a drainage problem. Mr. Jeckell has told him that with a good deal of work, that problem could be resolved.

Mr. Gilbert R. Knowlton, Zoning Administrator, stated that following the action of the Board of Zoning Appeals in denying the variance request, the Dentons came in to discuss this matter as to what they could do to come into compliance. They gave the Dentons adequate time to come back in with new plans that would comply with the Code. He stated that when that set of plans that is before the Board came in, they were reviewed by the Staff and they were approved. He stated that he would agree with the definition which was given '...that wall according to the Code, a retaining wall, any kind of wall or fence may be constructed on a property line and not subject to the setback of the Ordinance.' That wall as shown on those plans is called a retaining wall. Those plans went on to the building inspector's office and were approved structurally. He stated that his assumption is that the building inspector approved it as a retaining wall since that is what they are called on the plans. The carport which happens to be built on the elevated part of this lot is shown on those plans as meeting the required setback. The setback of the zone is 12'. However, for an open carport or open porch, it may extend 5' into the setback, making 7' for the carport. Accordingly, based on the plans that were submitted, which is the question here, that appears to us to be in accordance with the Ordinance. As to the question as to what is constructed there, this has just been completed. We have not made any final determination as to whether it complied with the plans submitted, or not." He stated that he learned this morning that the carport probably misses compliance by 3 inches.
Mr. Smith (Ken) stated that it was more like 1 1/2' to 2' missing compliance.
Mr. Knowlton called no one else to testify on his behalf.

Mr. Smith told Mr. Denton later that this is a case that is being presented by the Zoning Administrator. He did not wish to call anyone on his behalf.

Mr. Ken Smith stated that Mr. Knowlton keeps talking about a wall. It is not a wall, it is three walls. It also has a top and bottom and a fireplace and a door. He stated that they would agree to a deferral until an accurate measurement is made.
Mr. Smith stated that since there is some question that the Zoning Inspector's measurement is not correct, he felt the Board should authorize the Zoning Administrator to hire a surveyor to go down and survey it.
Mr. Runyon stated that it should not be the County that has to pay for this.
Mr. Barnes moved to defer this case until September 16, 1975 for additional information.

Mr. Kelley seconded the motion.

The motion passed 5 to 0.

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11:00 - MRS. DEWENE WEBB & LUCIOUS WEBB, appl. for beauty salon under Section 30-2.2.2 Col. 2 RM-2G District, S-125-75.

Mrs. Webb presented notices which were in order. Fuller, 3711 Lacey Blvd., Baileys Crossroads and VEPCO were the contiguous property owners.

She stated that this is a 2 chair, 3 dryer shop that she operates by herself at the present time. The hours are from 9:00 a.m. to 7:00 p.m. She asked that the name be changed to Dewene's Beauty Nook.

There was no one to speak in favor or in opposition.

Mr. Carpenter, Zoning Inspector, stated that he had inspected the premises and there have been no problems.

RESOLUTION

In application S-125-75 by Dewene and Lucious Webb, T/A Dewene's Beauty Nook under Section 30-2.2.2 Col. 2 of the RM-2G District of the Zoning Ordinance to permit continued operation of beauty salon, 5824 Syphax Drive, 61-4((1))91 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 held on the 22nd day of July, 1975.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the property is Fidelity Mutual Life Insurance Co.
2. That the present zoning is RM-2G.
3. That the premises are presently operating under SUP S-139-71.

AND, WHEREAS, the Board has reached the following 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 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 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. This Permit shall run for One (1) year. However, upon presentation of a new lease thirty (30) days prior to expiration of the existing lease, the Zoning Administrator is empowered to extend the SUP term.
7. Hours of operation are 9:00 a.m. to 7:00 p.m., Tuesday through Saturday.
8. All other provisions of the existing SUP shall remain in effect.

Mr. Baker seconded the motion.

The motion passed 5 to 0. Mr. Kelley abstained.

11:20 a.m. - A. W. RUSH, V-126-75 (This case had been withdrawn administratively.)

11:40 a.m. - JOHN H. NICHOLSON, appl. under Section 30-6.6 of Ord. to permit building to be constructed closer to side and rear zoning boundary lines than allowed by Ord., (2' from boundary lines, 100' from residential boundary lines required; 50' from commercial boundary lines required.), Gordon Road, approx. 400' of intersection with Leesburg Pike, 40-3((12))8B, (11,137 sq. ft.), Providence District, (I-L), V-127-75.

Mr. Hugh Cregger, attorney, submitted notices on behalf of the applicant. The contiguous property owners were City of Falls Church, 7100 Gordon Road, Falls Church, Virginia,owner of the property immediately to the rear, and F. A. McGonegal, 1061 West Broad Street, Falls Church, Virginia 22046, owner of the property to the side.

Mr. Cregger stated that the subject property is located partly in the City of Falls Church and partly in the County of Fairfax. The rear of this property where the building is to be located is in Fairfax County. He stated that two years ago they constructed a building on the adjoining lot, 8-A. The reason the variance is needed is because the shape of the property dictates that the building be constructed to the rear of the property. All the surrounding property, except the property to the west, is zoned either in an industrial category or CG category. The property along the west that is contiguous to their property is owned by Falls Church. It is zoned residential, but it is an abandoned railway right-of-way and the City of Falls Church uses the building that is on that property for the parking of their trash trucks. Therefore, this will not create an adverse impact on the neighboring properties.

Mr. Cregger stated that Mr. Nicholson has owned this property for a little over five years.

Mr. Kelley stated that granting a 90' variance concerns him and even if the residential land is used for industrial purposes, it is still zoned residential. The hardship must be a physical hardship of the land.

Mr. Cregger stated that the configuration of the property is such that the building must be located to the rear of the lot. They are further penalized because Falls Church uses that property to the rear for industrial purposes without having the land rezoned for that purpose.

Mr. Smith stated that he would like to see the minutes of the meeting from two years ago when the Board granted a variance for lot 8-A. There must have been some specific reason the Board would grant a variance of that amount when the applicant had additional land.

Mr. Runyon stated that he did not think there was a variance from Falls Church as the building meets the setbacks there on lot 8-A. The only variance that was granted was the 25' from the C-G land in Fairfax County. He stated that in answer to Mr. Kelley's request that he move the building forward, the building could be moved forward to match the 25' setback line along that C-G portion. He stated that the one against the City of Falls Church didn't bother him too much because they are zoned M-1 and they are using their R-10 portion for their property yard. It will be a building wall against another wall. However, it should be moved forward to the 25' line along the C-G portion. That 98' variance request is a little misleading because it is against the wall of an industrial building in the City of Falls Church where they keep their trucks.

Mr. Smith stated that the Board has to consider zoning, not use. He stated that if that was an abandoned railroad right of way, at one time it could have been interpreted as an industrial zone. Railroad rights-of way now are basically under the industrial category throughout the State.

Mr. Runyon stated that if this were true, he would not need a variance.

Mr. Smith stated that he felt it is an important factor in this case. He agreed with Mr. Kelley regarding the 48' variance to the C-G property and stated that it was more than he would consider granting.

Mr. Cregger stated that they would try to move the building forward if the Board would look more favorably on the application.

Mr. Kelley moved that the case be deferred until September 16, 1975 to allow the applicant to work this out. He stated that the Board would also review the minutes of the 1970 meeting on the application for the adjacent property.

Mr. Barnes seconded the motion and the motion passed 5 to 0.

Mr. Smith asked that the minutes be mailed to the Board members.

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12:00 N. - JOHN K. JENSEN, V-128-75. The applicant was not present. He had requested that his case be withdrawn. This request was made by telephone to the Staff.

Mr. Smith stated that the case should be deferred until September 4, 1975, to give the applicant an opportunity to present his request in writing.

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12:20 p.m. - ROBERT C. SEITS, appl. under Section 30-6.6 of Ord. to permit construction of single family dwelling closer to centerline of access road than allowed by Ord., (22.5' from centerline, 75' required), 11443 Vale Spring Drive, 36-4((4))39, (87,122 sq.ft.), Centreville Dist., (RE-1), V-129-75.

Mr. Seits presented notices which were in order. The contiguous owners were Thomas C. Fichter, 11441 Vale Spring Drive, Oakton and Mr. Zottig, 11439 Vale Spring Drive, Oakton.

Mr. Seits stated that after he had purchased the property, he applied for a building permit. At that time he went to the Zoning Office and was told that he could not build the house where he wanted to because of the 75' easement that the County considers a roadway. He stated that the reason he wants to place the house in the location that is on the plat before the Board is that if he had to move it, it would put the house below street level as the land slopes considerably in that area. There is a cemetary and a flood plain easement on this property also. He has an approved drainfield location. Mr. Covington, Zoning Administrator, stated that the definition of a street is a road that serves as principal access to another property. In this case, this road serves one property.

Mr. Seits stated that he had owned the property since March 17 of this year. He stated that had he known about this problem before he purchased the property, he would not have done so.

There was no one to speak in favor.

Mr. Zottig, contiguous property owner, spoke in opposition stating that there is no logical reason why Mr. Seits cannot locate his house 75' from the centerline of the road. He stated that the flood plain easement is down toward to bottom of the property and that actually this area is the highest ground in the County. The family cemetary that used to be on the property is no longer relative to the case because the bodies have been moved. Should Mr. Seits construct his house at the proposed location, it would mean that someone backing out of his garage would have to traverse at right angles into direct traffic of that access road and by the time the driver could properly see and have proper visual contact, the driver is in the access road and there would be no time to avoid an accident, should someone be coming down that access road. There are a lot of children that use that road. He stated that his house is about 70' from that access road on the other side.

Mr. Runyon stated that if Mr. Seits shifts the house back to the 75' line, it will be overlapping the approved perk area.

Mr. Zottig stated that a small variance would be fine, but one of this magnitude he would object to.

Mr. Fichter, 11441 Vale Spring Drive, spoke in opposition. He stated that his lot is No. 21 which is in the rear of the subject property and subject access road. He stated that he opposed this request because of the adverse effect this will have on the traffic on this road. He stated that he hoped the applicant would resite the building and he felt he would be able to do that.

Mr. Runyon asked how it could be done.

Mr. Fichter answered "With additional fill".

Mr. Runyon asked him if it is the magnitude of the variance request that he objects to.

Mr. Fichter answered that that was correct.

Mr. Larry Lackey, Lot 37, 11442 Vale Spring Drive, across the street from the subject property, stated that he had nothing to add, but he hoped the Board

would carefully consider the points regarding the safety factors that have been raised. He stated that Mr. Runyon brought out the point of magnitude which is a good point.

Mr. Seits stated that he felt the main objection is because of safety. If anyone is not careful, they could run over a child anywhere. He stated that Mr. Zottig does not have any more room to back out than he does. He stated that he did not feel this is the reason they are objecting, really. He stated that he felt it is a selfish reason as far as Mr. Zottig is concerned. Mr. Fichter has put railroad ties along that road and it would be impossible to back onto Mr. Zottig's property. This ingress-egress easement is a gravel driveway. He stated that the subject property is his property and he paid extra money for it because of the size of the lot and it is his property that the easement is on.

Mr. Smith stated that the safety problem has been brought out and he is concerned about it.

The other members agreed that the house should be moved somewhat to give a person backing out of that driveway room to turn around and go out forward.

Mr. Seits stated that he had planned to have a turnaround area for that purpose.

After further discussion the Board members agreed that Mr. Seits should revise the plats to show the proposed house to be 40' from the centerline or 32 1/2' from the easement.

This case was tentatively set for August 1, 1975, provided the applicant is able to get the plats revised. If he cannot, it will be further deferred until such time as he submits these plats. All members agreed on this.

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2:00 p.m. - F. P. VELLELLA, appl. under Section 30-6.6 to permit garage closer to front property line than allowed by Ord, V-130-75.

Mr. Vellella presented notices which were in order. The contiguous property owners are T. V. Bunner, 3902 Arnheim Street and E. J. Skarzynski, 3919 Lincolnshire Street.

Mr. Vellella gave the main points of his justification as the location of the existing house on the property. His statement is in the file. He stated that he had owned the property for two years and plans to retire here. The house was constructed about 12 to 14 years ago.

The Board discussed with him the possiblity of cutting the request for a variance down and making the garage smaller.

Mr. Robert Breaks spoke in favor of the application.

Mr. T. V. Bunner, who lives next door, spoke in support of the application.

Mr. Smith stated that this is certainly a small lot and this is also a corner lot which requires that the applicant set back a front setback from both streets.

Mr. Gildes, attorney for the opposition, 7620 Little River Turnpike, Annandale, spoke representing Mr. and Mrs. Skarzynski, contiguous property owner and Isabell Ruth, owner of the property on Lincolnshire Street across from the subject property.

Mr. Gildes submitted photographs of the property in question. He stated that a Petition in support of the application had been submitted to the Board and is in the file. Mrs. Skarzynski wants to withdraw her name.

Mr. Smith stated that he has that request and has withdrawn her name. In addition, he has a request to withdraw another name from the Petition in objection and he has done so.

Mrs. Isabelle Ruth, 3912 Lincolnshire Street, also spoke in opposition. Mrs. Skarzynski also spoke in opposition.
Their main points of objection were that they wished the residents of the area to abide by the zoning regulations which are set up for this area. They feel the building may deface the value of their property. They feel it might create a traffic and safety hazard coming up Arnheim Street. They feel this

variance, if granted, will lead to others being brought forward and granted. They are concerned about the landscaping.

In rebuttal, Mr. Vellella stated that with regard to the safety factor, it will be more hazardous to leave his car on the street than to put it in a garage. He showed a photograph to the Board. He stated that he could not place this garage in the back because of the steep slope.

Mr. Runyon stated that the magnitude of this variance is not that large and only occurs on the portion of the garage to the front and by the time you get to the back, it will be within the proper setback distance.

RESOLUTION

In application V-130-75 by F. P. Vellella under Section 30-6.6 of the Zoning Ordinance to permit garage to be constructed closer to front property line than allowed by the Zoning Ordinance (33.0' from line, 35' required), on property located at 3904 Arnheim Street, 60-3((28))45, 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 held on the 22nd day of July, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 9,203 sq. ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 building.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted in part with the following limitations:
1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. 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.
This will allow the garage to be 33' from the front property line.
Mr. Baker seconded the motion.

The motion passed 5 to 0.

VINSON E. ALLEN -- The applicant did not have the plats ready. The Board further deferred this case until August 1, 1975.

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Mr. Baker moved that the Board approve the minutes for July 1, 1975.
Mr. Barnes seconded the motion and the motion passed 5 to 0.

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AFTER AGENDA ITEM:

REQUEST FOR REHEARING - S-110-75

Mr. Barry Murphy, attorney for the applicant, addressed a letter to the Board requesting a rehearing on the application of Hideaway, Inc., a beauty shop to be operated by Mavis Johnston. This application was denied on July 16, 1975.

After the Chairman read the letter, several comments were made regarding statements made in the letter. In Mr. Murphy's letter, he stated that the opponents produced a Petition with 18 names on it at the July 9th hearing. They were directed to return the Petition properly drawn at the July 16 hearing.

Mr. Smith stated that the Board did not direct them to do this. They were told that they could do this if they wished.

Mr. Murphy in his letter stated that the petition submitted by the opponents on the 16th had names on it that were obtained due to false and misleading statements made to the signatories by the person circulating the petition.

Mr. Smith stated that the Petition itself didn't have that much of an effect on the decision, he did not think.

Mr. Murphy's letter stated that some of the misrepresentations that were made which he felt were material were that $26,000 was to be used to develop the shop, when only $2,600 is going to be used.

Mr. Smith stated that cost is not a factor in the Board decision, he was sure. The other Board members agreed.

The statements in the letter concerning a real estate office, a lawnmower repair business, etc. being in that neighborhood have no bearing on this case. The Zoning Administrator may be interested, but this Board is not in the enforcement phase of zoning.

Mr. Smith stated that these facts would not have had any basis for the Board's decision. A lot of points in the letter are not relevant to the application and he could see no substantial new information that could not or was not presented at the time of the hearing.

Mr. Runyon stated that he was very sympathetic to the philosophical points of this case, but the technical aspects of it, as far as Board policy has been utilized,says that if there are beauty shops located within an area closer than one mile that the Board has determined as its own policy that a new home occupation of a beauty salon would not be looked upon favorably. He stated that he believed this to be the reason for the unanimous motion to deny that case. Those were the only facts that the Board considered pertinent. The Board did take an indication what the opposition was. The neighborhood was adequately served by existing beauty shops and that was the reason the Board denied it. He, therefore, moved that the request for the reconsideration be denied.

Mr. Baker seconded the motion and stated that he felt the same way.

Mr. Smith stated that he took several other factors into consideration. The opposition had some pertinent facts pertaining to the case such as the fact that this use would be on a narrow road. It became very evident during the hearing that the applicant purchased the property basically for the use of a beauty shop. The original application was made in the property owner's holding corporation's name. The lady who would be operating the shop operates a commercial shop within 5/10 of a mile from the house in question. There were several beauty shops in close proximity to this house that are in a commercial area. He stated that he agreed with Mr. Runyon. If sympathy was the basis for the Board's decision, he would have voted for it. This is not the basis for the Board's decisions. This case was, therefore, denied.

The motion passed 5 to 0.

The meeting adjourned at 4:00 P.M.

Jane C. Kelsey
By Jane C. Kelsey
Clerk to the Board of Zoning Appeals

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED September 4, 1975
DATE

Submitted to other Boards & Commissions on Sept 30, 1975

A Special Meeting of the Board of Zoning Appeals was held July 31, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Joseph Baker; George Barnes; and Charles Runyon. Harvey Mitchell, Wallace Covington, and Gilbert R. Knowlton were present from the Staff.

The meeting begin with a luncheon for Mr. Joseph Baker who is retiring on August 5, 1975. After the luncheon the meeting was recessed until 9:30 a.m. August 1, 1975.

VINSON E. ALLEN, appl. under Section 30-6.6 of the Zoning Ord. to permit bldg. closer to front lot line and zoning boundary line than allowed by Ord., Deferred from 6-18-75 and 7-16-75.

The applicant had submitted new plats showing a reduction in the variance request.

Mr. Smith read a letter from the Great Annandale Recreation Center.

RESOLUTION

In application No. V-100-75 by Vinson E. Allen under Section 30-6.6 of the Zoning Ordinance to permit office building to be constructed closer to zoning boundary line and to permit it closer to front property line than allowed by Ord., i.e. 27' front yard, 6' side yard, northeast corner of Little River Turnpike, 71-1((2))22,23,&24, 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 held on the 18th day of June, 1975 and deferred to August 1, 1975, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the property is Vinson E. Allen and R. B. Clark.
2. That the present zoning is C-O.
3. That the area of the lot is 28,007 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 involved:
(a) exceptionally narrow 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 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 6' brick wall shall be constructed along the north line for lot 25 s screening.
4. Landscaping and screening to be provided to the satisfaction of the Director of Environmental Management.

The application 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. Mr. Runyon abstained because his firm prepared the plats.

Page 309, Continuation of July 31, 1975 meeting.

R. K. ENSMINGER, appl. under Section 30-6.6 of the Ord. to permit storage room closer to side property line than allowed by Ord, V-118-75 (Deferred from 7-16-75 for viewing and review)

Mr. Runyon stated that he would suggest making this a 5' side yard instead of 4' in order to make this a minimum variance.

RESOLUTION

In application V-118-75 by R. K. Ensminger under Section 30-6.6 of the Zoning Ordinance to permit storage room in rear of carport to be constructed within 4' of side property line (12' required), on property located at 8427 Georgian Way, 70-1((16))269, 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 held on the 16th day of July, 1975 and deferred to August 1, 1975, 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-12.5.
3. That the area of the lot is 12,241 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 in part for a 4.9' side yard such that the rear line of the house matches the rear line of the addition.

The application is granted with the following limitations:

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. The architectural 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. Baker seconded the motion. The motion passed 5 to 0.

JOHN RALPH PEO, appl. under Section 30-6.6 to permit enclosed structure to be made part of existing house within 1.5' of side property line (20' required) and to add breezeway to connect this structure with house, V-114-75, Deferred from 7-16-75 for further consideration.

310

Mr. Kelley stated that although the existing garage is 1.5' from the property line, the applicant is proposing to add a second story for living purposes. He stated that this is almost like having two buildings on the same lot for residential purposes. He stated that he did not feel this complies with the Zoning Ordinance.

RESOLUTION

In application V-114-75 by John Ralph Poe under Section 30-6.6 of the Zoning Ordinance to permit enclosed structure to be made part of existing house within 1.5' of side property line (20' required) and to add breezeway to connect this structure with house, on property located at 6616 Ridgeway Drive, Springvale, Section 3, also known as tax map 90-1((2))209, Springfield District, County of Fairfax, Virginia, Mr. Kelley moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by this Board held on the 16th day of July, 1975, and deferred to August 1, 1975, 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 RE-0.5.
3. That the area of the lot is 31,935 sq. ft.

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 5 to 0.

Mr. Smith stated that the garage is 5 inches closer than it should be, but it would be allowed to remain and continue to be used as a garage. It could not be used for living purposes.

CALVARY CHRISTIAN CHURCH, appl. under Section 30-7.2.6.1.11 of Ord. to permit church, 4420 Olley Lane, Little River Estates, 69-2((2))5, Annandale Dist., (2.50 acres), (RE-1), S-121-75. (Deferred from 7-16-75 for appl. to restudy conditions on north and south property lines as far as the buffer and elevations are concerned.)

Mr. Walter Stephens, attorney for the applicant, P.O. Box 340, Fairfax, Virginia, requested that this case be deferred until October to give the applicant some additional time to work on the problems they have with the site and with the covenants.

Mr. Baker moved that the request be granted and the case deferred to October 22, 1975.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

AUGUST 1, 1975
MRS. HAROLD L. BARR, JR., appl. for kennel for 100 dogs and 100 cats
Case heard on 6-3-75 and deferred for viewing. After viewing, the Board asked applicant to submit drawings showing how the barn will be converted into kennels.

311

Mr. Kelley stated that he couldn't tell a thing from the drawings that had been submitted. He stated that this is an ideal place for a kennel. There was no objection to it from the neighbors, but he felt there should be some type drawings in the file showing exactly what is planned.

Mr. Smith agreed that there is ample land area to accommodate these animals. However, he stated that he did not think that the conditions under which these animals were being kept were ideal.

Mr. Runyon stated that what the Board needs is a plan showing how the runs will be constructed, how many will be constructed and exactly how she plans to renovate the barn into kennels. He stated that there was no objection to this kennel other than the condition of the area where the animals are kept. If these conditions can be improved and the improvements are such that they will accommodate the additional animals it would be a good use for the land. The Board does not want the applicant to take on any additional animals to replace what is already there. The animals that are already there can remain there until these improvements are made. He stated that he was not ready to make a motion based on what he had seen on the property.

Mrs. Barr stated that she would be willing to have a draftsman draw up some plans for the Board.

Mr. Kelley moved that this case be deferred until September 9, 1975, Tuesday, for this additional information.

Mr. Baker seconded the motion.

Mr. Smith stated that Mrs. Barr should begin planning now for the new animal ordinance that will be adopted soon. She should move the kennels as far away from the property lines as possible and start building new buildings to accomodate the number of animals that she now has.

The motion passed 5 to 0.

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AUGUST 1, 1975
PLATAR, INC. -- Staff reported that the applicant needs a further deferral because the Non-Residential Use Permit has not been issued because of a problem with the Mechanical Inspection Department.

The Board deferred this case until September 24, 1975.

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AFTER AGENDA ITEMS: AUGUST 1, 1975

Mr. Baker moved that the minutes for July 9 and July 16 be approved.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

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AUGUST 1, 1975
AFTER AGENDA ITEM: McLEAN INDOOR TENNIS CENTER, S-7-72, granted to BUENA VISTA ASSOCIATES. Request that they be allowed to have a small restaurant and beauty shop in facilities.

Mr. Smith read a letter to the Board from James L. Covington, President of McLean Indoor Tennis Center, 1472 Old Chain Bridge Road, McLean, Virginia.

After a brief discussion with the Zoning Administrator, it was the Board's decision that the restaurant and hairdressing service would not be permitted in conjunction with the existing use.

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312

AFTER AGENDA ITEM:

AUGUST 1, 1975

AMENDMENT TO BY-LAWS: A revised submission list was submitted for approval of the Board. This is a list of items that must be submitted with all applications before the Board of Zoning Appeals.

Mr. Kelley moved that this Submission List be incorporated in the By-Laws and the old list be removed.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

AMENDMENT TO BY-LAWS OF BZA

This is an amendment to ARTICLE V. APPLICATION TO THE BOARD, Item 3.

Mr. Runyon moved that the words "signed petition" be removed from Item No. 4, under ARTICLE VI. PROCESSING OF APPLICATIONS. This will then read:

"4. The applicant shall be responsible for fulfilling the requirements of that sub-section as pertains to notice to abutting and other property owners. This notice shall be by registered or certified mail with return receipts signed by the recipient to conform with State Code."

Mr. Baker seconded the motion.

Mr. Smith suggested that a minimum of five different property owners be notified.

Mr. Runyon and Mr. Baker accepted this.

The motion passed 5 to 0.

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This Special Meeting adjourned at 10:00 A.M.

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Jane C. Kelsey

By Jane C. Kelsey
Clerk to theBoard of Zoning Appeals

Daniel Smith

DANIEL SMITH, CHAIRMAN

APPROVED September 9, 1975
DATE

Submitted to other Boards and Commissions on Sept. 30, 1975

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Friday, August 1, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes, Joseph Baker; and Charles Runyon. Harvey Mitchell, Wallace Covington, and Gilbert R. Knowlton were present from the Staff.

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

10:00 - CLAUDE E. WHEELER, T/A PROCTOR HATSELL SCHOOL, appl. under Section 30-7.2.6.1.3.2 of the Zoning Ordinance to permit private school of general education, 6:30 A.M. to 6:30 P.M., 80 students, weekdays, 7136 Telegraph Road, 91-4((3))2, and ((1))12, (1.1264 acres), Lee District, (RE-1), S-132-75.

Mr. Dexter Odin, attorney for the applicant, testified before the Board.

Notices to property owners were in order. The contiguous owners were Glenn Ovrevik, 7912 Telegraph Road, Alexandria, Virginia and John C. Meyers, 42 Shalimar Drive, Shalimar, Florida.

Mr. Odin stated that there is an existing residential structure on the subject property. Mr. Wheeler proposes to demolish that structure and replace it with a new facility. This will be a low-rise structure not unlike a residence. It will not infringe on the aesthetics of the neighborhood he stated. They feel this property is better suited for a school than the present location next door where he now operates a school. This application is necessary because Mr. Wheeler is not in a position to comply with the conditions of the Special Use Permit that he has next door because he is not the owner of the property there. They hope the approval of this application will solve many of the landlord-tenant problems that they presently have at the location next door. The number of students for this proposed facility is determined by the Health Department. The report from that department states that they can have 82 students.

Mr. Glenn Overik, owner of the property next door where Mr. Wheeler now operates a school, stated that he was not speaking in opposition to the use of a school on that property because he feels that area is good for a school. He asked the Board to take into consideration the fact that there is a Special Use Permit for a school next door. He stated that the access is important and he felt access off Telegraph Road would be better than off Roxann Road as Mr. Wheeler now proposes. He then questioned the posting.

Mr. Smith stated that the property had been posted in accordance with the legal requirements of the Code.

This was confirmed by Don Smith from Zoning Enforcement who is in charge of posting for the Board of Zoning Appeals and Board of Supervisors' cases.

Mr. Dan Smith read a Petition addressed to the Board and signed by ten (10) families in the neighborhood in opposition to the application stating that they felt this school would cause a devaluation in properties in the area.

In answer to Mr. Kelley's question, Mr. Odin stated that they would not be using busses for transportation of the students.

Mr. Runyon stated that with respect to the information on the Petition and the statement that this wasn't a good location, this is one of the locations the Board of Supervisors has suggested be used for this type use. There is only one access into a major thoroughfare. He stated that he felt the applicant meets the requirements of the Ordinance.

Mr. Smith stated that he agreed with Mr. Runyon's statements.

There was no one to speak in favor or no further testimony on this application.

RESOLUTION

In application S-132-75 by Claude E. Wheeler, T/A Proctor Hatsell School under Section 30-7.2.6.1.3.2 of the Zoning Ordinance to permit private school of general education on property located at 7136 Telegraph Road, 91-4((3))2 and ((1))12, 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 1st day of August, 1975.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is John C. Meyers. The applicant is the contract purchaser.
2. That the present zoning is RE-1.
3. That the area of the lot is 1.1264 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable State and County Codes is required.
6. That property is subject to Pro Rata Share for off-site drainage.
7. That the applicant has been operating, pursuant to special use permit S-27-74 granted May 22, 1974, a private school for a maximum of 45 children at 7150 Telegraph Road in Lee District. This current application seeks permission to relocate the school to a new site on which a new building is proposed to be constructed, which site is located at the westerly corner of Roxann and Telegraph Roads in Lee District. The Health Department has approved the plans for the proposed facility based on a maximum of 82 students at any one time.

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 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 use.
6. The maximum number of students shall be 82, ages 2 to 7 years.
7. The hours of operation shall be 6:30 A.M. to 6:30 P.M., Monday through Friday, during the normal school year.
8. Landscaping and/or screening shall be to the satisfaction of the Director of Environmental Management.

Mr. Barnes seconded the motion. The motion passed 5 to 0.

10:20 - GUY V. BENNETT, appl. under Section 30-6.6 of the Zoning Ord. to permit less frontage on lot than required by Ord., (105.88' frontage, 150' required), 9400 Talisman Drive, 38-1((1))38, (18,673 acres), Centreville District, (RE-1), V-134-75.

Mr. Bennett represented himself before the Board.

Notices to property owners were in order.

Mr. Bennett stated that all the other houses on this street have a frontage of 80 to 90 feet. He has sewer and water taps to the curb. They were installed when the street was constructed and were installed for the houses to be placed 90 to 100 feet apart. To provide the required frontage, it would require an exceptionally large amount of excavation and clearing of the existing trees that are on the land. It would not be in conformance with the patterns established by the existing building development on the adjacent land. He stated that he felt the strict application of the rules of the Zoning Ordinance would result in hardship and deprive him of the reasonable use of his land. He stated that he owns 18 3/4 acres. He stated that subdivision control people had told him that they would not issue a building permit on any acreage that did not have 150' frontage.

Mr. Smith stated that according to this plat, he has 105.88' and 198.70 which is over 300'. He could move the line over and get 150' frontage on each lot. He stated that the applicant is trying to develop so he doesn't have to come under subdivision control.

Mr. Bennett stated that this was correct. He stated that he is retired and he wanted to build another house next to his house because he already has water and sewerage next to his house.

Mr. Smith stated that there is nothing in the variance section of the Ordinance that will permit the Board to grant a variance under the circumstances here.

Mr. Bennett stated that the land is up for rezoning in October for R-12.5.

There was no one to speak in support or in opposition to this application.

Mr. Runyon stated that he felt some clarification on the part of the applicant needs to be obtained from the Office of the Zoning Administrator regarding the R-17 interpretation here. He moved that this case be deferred until September 24, 1975.

Mr. Kelley stated that he did not feel the Board has the power to grant this request and could see no reason to defer the case.

Mr. Baker seconded the motion.

The motion passed 3 to 0. Mr. Smith and Mr. Kelley abstained.

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10:40 - CONGREGATIONAL CHRISTIAN CHURCH OF FAIRFAX COUNTY appl. under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit addition to church, 8410 Little River Turnpike, 59-3((1))22, 23, 24, (13.697 acres), Providence District, (RE-0.5), S-131-75.

Mr. Owen Thomas, 6710 Ross Road, Falls Church, from the Building Committee of the Church, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were George Mahoney, 3817 Poe Street, Annandale, and Merrill Chino, 3815 Poe Street, Annandale, Virginia.

Mr. Thomas stated that they wish to add an addition to the existing church. This addition will protrude no closer to the property lines than that of the existing structure. This addition is for the use of the present congregation rather than for new membership. The total square footage is approximately 25 to 2600 square feet. This addition will be constructed of block and masonry. The architecture will blend with that of the existing structure.

There was no one to speak in favor or in opposition.

RESOLUTION

In application S-131-75 by Congregational Christian Church of Fairfax County under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit addition to church on property located at 8410 Little River Turnpike, 59-3((1))22,23,24, Providence 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 Board of Zoning Appeals for Fairfax County, and

WHEREAS, following proper notice to the public 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 1st day of August, 1975.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of thesubject property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 13.697 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 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 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 shall be as per the Director of Environmental Management.
7. The architecture shall be compatible with the existing structure.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

11:00 - ROBERT STAFFORD appl. under Section 30-6.6 of Ord. to permit house to be constructed closer to center line of ingress-egress easement than allowed by Ord., (26' from center line, 60' required), V-135-75.

Mr. Stafford represented himself before the Board.

Notices to property owners were in order. The contiguous owners were William Honore, 2913 Rosemary Lane, Falls Church and Edward Kelly, 2921 Rosemary Lane, Falls Church, Virginia.

Mr. Stafford stated that this is an old subdivision, recorded in 1930. This is the last lot that has not been built on. The lot is very narrow. He stated that he created the two lots when he purchased the ground 2 months ago. One lot is directly behind the other. There is no means of access to the rear lot without the ingress-easement on the first lot. Therefore, in order to construct a house on the front lot, he needs a variance from that ingress-egress. He stated that he is a builder. He stated that he divided the lots like it has been done in that area for 20 years. He stated that he could turn the house sideways, but it would not be compatible with the homes in the area.

Mr. Runyon stated that that would push the house back against the house on the adjacent property and he did not feel it should be placed sideways on the lot.

Mr. Smith stated that what bothers him is the applicant went ahead and subdivided the lots and then requested the variance from this Board. The hardship was created by the applicant.

Mr. Edward Kelly, owner of the lot contiguous to this lot 69, spoke in support of the application. He stated that they would prefer to have the house face the street, rather than sideways. It would require a variance in order to face the house toward the street, therefore, he supports the request.

There was no one to speak in opposition to this application.

Mr. Runyon stated that the Board has had a lot of requests of this type which it has granted. The applicant has considerable more land area than what is required. The rear lot has 29,000 square feet, which is four times the minimum and the front lot has 15,000 square feet, which is the average and is the same thing that has been achieved on the adjoining lot.

Mr. Kelley stated that if the Board grants this request, it is setting a precedent.

RESOLUTION

In application V-135-75 by Robert Stafford under Section 30-6.6 of the Zoning Ord. to permit house to be constructed closer to center line of ingress-egress easement than allowed by the Ord., 26' from center line, 60' required, on property located at 2917 Rosemary Lane, 50-3((8))69A, 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,

WHEREAS, following proper notice to 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 1st day of August,1975

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 15,000 sq. ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
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:
-- 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. A 12 foot easement shall be provided.

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 3 to 2. Messrs. Kelley and Smith voting No.

11:20 - WADIH F. HAWIE, JR., appl. under Section 30-6.6 of Ord. to permit deck to be constructed closer to rear property line than allowed by Ordinance, V-136-75.

Mr. Hawie represented himself before the Board.

The contiguous property owners were William Whalen, 3942 Lincolnshire and Mr. and Mrs. Stingley, 7202 Fair Street.

Mr. Hawie stated that his property lies below the level of four bordering properties, thus receiving natural drainage from each when rain occurs. They are, therefore, unable to use their rear yard for play or relaxation. Approximately 12 feet of the depth of the rear yard is sloping which negates any use of that portion of yard. The degree of slope is about 35 to 40 degrees.

Mr. Vern Stingley, 7202 Farr Street, directly behind the subject property, spoke in opposition to the application. He stated that he felt Mr. Hawie's request was excessive and unreasonable. The property slopes about 3' down and the only water problem he had ever observed was during very heavy rains. The previous owner never complained about the drainage problems.

Mr. Whalen, 3942 Lincolnshire Street, spoke in opposition. He stated that Mr. Hawie doesn't cut his grass and therefore there is no place for the water to go. He also complained about the shed Mr. Hawie had erected.

Mr. Ted Princiotto, 3938 Lincolnshire Street, spoke in opposition.

Mr. Hawie stated that the storage shed is 10x12 and he did not get a building permit because it is a temporary metal shed.

Mr. Smith informed him that the shed is in violation of the zoning ordinance and he should have obtained a building permit because it is over 8'x10'.

Mr. Kelley suggested he put the deck over next to Lot 67. It could go there without a variance.

Mr. Covington stated that if the deck is on the ground, it could go within 5' of the side yard property line. If the deck is not more than 10' wide, it can extend 10' into the rear yard. If it is a patio, there is no requirement for setbacks. As to the shed, if the shed is 12' behind the house, it can go within 2' of the property line. He does not need a building permit unless the shed is larger than 8'x10'.

Mr. Hawie apologized for the grass that needed cutting. He stated that he was on two weeks vacation and did not contract with anyone to cut the grass during that time.

Mr. Kelley moved that the case be deferred until September 24, 1975 to give the applicant a chance to work out this problem and see if the deck can't be constructed without a variance.
Mr. Barnes seconded the motion.
Mr. Runyon suggested that the applicant and the opposition get together and work together as there are several ways this could be worked out.

The motion passed 5 to 0.

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11:40 - CHESTERBROOK SWIMMING CLUB, INC. appl. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit night lighting of two existing tennis courts, 1812 Kirby Road, 31-3((5))1 and 1A, (6.12406 acres) Dranesville District, (RE-1), S-137-75.

Mr. Bruce Clough, President of the Club, presented proper notices to the Board.

Mr. Clough stated that the Club now has two tennis courts that serves 500 families. They would like to add lights in order to make more time available to the tennis players in their Club. They have not made a final determination on the type of lights they plan to have. However, they are considering the pole type. They would have to put four poles on each court. The poles would be 20' high and would each carry three 500 watt court lamps. They have also checked out the lower type lights, but they are much more expensive. They would put the lights on a time clock in order that the lights would not be used except when they were needed until whatever time the Board determines they must cut them off. They would like them to be on until 11:00 p.m.

The Board policy on lights on tennis courts has been that they must be off at 10:00 p.m.

Mr. Clough stated that Tuckahoe keeps their lights on until at least 10:45 p.m.

Mr. Smith asked Mr. Covington to check this out as this would be a violation of their Special Use Permit.

Mr. Don Mac, 6401 Devine Street, resident backing up to these courts, spoke in opposition. He stated that these courts are already disrupting his sleep in the morning and he did not want them to disrupt his sleep at night. They have been starting to play tennis as early as 6:00 a.m. The applicant has indicated that there is heavy foliage surrounding the courts. However, this foliage disappears with the first heavy frost.

Mr. Clough in rebuttal stated that he had not had any complaints previous to this. He stated that he would bring the problem to the attention of the Board of Directors of the Club and the general membership.

There was no one else to speak on this case.

RESOLUTION

In application S-137-75 by Chesterbrook Swimming Club, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit night lighting of two existing tennis courts, 1812 Kirby Road, 31-3((5))1 and 1A, 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 held on the 1st day of August, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 6.12406 acres.
4. That compliance with Site Plan Ordinance is required.
5. That the applicant is presently operating under SUP #4554 granted July 20, 1954 and amended by S-887-68 granted on July 9, 1968.

AND, WHEREAS, the Board has reached the following conclusion of law:
That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as conatined 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. The hours of operation for tennis shall be 8:00 a.m. to 10:00 p.m.
7. All light shall be directed to the courts.
8. All noise shall be confined to the site.
9. Landscaping and screening shall be to the satisfaction of the Director of Environmental Management.
10. All other provisions of the existing Special Use Permit shall remain in effect.

Mr. Baker seconded the motion.

The motion passed 5 to 0.

12:00 - WESTMINSTER SCHOOL, INC., appl. under Section 30-7.2.6.1.3 of the Ord. to permit addition to existing school, S-139-75.

Mr. Steve Best, attorney for the applicant, 4069 Chain Bridge Road, presented proper notices to the Board. The contiguous owners were Charles W. Vear, 3801 Gallows Road and Elmer McCauley, 3825 Gallows Road.

Mr. Best stated that enrollment is such that there is need for two additional classrooms. The addition would be compatible with the existing building. They might use two temporary classrooms in separate building adjacent to existing school while the addition is being constructed.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application S-139-75 by Westminster School, Inc. under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit addition of two classrooms to existing building on property located at 3819 Gallows Road, 60-3((24))4 & 5, 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 held on August 1, 1975.

WHEREAS, the Board 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 3.73584 acres.
4. That compliance with the Site Plan Ordinance is required.
5. That compliance with all applicable State and County Codes is required.
6. That the property is subject to pro rata share for off-site drainage.

7. That the applicant has been operating, pursuant to SUP No. S-212-70 granted December 8, 1970, a private school for a maximum of 300 students on this property.
8. This current application seeks to allow the addition of two classrooms.
9. There is no change in the maximum permitted enrollment.

AND, WHEREAS, the Board of Zoning Appeals has reached the following 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 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 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 made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.
6. All terms and conditions set forth in SUP S-212-70, granted December 8, 1970, shall remain in effect.
7. Landscaping and/or screening is to be provided to the satisfaction of the Director of Environmental Management.
8. The maximum number of children shall be 300.
9. The hours of operation shall be 8:00 a.m. to 5:00 p.m., Monday through Friday, during the normal school year.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

Mrs. Jean Packard, Chairman, Fairfax County Board of Supervisors, came before the Board to say farewell to Mr. Joseph Baker.

Mrs. Packard commended Mr. Baker for his 13 years of service to Fairfax County. He was on the Planning Commission in May, 1955 until April, 1959. He was appointed to the Board of Zoning Appeals in 1966 and has served continuously. He is planning to move to a farm in Maryland. Mrs. Packard complemented Mr. Baker for the excellent job he has done.

Mrs. Packard then presented Mr. Baker with a Certificate of Service for Fairfax County.

Mr. Baker thanked Mrs. Packard and stated to her and members of the Board of Zoning Appeals that it had been a pleasure to serve the County in this capacity.

Mr. Smith on behalf of the Board ofZoning Appeals expressed the Board's appreciation for Mr.Baker's service. HE asked that the minutes reflect this appreciation to Mr. Baker for all the work he has done.

Mr. Runyon moved that the Minutes of this meeting show the appreciation of this group to Mr. Baker for all the work he has done for the Board and with the Board and the Board wishes him God's speed.
Mr. Kelley seconded the motion and the motion passed unanimously.

Mr. Baker's retirement date is August 5, 1975.

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AFTER AGENDA ITEM -- BERNARD COX, Special Use Permit for Riding School.

The Board discussed the letter that had been addressed to it by one of Mr. Cox's contiguous neighbors. The Board discussed this problem at length with Mr. Lenn Koneczny, Zoning Inspector, and Mr. Wallace Covington, Zoning Administrator.

It was the Board's decision to have a re-evaluation hearing on October 7, 1975.

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AFTER AGENDA ITEM -- OCTOBER meeting dates.

It was the Board's decision to have a Special Meeting on October 29, 1975.

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AFTER AGENDA ITEM -- AMENDMENT TO BY-LAWS

Mr. Runyon moved that the reference to fees in the by-laws be deleted.

There was no objection and it was so ordered.

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The meeting adjourned at 1:10 P.M.

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Jane C. Kelsey
By Jane C. Kelsey
Clerk to the Board of Zoning Appeals

Daniel Smith
DANIEL SMITH, CHAIRMAN
BOARD OF ZONING APPEALS

APPROVED September 9, 1975
DATE

Submitted to other Board & Commissions on Sept 30, 1975

A Special Meeting of the Board of Zoning Appeals was Held September 4, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes; Charles Runyon and Tyler Swetnam who took Mr. Joseph Baker's place. Mr. Baker retired August 5, 1975. Harvey Mitchell and Wallace S. Covington were present from the Staff.

323

Mr. Barnes opened the meeting with a prayer.

10:00 a.m. - LESTER L. STRIBLING appl. under Section 30-6.6 of Ord. to permit two story office addition closer to residential zoning boundary line than allowed by Ord., (15.2' from line, 26' required), 8143 Richmond Hwy., 101-2((1))26, (35,288 sq. ft.), Mt. Vernon District, (CG & R-17), V-138-75.

Mrs. Stribling presented notices which were in order. Two of the contiguous property owners were Rose's Fuel Oil and Mount Vernon Realty.

Mrs. Stribling stated that when they built the existing building, the zoning of the land allowed them to build to the property line. Now, they have to setback from the zone line that divides their property. The original building was constructed in 1972.

Mr. Covington explained that initially the setback was from the property line and they could build right up to the zone line. About a year ago, the laws were changed and they have to set 25' back from the zone line. This was the old 200' strip in the original zoning before the Pomeroy Ordinance.

Mr. Runyon stated that this is a very narrow lot. If the applicant tried to put the addition on the side of the existing building, they would not be able to get the parking on the lot and the back portion would be landlocked. The back portion is zoned R-17 with no direct access to it. One could not put a house there.

Mr. Smith inquired if this was a general condition down there.

Mr. Covington stated that it is not a general condition all along Route 1. This condition is only on some of these lots. Some of the lots may have the same 200' problem, but they may have the building on them constructed differently or the lot may have a different configuration. The Board has allowed construction on a number of properties in this area that had a similar problem.

In answer to Mr.Smith's question, Mrs. Stribling stated that this additional extension will be used for office space.

Mr. Kelley asked if they could cut down the size of the addition.

Mrs. Stribling stated that according to their architect, they cannot cut down on the size of the addition and still make it economically feasible.

Mr. Kelley stated that he felt this is a Board of Supervisors problem. He stated that he agreed that the residential area should be protected.

Mr. Runyon suggested the Board members take a look at this property. The residential land that is being protected cannot be used because the only way to get through to it is through this commercial property that is owned by the same owner.

There was no one to speak in support or in opposition to the application.

Mr. Runyon moved that the case be deferred until September 9, 1975 for decision only.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

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10:15 - CHARITY BAPTIST CHURCH, S-140-75
a.m.
Mr. Jenkins presented notices to property owners which were in order. The contiguous owners were Mae Williams Hall, 8333 Lewinsville Road, McLean and C. Gamble and Betty Leon, 1336 Spring Hill Road, McLean, Virginia.

Mr. Jenkins stated that the construction is going to be a brick veneer, approximately 198 seats plus educational space to accomodate the same people. They have provided 47 parking spaces. The building is colonial in design with a low profile. They are trying to build this structure in keeping with the residential community that surrounds them. This is Phase 1 of their construction plans.

Lila Richards representing the Woodside Citizens Association stated that she had discussed this with the PLUS group of the McLean Citizens Association, also the Rocky Run Citizens Association of which she is a member of the Board of Directors. They are in support of the application.

Mr. Winters from the Shiloh Baptist Church nearby the subject site also spoke in favor of the application.

There was no opposition.

RESOLUTION

In application No. S-140-75 by Charity Baptist Church under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of a church on the southwest corner of Lewinsville Road and Spring Hill Road, 29-1((4))59 & 59A, Dranesville District, 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 September, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 149,431 sq. ft.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all County and State Codes is required.

AND, WHEREAS, the Board has reached the following 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 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 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 proposed septic field shall be located so that future widening of both roads to 45' from centerline of the existing right of ways would not interfere with the septic field.
7. Landscaping and screening is to be provided to the satisfaction of the Director of Environmental Management.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

10:35 a.m. - GINA MAY HITT appl. under Sect. 30-7.2.6.1.5 of the Zoning Ord. to permit beauty salon as home occupation, 9525 Green Castle Lane, Williamsburg Square Subd., 107-4((8))87, Lee Dist., (RTC-10),S-141-75.

Mrs. Hitt presented notices to the Board. These were not sent certified mail. However, the applicant was confused since the laws had been recently changed concerning notification requirements. Since there was no objection, the Board went ahead with the hearing of the case. The only contiguous property owner was Mrs. Calvin Miller, 9523 Greencastle Road, who had signed a letter verifying that she had been notified.

POLICY

Mr. Runyon moved that the Board will not accept any other type of notification other than by certified mail after September 16, including the September 16 hearing date. This motion carried unanimously with all members present.

Mrs. Hitt stated that she wished to use her basement for her beauty shop. She has a beautician's license and has been working at the Belle View Shopping Center in a beauty shop. She has owned this townhouse for two years and wants to work at home to cut the cost of traveling to and from work.

Mr. Kelley stated that according to the map, there is commercial zoning for a shopping center nearby. (Mr. DeGroff, developer of that shopping center, confirmed this. He said it would be ready in the near future.)
Mr. DeGroff, 8106 East Blvd. Drive, Alexandria, Virginia, President of the Williamsburg Square Homeowners Association, and President of DeGroff Enterprises that developed this subdivision, spoke in opposition to this application. He stated that the covenants of that subdivision prohibits this use. All the owners who purchased townhouses in this subdivision had to sign that document. The problem with having a use of this type in this subdivision would be the parking. They provided two parking spaces for each house and all the families have two cars. Therefore, if Mrs. Hitt had clients, they would have to park in someone else's parking space. He also submitted a Petition signed by 63 people who live in the immediate area.

Mr. Smith stated that the Zoning laws of Fairfax County would not allow a professional office of any type to be located within a townhouse even though the covenants might allow them without first having a hearing before this Board or the Board of Supervisors. They would have to provide parking adequate for the use in any case and show that it would not have an adverse impact on the immediate neighborhood in accordance with the Ordinance.
Col. Horner, 9515 Greencastle Lane, spoke in opposition. He felt this use would devalue his property.

Mr. Smith read a letter from John T. Wright, 7714 Capron Court, Lorton, Virginia, in opposition to this application.

Mr. Runyon stated that the Board had made a rule that if there is a commercial area within a half mile of the property requesting the Special Use Permit, the Board would not grant those Home Occupations.

There was no one to speak in favor of the application.

RESOLUTION

In application S-141-75 by Gina May Hitt under Section 30-7.2.6.1.5 of the Zoning Ordinance to permit beauty salon as home occupation, 9525 Greencastle Lane, Williamsburg Square Subd., 107-4((8))87, Lee 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 this Board held on the 4th day of Sept., 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RTC-10.
3. That the area of the lot is 2,439 sq. ft.
4. That compliance with all applicable State and County Codes is required.
5. That complaince with the Site Plan Ord. is required.

AND, WHEREAS, the Board has reached the following conclusion of law:
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 5 to 0.

10:55 a.m. - SUPER SERVICE, INC. appl. under Sect. 30-6.6 of the Zoning Ord. to permit temporary structure closer to residential zoning boundary line, (2' from line, 25' required) and to permit 6' fence in front yard setback, 3201 Ox Road, 35((1))53B, (31,546 sq.ft.), Centreville Dist., (C-G), V-142-75.

Mr. Kenneth Streeter, 3005 Sayer Road, submitted notices to the Board which were in order. Katherine Rust was the only contiguous property owner.

Mr. Smith stated that the Staff Report indicates that Mr. Streeter is the property owner and under the Ordinance, only the owner of the property can be entitled to consideration under the hardship section of that Ordinance. This application is made in the name of the corporation. The corporation doesn't have any interest in the land.

Mr. Swetnam inquired if the application could be amended to the name of the owner.

Mr. Streeter stated that this was a technical error on his part. He asked if he could amend the application.

Mr. Kelley stated that this should be under the error section of the Code if the structure was already there as the Staff Report indicates.

Mr. Streeter confirmed that the structure is already there. In answer to Mr. Kelley's question, he stated that he did not get a building permit. He stated that it is a temporary type structure and he didn't realize he needed a building permit. He stated that the old building that is on the property has been there since the turn of the century. It is located behind Navy School. It was a mess until he took it over and cleaned it up. He stated that he is going to try to fill in the back portion of the property and move the temporary structure back there.

The Board deferred this case until September 16, 1975 and asked the applicant to renotify the property owners and asked the Clerk to have the property reposted.

11:10 a.m. - KOONS PLAZA DEVELOPMENT CO., 2000 Chain Bridge Road, 29-3((1))31, (616,836 sq.ft.) and KOONS PLAZA DEVELOPMENT CO., & GIANT OF VIRGINIA, INC., 8353 Leesburg Pike, 29-3((1))32, (48,516 sq.ft.), appl. under Section 30-7.2.10.3.8 of the Zoning Ordinance to permit amendment to Special Use Permit #S-174-72 for additional parking for sales and rental lot of autos and trucks incidental and accessory to new car dealership, Centreville District, (CD), S-143-75.

Mr. Ralph Louk, attorney for the applicant, presented notices which were in order. The contiguous property owners were Samuel C. Redd, et al and Raymond D. Burton, 1733 Gosnell Road, Vienna, Virginia.

Mr. Louk stated that this is a two part application. There was a Special Use Permit previously granted to Koons which authorized a new car dealership. On the corner of that property was shown a parcel 22,000 sq. ft. which was to be for the First Virginia Bank. Now the bank doesn't wish to locate there and Koons would like to use that land to park the cars in conjunction with the new car dealership.

The second part of the application is a request to allow Koons to use a portion of the Giant parking lot to park cars in conjunction with the new car dealership.

The Board discussed the question of whether or not Giant has adequate parking without using the 135 spaces under the application for Special Use Permit.

Mr. Steve Reynolds from Preliminary Engineering and Mr.Walter Phillips, engineer for the Koons project, confirmed that according to the Site Plan presented with this application, Giant has adequate spaces without these 135 spaces.

Mrs. Donald Spiece, representing Tysons Green Citizens Association, spoke in favor of the application. She stated that they were in favor of the application if it would mean that the total Koons complex could be made more attractive and compatible with the surrounding community. She brought up several points of complaint about the existing Koons facility.

Mr. Lenn Koneczny, Zoning Inspector, confirmed that Koons has been issued violation notices with regard to the parking of cars on the Giant property without a Special Use Permit or Site Plan. There have also been violation notices issued to Koons from other agencies of the County. He stated that he had also issued violation notice to Koons for parking cars in the area in the back that is under Special Use Permit, but they have not yet begun construction or paved the parking area. As far as the landscaping and screening, he stated that he did not know how his office could get involved in that since there wasn't anything in the Resolution granting the Special Use Permit that specifically spelled out what the landscaping should be. With regard to the cars that are parked on the roof of the building that can be seen from 123, he stated that those cars cannot be seen from the ground level, therefore, it depends on where you are standing whether or not you can see those cars.

The Board questioned Mr. Louk on whether or not Koons was parking campers and trucks over one and one-half tons. Mr. Louk stated that he did not know. Mr. Koneczny stated that he wasn't sure about the tonage of some of the trucks. The campers that were on the property were not for sale, he didn't think.
Mr. Smith stated that this is an enforcement problem that should be taken care of by the Zoning Inspections Office.

Mr. Louk stated that this application is an effort on the part of Koons to clear up the parking problems. Mr. Louk stated that Koons could not control the drivers of the trucks that come in to unload cars.and force them to use the Route 123 entrance as Mrs. Spiece suggested.
Mr. Smith stated that Koons could tell the Company responsible for the drivers of the trucks where they should enter the property. The Board of Zoning Appeals is responsible for entrances and exits into the property. He stated that those trucks should be channeled in off Route 7 so that they do not interfere with the residential community. It should be a permanent condition of the granting.

There was no one else to speak on this case.

Mr. Smith stated that Giant should be removed from the application as one of the applicants because they have no interest in this use except to lease the land to Koons. A copy of the verbal agreement is in the file.in the form of a letter. There was no formal lease.

In application S-143-75 by Koons Plaza Development Co. under Section 30-7.2.10.3.8 of the Zoning Ordinance to permit amendment to SUP S-174-72 for additional parking for sales and rental lot of autos and trucks incidential and accessory to new car dealership on property located at 2000 Cahin Bridge Road 29-3((1))31 and 8353 Leesburg Pike, 29-3((1))32, County of Fairfax, Centreville District, 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 Board of Zoning Appeals for Fairfax County, and

WHEREAS, following proper notice to the public 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 September 4, 1975.

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

1. That the owner of the property is Sherwood and Corbalis (parcel 31). Part of and Trulie Investment Corp.(Pt.Parcel 32).
2. That the present zoning is C-D.
3. That the area of the lot is 665,352 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, pursuant to Special Use Permit S-174-72 granted December 13, 1972, and amended (S-262-73) to permit expansion of the facilities on March 13, 1974.

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

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 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. All applicable terms and conditions set forth in previous Special Use Permits and amendments thereto shall remain in effect.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

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*That the area of the lot under S-174-72 is 359,396 sq. ft.,
To which under S-262-73---------- 234,096 sq. ft. was added,
To which under
S-143-75--------(Sherwood, Sherwood
and Corbalis)---------- 23,344 sq. ft. was added, to which
under S-143-75--------(Trulie Investment Corp.) 48,516 sq. ft. was added,
Totaling---------- 665,352 sq. ft.

The Board recessed at 1:00 P.M. for lunch and returned at 2:00 P.M. to take up the 11:30 a.m. item.

RKO-STANLEY WARNER THEATRES, INC. appl. under Section 30-7.2.10.3.4 of the Zoning Ordinance to permit enclosed movie theatre, 3513 Jefferson Street, 62-3((1))11, (413,624 sq.ft.), Mason District, (CD), S-144-75.

RKO-STANLEY WARNER THEATRES, INC. appl. under Section 30-6.6 of the Zoning Ord. to permit waiver of number of parking spaces required (652 spaces, 768 required), 3513 Jefferson Street, 62-3((1))11, (413,624 sq.ft.), Mason District, (C-D), V-145-75.

Mr. Paul Scheib, secretary and general counsel for the applicant, submitted notices to property owners which were in order. Two of the contiguous property owners were Leesburg Apartments and Crossroads Associates.

Mr. Scheib stated that they have been operating Cinema 7 Theatre in the Leesburg Shopping Center for some time. They wish to have one 300 seat theatre and the other 400 seat. He told the Board the reason they want this twin theatre. They will use the existing structure that has been formerly occupied by a furniture store. They need 441 parking spaces and they presently have 326 that can be used for this purpose. Therefore, they need 115 parking spaces. He stated that he feels this type use is similar to those uses under Section 30-3.10.3 of the Zoning Ordinance that permits certain type organizations to have a reduction in parking because their use is limited to those times when the other commercial shops are not in operation.

In answer to Mr. Smith's question, he stated that this theatre will operate in the evenings,for the Saturday and Sunday matinee and until 1:00 a.m. in the mornings. He stated that he had never observed the parking lot there being completely full to the extent that it interfers with traffic in that particular area even when they showed "Godfather". He stated that they would be willing to stipulate that they would not operate on Saturday afternoon, if that would make a difference.

Mr. Smith stated that he could not see where they meet the requirements of the Ordinance. He stated that he knew of no provision that would give this Board authority to grant a waiver of the site plan requirements.

In answer to Mr. Runyon's question if they would be able to reduce the number of seats, Mr. Scheib stated that they would have to study that particular aspect.

There was no one to speak in favor.

Ellen Schlosser, 1148 South Harrison Street, spoke in opposition. She stated that there is a night club going in where the old Giant store used to be that is supposed to hold 1,000 people. The homeowners that are near this shopping center have really suffered already and she asked the Board to deny this request.

After a brief discussion, Mr. Scheib stated that in view of the Board's comments, it looked as though they would need to restudy this to see if they could reduce the number of seats. He asked for a deferral.

Mr. Kelley moved that this case be deferred until September 24, 1975.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

Mr. Smith stated that if they could get their plans in sooner, the Board might be able to make a decision earlier than September 24.

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DEFERRED CASE: DAVID L. REDDING, V-119-75 (Deferred from July 16, 1975 for proper notices. FULL HEARING).

The applicant was not present to present his case. The Board further deferred the case further to see if there had been a loss of communication between the Staff and the applicant.

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CENTREVILLE HOSPITAL MEDICAL CENTER, INC., S-228-71 -- Re-evaluation Hearing held July 9, 1975 and decision deferred to September 4, 1975.

The Board was in receipt of the report from the applicant to Dr. Stanholz, State Health Commissioner, dated August 1 and also September 8, 1975 as the Board had requested at the July 9, 1975 meeting. The Board was also in receipt of a memo from the Zoning Administrator dated September 6, 1975, highlighting the status of the applicant's project as it related to the County site plan, sewer, etc.

Mr. Smith then read a memo that had just been delivered from the County Executive regarding the sewer tap allocation. He gave Dr. Berberian a copy of that memo. The memo stated:

"The Board on August 18 considered in Executive Session the request of Centreville Hospital for a sewer tap allocation extension and requested staff to prepare for its consideration a Resolution by which the allocation could be extended for a minimum period of time with certain conditions extablished requiring the applicant to meet benchmarks of progress. Benchmarks will likely include: the resubmission of an updated plan, the posting of a performance bond, the posting of cash to fund the sewer extension project, and the pouring of a major percentage of the footings.

A copy of the Resolution will be provided you once adopted. We anticipate it will be forwarded the Board for consideration on September 15."

Mr. Smith stated that in view of this memo and the volume of information the Zoning Administrator has transmitted to the Board, it would be wise to defer this until the Board of Supervisors has determined the status of the sewer tap allocation.

Mr. Barnes moved that the case be deferred until September 24, 1975.

Mr. Kelley seconded the motion. The motion passed 5 to 0.

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JOHN K. JENSEN, V-128-75 - Variance to permit enclosure of existing screen porch closer to side property line than allowed by Ordinance.

The applicant had requested that his case be withdrawn because he was moving. Board deferred for written request on July 22, 1975. The Clerk could not reach the applicant by phone. The operator said the party had moved to an 804 area code.

Mr. Runyon moved that the case be withdrawn as requested without prejudice.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

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PRINTES A. BLEVINS, JR., S-108-75, Applicant requested withdrawal of his application because the building inspector would not approve the building because it was a frame structure.
Mr. Runyon moved that the application be withdrawn without prejudice.
Mr. Barnes seconded the motion.
The motion passed 5 to 0.

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Page 331
September 4, 1975

AFTER AGENDA ITEMS:

LORD OF LIFE LUTHERAN CHURCH, 5114 Twinbrook Road.

The applicant requested by letter that they be allowed to enlarge the parking lot. The Board reviewed the plats and determined that this is more than a minor engineering change and would, therefore, require a new application.

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STEPHEN W. POURNARAS, V-264-73. The applicant by letter requested that the Board again extend his variance. He stated that he was having problems with financing, approval of site plans due to the exchange of land with his adjacent neighbor, and with reservation of sewer requirements.

The Board discussed the previous extensions he had been granted and the reasons Mr. Pournaras had given.

The Board determined that sewer is available. In Mr. Pournaras's letter of June 5, 1975, he stated that since he had not made his necessary deposit, the sewer capacity reservation for this project was revoked. He had asked the Deputy Director of Design Review to reconsider this which took several months.

The Board determined that Mr. Pournaras's problems were not all due to the sewer problems, but since that was also involved, it would further extend his variance until October 22, 1975. Mr. Pournaras may reapply at this point and his case would be scheduled for the earliest possible date in order that his sewer tap reservation would not lapse.

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ANTHONY A. NASIF, S-195-75. Request for out-of-turn hearing.

The Board denied the out-of-turn hearing request. The Board's schedule is extremely full. It has been having one extra meeting per month to try to hear as many cases as is possible within the shortest time frame and within the requirements of the State Code. The next hearing date that this case would be scheduled for is October 28, 1975 which is a Special Hearing Date.

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TUCKAHOE RECREATION CLUB, INC., S-261-73 Request to be allowed to adjust hours of operation to 8:00 a.m. to 10:00 p.m. since the Resolution stated that the hours could be adjusted should there by any objections. In addition, they would also like to retain a 10'x10' metal storage shed which has been erected to store gasoline, etc.

The Clerk explained that the metal shed was required by the Fire Marshall's office because they needed something in which to store gasoline for the lawn mowers, etc.

The Board stated that they could consider the shed if the applicant would bring in amended plats at the next meeting. However, the hours of operation would require a new application and a public hearing.

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LEARY SCHOOL, INC. & LEARY EDUCATIONAL FOUNDATION, INC., S-104-75 (Pixieland School). Mr. Smith read a letter from Mr. Hansbarger, attorney for the applicant requesting that the ages of the children be changed from 12 to 19 to 5 through 10 which would make Condition No. 6 read:
"The maximum number of students shall be 150, ages 5 through 10."
The letter stated that this school would continue to be operated as Pixieland School has operated for some time. It was the Board's decision that this change could be made and the Resolution changed accordingly.
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PLEASANT VALLEY MEMORIAL PARK, INC., S-103-74, Granted September 18, 1975. Mr. Smith read a letter from Mr. Hansbarger, attorney for the applicant stating that this corporation had been sold. The new owner of the corporation was not aware of the year's deadline and will not be able to begin construction within the year's limit.
The Board extended this Special Use Permit for 180 days from September 18, 1975.

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332

COLUMBIA LNG -

Representatives from Columbia LNG and Mr. Sewell, attorney for Columbia LNG, presented to the Board a minor change in the location of the pipeline. from that previously approved by the Board. They showed the Board where the deviation would occur and to what degree of change it would make.

Mr. Knowlton, Zoning Administrator, explained to the Board that this is only given to the Board for information purposes. The Staff feels that this is a minor engineering change and would not require a public hearing. The County Attorney has been advised of this change and he also feels that this is a minor engineering change. However, the Staff felt that the Board of Zoning Appeals should be kept up-to-date on any change.

The Board agreed that this is a minor engineering change and that no action on the part of the Board is necessary.

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Mr. Kelley moved that the Board approve the minutes of July 16, 1975 and July 22, 1975 with minor corrections.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

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The meeting adjourned at 3:47 p.m.

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By Jane C. Kelsey
Clerk
Board of Zoning Appeals

Submitted to the Board on
September 10, 1975

DANIEL SMITH, CHAIRMAN
BOARD OF ZONING APPEALS

APPROVED September 24, 1975
DATE

Submitted to P.C. Bd Supervisors, Co. Atty + Co Executive on Sept 30, 1975

The Regular Meeting of the Board of Zoning Appeals was Held on the 9th day of September, 1975, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes, Tyler Swetnam and Charles Runyon. Harvey Mitchell and Wallace S. Covington were present from the Staff.

The meeting was opened with a prayer.

10:00 - CECIL PRUITT, JR., appl. under Sec. 30-7.2.10.5.6 to permit indoor tennis facility, SE corner Ravensworth Road and Little River Turnpike, 71-1((1))part 83 and all of 84, (2.2393 acres), Annandale District, (CG), S-146-75.

Mr. Richard Chess, attorney for the applicant, represented the applicant before the Board. Notices to property owners were submitted and were in order. The contiguous owners were Roberts and Mattauer.

Mr. Chess stated that the applicant proposes to have an indoor tennis facility with up to 7 tennis courts or 6 tennis courts and up to 6 squash and handball courts. At the present time there is a small garden center on this property. It is immediately adjacent to the Rustlers Steak House and the Texaco Gasoline Station, both of which are on land owned by the applicant. The only lighting that is proposed is the usual lights for the parking lot. They have not designed the building at this point. It will be a tennis barn structure, which is a standard metal building similar to what is located at the Fairfax Racquet Club, the Northern Virginia Racquet Club and the McLean Indoor Tennis Club. It is a butler type building.

Mr. Kelley stated that this building will be near enough to Little River Turnpike that it should be architecturally compatible with that area. This will be a good location, he stated, but he was concerned about how it will look.

Mr. Chess stated in answer to Mr. Kelley's comment that this project will have to be very pleasing in order to be successful. They will try to minimize the effect of the large barn-like building with landscaping and the smaller ancillary building in the front. The ancillary building will house the offices, the pro-shop and the locker rooms.

He stated that the lease is for 43 years.

Mr. Kelley questioned the statement made by Preliminary Engineering that the applicant should setback 15' from the sewer easement. He stated that this question should be cleared up before this is granted.

In answer to Mr. Smith's question, Mr. Chess stated that Mr. Pruitt will probably lease this facility when it has been constructed to someone else who would like to operate it. He has been approached by representatives of Fairfax and McLean Tennis Clubs.

Mr. Smith stated that at the time he leases this, the parties leasing it will have to come back to this Board and have the Special Use Permit transferred to them.

Mr. Smith stated that the main reason this type use must come before the Board of Zoning Appeals when it is in a commercial zone is for the Board to set and approve the architectural design of the building.

Mr. Chess stated that the dimensions of the building are shown on the plat. The height will be a maximum of 45', the sidewall a minimum of 16' and a maximum of 20' with a 40' peak with a clear span. The building comprises a little less than one-half the site. Should the suggestion from Preliminary Engineering be enforced, it will probably cause them to have to remove one of the tennis courts.

Mr. Smith stated that any change in the project would have to be reflected on the plats. He suggested the case be deferred to clear this up.

There was no one to speak in favor or in opposition to the application.

Mr. Kelley moved that the case be deferred until the September 16th meeting for additional information and new plats, if necessary, and for decision only.

Mr. Barnes seconded the motion and the motion passed 4 to 0. Mr. Runyon had not yet arrived.

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10:20 a.m. - UNITED DEVELOPERS HOUSING CORP. appl. under*Sect. 30-2.2.2 PAD zone of the Zoning Ord. to permit change of ownership of community pool and recreation center, 47-4((1))35, approx. 300' south of Blake Lane and 1/2 mi. E. of Route 123, (2.8111 acres), Providence District, (PAD), S-147-75.(*as advertised; should be 30-7.2.6.1.1 because the land in question is zoned RE-0.5 not PAD.)
Mr. Craigg Buck, attorney with the law firm of Taylor and Clemente, 4900 Leesburg Pike, represented the applicant. He submitted notices which were in order.

Mr. Buck stated that this use was granted previously to Jeffrey Sneider and Company. Jeffrey Sneider and Company went bankrupt and their assets were taken over by the Virginia National Bank. Mr. Charles E. Taylor is the President of that bank and he is also President of this corporation.

Mr. Smith stated that the Board could not just transfer the ownership and the Special Use Permit because the Jeffrey Sneider and Company Special Use Permit is now dead. Construction had not begun within the specified time frame. This will be considered a new application.

The Board discussed the size of the pool, parking, and emergency access all of which were shown on the plats submitted with the application. The applicant's plats indicated that the old manor house will be removed. Jeffrey Sneider and Company originally planned to keep the old house and renovate it. However it has now been determined that that house will not meet the present Code requirements and is a hazard. It will have to be torn down. They do plan to keep the trees just as originally planned by Jeffrey Sneider. Mr. Buck stated that they would agree to all the conditions imposed on the original Special Use Permit for Jeffrey Sneider, except that they wish to remove the old house.

Mr. Smith showed Mr. Buck a copy of those conditions and pointed out particularly the conditions regarding the landscaping.

Mr. Buck stated that they may put in tennis courts where the old house is now.

Mr. Smith stated that that would be permitted with a Special Use Permit. They would have to come back to this Board for that change.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application No. S-147-75 by United Developers Housing Corp. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit community pool and recreation center 300' south of Blake Lane and 1/2 mi. east of Route 123 in the Treebrooke Subdivision, tax map 47-4((1))35, County of Fairfax, Providence District, 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 held on the 9th day of Sept., 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Marc E. Bettius and Herbert S. Billowitz, Trs.
2. That the present zoning is RE-0.5. This use is for the PAD community that surrounds this RE-0.5 land.
3. That the area of the lot is 2.3 acres.
4. That compliance with Site Plan Ord. is required.
5. That S-220-73 was granted to Jeffrey Sneider and Company and has now expired.

AND, WHEREAS, the Board of Zoning Appeals has reached the following 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 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 number of family memberships shall be 800.
7. The hours of operation shall be from 9:00 a.m. to 9:00 p.m. The after hours parties shall be limited to six (6) per year after getting prior written permission from the Zoning Administrator.
8. Fourteen parking spaces shall be provided for cars and 100 bike rack spaces shall be provided.
9. All loudspeakers, noise and lights shall be directed to the pool area and confined to the site.
10. All landscaping, screening and fencing and planting shall be as approved by the Department of Environmental Management and shall include:

"1. The white crepe myrtle (white is reasonably rare) be pruned and fertilized and remain.
2. The existing dogwood, also drawn in, be fertilized and remain, and the existing spirea, etc., in the area be pruned to allow these specimens to survive.
3. The boxwood be sprayed with Malathion (or suitable insecticide) to eliminate the diseased condition (Boxwood psyllid).
4. That the trees colored in red which are previously to be removed remain if at all possible. We have been assured all reasonable care will be taken to save them.
5. All trees and shrubs be pruned and fertilized and bed areas formed around the appropriate areas.
6. We have also been requested to permit the utility lines into the structure be retained above ground. To place them underground would destroy some material; this decision should be made at the pleasure of the Board."

(Quoted material from recommendations of the Staff of Preliminary Engineering in their memo dated September 28, 1972 and agreed to by the applicant.)

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

AMENDED TO PITTARELLI REALTY, INC.

10:40 a.m. - BENITO V. PITTARELLI appl. under Section 30-7.2.9.1.7 of the Zoning Ord. to permit real estate office in older structure in residential zone, 5912 Old Centreville Road, 54-4((5))4A & 9, (31,984 sq.ft.), Centreville District, (RE-1), S-148-75.

Mr. Ronald Tydings, attorney for the applicant, presented notices to the Board which were in order.

Mr. Tydings asked if he could request the Board to amend the application to Pittarelli Realty, Inc.

Mr. Smith told him that the Board could do that if he had the corporation papers from the State Corporation Commission.

The Board recessed the case until Mr. Tydings could go to his office to get the corporation papers.

After the next case the Board called this case again. Mr. Tydings submitted the Certificate of Corporation for Pittarelli Realty, Inc. The Board amended the application to read Pittarelli Realty, Inc.

Mr. Tydings stated that Mr. Pittarelli plans to use this property for a real estate office. He stated that the Staff had brought up the question of the requirement of the Zoning Ordinance that the property must be 3/4 acre. This property did have more than 3/4 acre. However, the Highway Department took 1/4 acre and that left just over 31,000 square feet.

The plats showed that the original lot 9 was 22,810 sq.ft.

lot 4A	21,788
Total	44,598
Less Highway Taking from Lot 9	12,614
Net Area Lots 4A & 9	31,984 sq.ft.

Mr. Covington stated that this taking by the Highway Department made this a substandard lot and the original amount of land goes with the lot continually.

Mr. Smith stated that Mr. Pittarelli purchased the property after the taking and this is a specific requirement under the Group 9 Section of the Ordinance; that no such use will be established on a parcel of land less than 3/4 acre.

Mr. Covington stated that the Ordinance says 3/4 acre, instead of a specific number of square feet, which gives this Board reasonable latitude. This situation was created by condemnation. The difference in sq. ft. is very minute, about 1/100th of an acre.

Mr. Smith disagreed that the Board had the latitude to vary this requirement at all.

Mr. Tydings stated that in the real estate field, anything over 30,000 sq. ft. is considered 3/4 acre. That is the interpretation they received from the County on other questions in the past.

The Board continued to discuss this question at length.

The Staff Report indicated that this use will not be under site plan control. Preliminary Engineering, however, suggested that adequate screening and landscaping be provided on the subject site. In addition, that department suggested that this use should comply with all County standards including, but not limited to: parking lot surfacing; minimum travel aisles; standard entrances to and from the site; erosion and sedimentation control, and on-site retention of storm water run-off.

There was no one to speak in favor or in opposition to the application.

The Board was in receipt of a letter from Supervisor Pennino from the Centreville District stating that this request does not appear to be unreasonable. However, she urged the Board of Zoning Appeals to make sure the character of this community is not affected by a real estate office use in an existing residential structure.

RESOLUTION

In application No. S-148-75 by Pittarelli Realty, Inc. appl. under Section 30-7.2.9.1.7 of the Zoning Ordinance to permit real estate office in older structure in residential zone, 5912 Old Centreville Road, 54-4((5))4A & 9, Centreville 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 all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public 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 September 9, 1975.

WHEREAS, the Board 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 31,984 sq. ft.
4. That compliance with all State and County Codes that are applicable is required.

AND, WHEREAS, the Board has reached the following 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 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 changes) 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 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 shall be provided to the satisfaction of the Director of Environmental Management.
7. The hours of operation shall be from 9:00 a.m. to 8:00 p.m.

Mr. Barnes seconded the motion.

The motion passed 3 to 2 with Messrs. Smith and Kelley voting No.

Mr. Smith stated that he disagreed that this application meets the specific requirements of the Ordinance as to the land area required since it does not now have 3/4 acre.

Mr. Runyon stated that there are two things that caused him to make this Resolution. The letter of the law says 3/4 acre. This is a transitional type use of the land until it is zoned commercial, which will not be until mid-1977 instead of 1975 as they were originally told. He stated that he felt this is a reasonable request for the use of the land and there have been no objections to this use. He stated that he felt this application meets the spirit of the Ordinance.

11:00 a.m. - JOSEPH V. PUGLISE appl. under Section 30-6.6 of the Zoning Ordinance to permit construction of garage closer to side line than allowed by Ord., (10.2' from side), 8006 Apollo Street,113((7))131, (23,833 sq.ft.), Springfield District, (RE-2), V-149-75.

Mr. Puglise represented himself. Notices to property owners were in order. His reasons for needing this variance were because of the severe slope of his driveway that prevents him from having reasonable use of his land by way of not being able to park his car on that driveway. He wishes to build this double garage in order to park both his cars on his own property instead of on the street. He presently has a one car carport. Their property line is diagonal and he, therefore, needs a greater variance on one side than on the other. He stated that he is also building living quarters over the garage in order to keep the addition aesthetically pleasing and architecturally compatible with the rest of the neighborhood.

Mr. Runyon stated that this property is indicated on the zoning section sheet as being zoned RE-2 which requires 150' frontage and the applicant only has 86.69'. It is a pretty narrow lot.

Mr. Smith stated that this is a condition that exists throughout the subdivision.

Mr. Runyon stated that this lot narrows toward the front and the rest are fairly squared up. He really will not need very much of a variance toward the rear of the garage. If that lot was more square with the street, with more frontage, he would have no problem.

The applicant brought out several personal reasons for needing the variance but Mr. Smith explained to him that the Board could not consider personal reasons justification for a variance under the State and County Codes.

Mr. Puglise stated the addition will be constructed of brick. It will be compatible with the existing house and the neighborhood.

There was no one to speak in favor or in opposition to this application.

Mr. Smith stated that the garage could be cut down.

Mr. Runyon stated that a garage today would be a minimum of 20' and would average 22'. He stated that there is an existing chimney protruding into the garage area which would cut into the room for the cars.

RESOLUTION

In application V-149-75 by Joseph V. Puglise under Section 30-6.6 of the Zoning Ordinance to permit construction of garage closer to side line than allowed by Ord. (10.2' from side, 20' required), 8006 Apollo Street, 113((7)) 131, 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 this Board held on September 9, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 23,833 sq. ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
That the applicant has 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:
(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. 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, residential use permit and the like through the established procedures.

Mr. Swetnam seconded the motion.

The motion passed 3 to 2 with Messrs. Kelley and Smith voting No.

11:10 a.m. - TERRY ERSEL GAGON, M.D. appl. under Section 30-7.2.6.1.14 of Ordinance to permit physician's home office, 9111 Falls Run Road, 13-4((1))46, (5 acres), Dranesville District, (RE-2), S-150-75.

Dr. Gagon represented himself before the Board. Notices to property owners were in order. The contiguous owners were Judge Morris, Lot 47A, 9117 Falls Run Road and John Sanders, 9125 Falls Run Road, Lot 47B.

Dr. Gagon stated that he had lived in the County since 1972. Since February, 1973, he had been part-time practicing out of his home office at his former address at 8412 Thompson Road in Annandale. He recently changed his address and he would like to continue to work out of his home on a part-time basis. He stated that he has no medical partner, no employees. He is his own bookkeeper and he does not employ a nurse. He expects to have one patient each hour, therefore, he will not need more than one parking space. However, he has provided five spaces. He does not want to have a sign. He would like to operate from 8:00 a.m. until 8:00 p.m. There will be no unusual lighting.

There was no one to speak in favor or in opposition to this application. The Board was in receipt of signed statements by all the property owners who were contiguous and across the road stating that they had no objection to this use. One neighbor stated that he had no objection as long as this is a limited practice.

Mr. Runyon stated that the applicant says that this is one patient per hour. He asked Dr. Gagon about the statement in the file regarding family therapy.

Dr. Gagon stated that he did counsel families and children who were brought to the property by their parents. These families come in one car and are usually seen together.

RESOLUTION

In application S-150-75 by Terry Ersel Gagon, M.D. under Section 30-7.2.6.1.14 of the Zoning Ordinance to permit physician's home office for psychiatric and psychoanalytic practice on property located at 9111 Falls Run Road, 13-4((1))46, Dranesville 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 this Board held on the 9th of Sept., 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 5.000 acres.

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

TERRY ERSEL GAGON, M.D. (continued)
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 additonal 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 shall be from 5:00 p.m. to 8:00 p.m., Mondays through Friday.
7. The practice shall be limited to one patient per hour.
8. No signs will be permitted.

Mr. Swetnam seconded the motion.

The motion passed 5 to 0.

11:30 a.m. - JOSEPH P. PARIMUCHA T/A MEDICAL PLANNING ASSOCIATES, INC. appl. under Section 30-7.2.6.1.14 of the Zoning Ordinance to permit office for hospital planning consultants and staff in home, 10606 Belmont Blvd., 117((1))10, (18.5543 acres), Springfield District, (RE-2), S-152-75.

Mr. Gant Redmon, 6911 Richmond Highway, attorney for the applicant, submitted notices to property owners which were in order. Two contiguous property owners were Andre Gaunoux and Thomas Gunn.

Mr. Redmon submitted a Certificate of Good Standing for Medical Planning Associates, Inc. He asked if the corporation should be a party to the application.

Mr. Smith stated that it should be the applicant since the corporation is the party that is leasing the property. He asked Mr. Covington, Assistant Zoning Administrator, if a corporation complies with the Ordinance as a proper applicant under this Section of the Ordinance.

Mr. Covington stated that it does not. He stated that in fact the whole setup doesn't comply with the home professional use.

Mr. Redmon stated that the applicant had had a meeting with County Attorney, Lee Ruck, and with Mr. Knowlton, the Zoning Administrator. They were aware of all the facts when this application was accepted.

Mr. Smith suggested that this case be deferred until the Board could confer with Mr. Knowlton and Mr. Ruck.

Mr. Redmon agreed to this. He stated that if amending this application to the name of the corporation would prejudice his case, he did not wish to have it amended.

Mr. Smith stated that in order to have Mr. Parimucha as the applicant, Mr. Parimucha would have to have the lease in his name.

Mr. Redmon stated that they would be glad to do that. He stated that Mr. Parimucha does live there. He is the principal of this hospital advisory counsel. He will have Mrs. Dolson, who is the nursing advisor, two planners, secretary, and perhaps a draftsman.

Mr. Smith stated that that sounds like an office use, not a home professional use.

Mr. Covington stated that the definition of "Home Professional Office" under Section 30-1.88.16 of the Zoning Ordinance reads (in part) "...(b) no other persons are engaged in the occupation except not to exceed two employees of the principal practitioner (or in the case of two doctors with offices in the same structure, not exceeding two employees for each practitioners);..."

Mr. Redmon stated that these planners do their work out at the location where the hospital is to be constructed. They are covering the eastern half of the United States. Mr. Moore is the principal planner that owns the house where the main headquarters is. That is in California.

Mr. Covington stated that he did not believe this use complies with the Zoning Ordinance in any way. It is an outright office, in his opinion.

In answer to Mr. Smith's question, Mr. Redmon stated that Mr. Parimucha is not a principal in the corporation. He is the corporation's employee. The legal point of the entity is not paramount in their minds. The legal entity is a corporation, these people are planners, he stated. Their primary purpose is to advise hospital authorities who are in the process of constructing hospitals the number of beds to be provided, etc.

Mr. Redmon stated that he wanted to clarify one point. He came into the Zoning Office on May 27, 1975 with Mr. Parimucha to get an occupancy permit. It was noted in the Letter of Occupancy that Mr. Parimucha's business was that of hospital consulting.

Mr. Smith asked if at that time, they discussed with anyone in the Zoning Office the point regarding the corporation.

Mr. Redmon stated that at that time, he wasn't sure of the legal form of the corporation. At that time he thought it was a partnership. In answer to Mr. Smith's question, Mr. Redmon stated that Mr. Parimucha is paid by the corporation. His checks are computed and mailed from California. The same is true for Mrs. Dolson. Both Mr. Parimucha and Mrs. Dolson are on the road a great percent of the time and only the secretary would be on the property during the working day. The situation here is far from six people operating in a subdivision. These people want the isolation that is provided by this site. There will be no increase in traffic because clients do not come to his home as in the case of doctors or dentists.

Mr. Smith read a memo from Charles Lewis from the Office of Comprehensive Planning for Fairfax County which stated that on behalf of the Lower Potomac portion of the Area IV plan, which will be adopted by the time of the scheduled BZA hearing on this case, his Office would strongly oppose the requested Board permit. He further stated that from the information given in the application, referring to consultants and staffs, who would make use of an approved facility in this case, it would appear to his office that the requested use would be more appropriate in a commercial office zone rather than in an isolated area of 2-acre or larger home sites.

Mr. Redmon stated that that memo points out that Mr. Lewis did not understand what Mr. Parimucha was trying to accomplish in terms of being away from a commercial zone.

There was no one to speak in favor of the application.

Mr. Franklin Cains who lives on the access road to this property spoke in opposition because of the access road to the property. He gave his address as 10608 Belmont Blvd., Lorton, Virginia 22079. He stated that he owns five acres of property along this road. This road is hazardous. One can only go 15 mph along it. The maintainance of the road is done by the property owners along that road. There are seven homes on the road. They verbally agree to maintain the road. He stated that he did not feel it would be good planning to allow a business or commercial activity in that area unless a safe and reliable road is provided.

Mr. Redmon spoke in rebuttal. He stated that he would be happy to meet with the neighbors to work out an agreement regarding the maintenance of the road.

In answer to Mr. Smith's question, Mr. Redmon stated that there will be no routine number of visitors Mr. Parimucha might have per month in conjunction with his hospital planning business, but the approximate number would be about three. In each of these instances, these people would be picked up by Mr. Parimucha or a member of his Staff at the airport.

Mr. Runyon moved that the Board recess this until the end of the Agenda in order for the Board to review the Group VI section of the Zoning Ordinance and the new ordinance to see how it might apply.

Mr. Kelley seconded the motion. The motion passed 5 to 0.

Mr. Runyon stated that Mr. Redmon's arguments were very persuasive, however, he really didn't think the Board has the ability to grant this use at this point.

RESOLUTION

In application S-152-75 by Joseph P. Parimucha and Medical Planning Associates, Inc. under Section 30-7.2.6.1.14 of the Zoning Ordinance to permit office for hospital planning consultants and staff in home, 10606 Belmont Blvd., tax map 117((1))40, 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 this Board held on September 9, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Dorothy M.H. Whitner.
2. That the present zoning is RE-2.
3. That the area of the lot is 18.5543 acres.
4. That compliance with Site Plan Ord. is required.

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

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.

Mr. Redmon asked for recognition. Mr. Smith stated that he could ask a question as this was at Board level. Mr. Redmon stated for the record that the applicant for reasons stated previously during the hearing on this application has not requested that this application be amended. If the Board wishes to vote it up or down, he wants to request that this application not be amended.

Mr. Smith stated that"the Board has amended the application after receiving information that Mr. Parimucha is employed by Medical Planning Associates, Inc. and after the Board was presented with a Certificate of Incorporation indicating that the applicant is Medical Planning Associates, Inc. and had been authorized to do business in the State of Virginia as such. This corporation is a Deleware corporation and that Mr. Parimucha is paid by the corporation which owns the lease and pays the expenses of the lease on the land. So, this is a corporation." He stated that he did not think the Board could have taken any other position in the matter. He stated that"as far as he is concerned, Mr. Parimucha as an individual, or as an individual as a doctor, he still would not feel this is compatible with the surrounding development. It was brought out in the testimony that the road is hazardous, is not under public ownership, but is a private road that is maintained by several property owners along that road." He stated that he did not feel this application meets the criteria set forth in the Ordinance for this type use. He stated that this is his reason for voting to deny it.

The motion passed 5 to 0.

AFTER AGENDA ITEMS

AFTER AGENDA ITEM 9-9-75
TUCKAHOE RECREATION. The applicant had submitted new plats as requested by the Board at the meeting last week. These plats show the metal building that the Fire Marshall's office requires them to use to store the gasoline that is needed for the lawn mowers.

343

Mr. Runyon moved that the plats be substituted as approved plats referring only to the metal 10' x 10' shed. No other items should be revised.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

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AFTER AGENDA ITEM 9-9-75
RECLASSIFICATION RECOMMENDATION FOR JANE C. KELSEY, CLERK
TO THE BOARD OF ZONING APPEALS

The Board, by unanimous resolution, asked the Chairman to address a letter to Mr. Robert Wilson, Fairfax County Executive, recommending and urging approval of this reclassification.

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AFTER AGENDA ITEM:9-9-75
APPROVAL OF MINUTES FOR JULY 31, 1975 and AUGUST 1, 1975.

Mr. Barnes moved that the minutes for July 31 and August 1, 1975 be approved.

Mr. Kelley seconded the motion.

The motion passed 5 to 0.

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DEFERRED CASES:

MANSION HOUSE CLUB, INC., S-75-75 (Deferred from 5-28-75 and 7-22-75 to 9-9-75 to allow time for applicant to get together with the citizens to work out their differences). FULL HEARING.

MANSION HOUSE CLUB, INC., V-76-75 (Deferred from 5-28-75 and 7-22-75 in conjunction with Special Use Permit request). FULL HEARING.

MANSION HOUSE YACHT CLUB, INC., S-74-75 (Deferred from 5-28-75 and again from 7-22-75 for decision only, in order that decision could be made in conjunction with the Mansion House Club, Inc. since the two applications are so closely related).

Mr. Swetnam abstained from these cases.

Mr. Arkwright stated that they had had a meeting with the Club members and the Club members has voted to increase the membership to 350 family members and 50 special members. The 50 members being people who did not come as frequently as the others.

Mr. Arkwright stated that they have no objections to the low level lights for the tennis courts, no higher than 15'. They will provide adequate shrubbery. They have agreed that if the lights become a factor in the sale of the houses, then they will provide further screening to make the lights as unobtrusive as possible.

Mr. Leonard Guinn, President of Manor House Club, 9406 Old Mount Vernon Road, Alexandria, spoke in favor of the application as presented by Mr. Arkwright.

Mr. Kenneth Smith, attorney for Mr. and Mrs. Lavington, 3905 Picardy Court, spoke regarding the control of lights and noise. He gave the Board a list of suggestions that they would like added to the conditions placed on this use by the Board of Zoning Appeals.

Mr. Arkwright stated that he had agreed with these conditions.

The Board discussed the new proposed noise ordinance and the way it could be enforced.

Mr. Knowlton stated that under the new ordinance the amplifier could not even be turned on after 11:00 P.M.

Mr. Arkwright then presented the justification for the variance request to permit a waiver of normal seback requirement for access through property belonging to generally the same membership as that of the property which the access road serves. The variance request also was to allow a tennis court fence and lights within 5', a paddle tennis court within 30' and parking within 46' of the center line of the common access road in lieu of the 75' required. He stated that they rearranged the parking to minimize the impact. The road, as shown on the plats, is not the road that the Board used when it inspected the property a few months ago. The proposed road will be placed 50' from the present access road. The access road only serves the Yacht Club and will only be used by the Yacht Club members. Many of these Yacht Club members are also members of the Swim Club.

Mr. Runyon moved that all three applications for Mansion House be deferred until next Tuesday, September 16, 1975 in order for the Board to formulate the resolutions.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

Mr. Kenneth Smith stated that he would have the draft of the agreement typed and delivered to the Board prior to next week's meeting in order that the conditions requested could be made part of the resolution granting these applications.

Mr. Arkwright agreed with the deferral. He asked the Board if it could make a decision on the Yacht Club case since it was not the case in conflict.

Mr. Smith stated that the Board would make a decision on all three cases at the same time since they were so intermingled.

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MRS. HAROLD BARR, S-82-75, Request for amendment to existing Special Use Permit to allow 100 dogs and 100 cats. (Deferred to 9-9-75).

Mr. Kelley inquired of Mrs. Barr if she planned to keep all her present cages.

Mrs. Barr stated that she did.

Mr. Kelley stated that he felt some of those cages were too small for the dogs.

Mr. Runyon reminded the Board that it had a report from the Director of Animal Control who said that the operation at this point was overcrowded. The applicant is proposing to add 13 more dog runs.

Mr. Barr stated that there could be more than 1 dog in each of those runs. She stated that a lot of her dogs are small Maltese.

Page 345, September 9, 1975
BARR (continued)

Mr. Runyon stated that he was shocked at what he saw when he visited this property. He questioned the opposition's statement regarding the wooden cages.

Mrs. Barr stated that those cages have metal floors. She stated that if the Board will check, it would find many of the kennels use this type cage.

Mr. Runyon stated that at the public hearing there were three people who spoke in opposition to this use, Mr. Amity, Mrs. Fine and Mrs. Motter. He stated that the Board would like to meet a happy medium. He asked the Board members if they want to go to the full 100. He stated that he did not think she has the facilities to go that high.

Mr. Smith stated that she has 28 acres of land. He stated that she doesn't have the most ideal situation for the animals themselves, but it is better than putting the animals out on the road and allowing them to get run over by a car. He stated that a lot of people say they should be put to sleep, but he did not agree with that either. He stated that Mrs. Barr will have to make a lot of changes to meet some of the conditions Mr. Amity suggested.

Mr. Kelley stated that she should do something to make more room for the animals.

Mr. Runyon stated that there were 60 dogs the 1st of July and that was a lot of dogs for that facility. He suggested 75 would be a better number and limit the cats to around 60. He then suggested the Board have a re-evaluation hearing within 18 months.
Mr. Smith disagreed to the number and felt it should be higher.

RESOLUTION

In application S-82-75 by Mrs. Harold L. Barr, Jr. under Section 30-7.2.8.1.1 of the Zoning Ordinance to permit kennel for 100 dogs and 100 cats on property located at 7121 Bull Run Post Office Road, 64((1))60, 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 held on the 25th day of June, 1975 and deferred to subsequent dates. This Resolution being made this 9th day of September, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 28.403 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable County and State Codes is required.
6. Applicant has been operating a kennel for a maximum of 30 dogs and 30 cats, pursuant to S-191-69 granted November 7, 1969. That permit was granted its final one-year extension by the Zoning Administrator on October 9, 1974, such that S-191-69 would expire November 7, 1975. On October 17, 1974, the applicant was notified that she was in violation for having more than 30 dogs and for expanding the operation to buildings and land that were not approved under the Special Use Permit.

AND, WHEREAS, the Board 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 this Board (other than minor engineering details) whether or not these additional uses, or changes in the plans approved 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/or screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of dogs is to be 75 and the maximum number of cats is to be 100.
8. This permit may be reevaluated with regard to the maximum number of animals at any time within 18 months of this granting.

Mr. Barnes seconded the motion.

Mr. Smith stated that he would like to see the Resolution amended to 80 dogs.

Mr. Kelley stated that he agreed with Mr. Runyon. The Board will try this out and if she wants to come back later, it can be amended. This will give her a chance to put in the new facility. The Zoning Inspector can inspect it and the Board can re-evaluate it anytime within the 18 month period at the request of the applicant or the Zoning Administrator.

The motion passed 4 to 0. Mr. Swetnam abstained because he was not present at the original hearing on this case.

LESTER STRIBLING, V-138-75 (Deferred from September 4, 1975 for viewing)

Mr. Kelley stated that he had viewed the property and had found oil trucks for the Northeast Oil Company parked on the residentially zoned land back there. He stated that he did not feel the trucks belong to people next door because that is Rose's Fuel Oil Company. The trucks had this year's tags.

Mr. Runyon stated that he had viewed the property on Friday and the trucks were not there.

Mr. Smith stated that he had not had an opportunity to view the property, but this question should be cleared up.

The Board deferred decision in this case until September 16, 1975 to allow the Zoning Administrator time to check into the question of whose trucks these are and why they are being parked on residential land.

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The meeting adjourned at 4:38 P.M.

Jane C. Kelsey
By Jane C. Kelsey, Clerk to the
Board of Zoning Appeals

Submitted to the Board on
September 16, 1975

Daniel Smith
DANIEL SMITH, CHAIRMAN
BOARD OF ZONING APPEALS

APPROVED October 7, 1975
DATE

347

The Regular Meeting of the Board of Zoning Appeals was held in the Board Room of the Massey Building on September 16, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes, Charles Runyon and Tyler Swetnam. Harvey Mitchell and Wallace Covington were present from the Staff.

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

10:00 - JAMES R. AUTEN appl. under Section 30-6.6 of the Ord. to permit construction of single family dwelling closer to center line of ingress-egress easement than allowed by Ord. (25' from center line, 75' required), 8422 Electric Avenue, 39-3((1))54, (32,115 sq.ft.), Providence District, (RE-1), V-153-75.

Mr. Auten submitted notices to property owners which were in order. The two contiguous property owners were Ralph Sellers, 8430 Electric Avenue and Mary Harne, P.O. Box 84, Vienna, Virginia.

Mr. Auten stated that when they purchased the property they did not realize that there was a requirement that they set back from the ingress-egress easement. They cannot move the proposed house back 75' from the center line of that easement because there is a stream running through the property at that location. There is also a sewer easement on the property. He stated that he is a developer, but he wishes to build his own residence on this property. He stated that when he first designed the house, it was longer than this one shown on the plats before the Board. After he found out about this setback requirement, he had the house redesigned and made narrower in order to reduce the variance request.

Mr. Covington stated that there is an existing house on the property that is 17.3' from the easement. That house could remain and the property owner could add to that house as long as that addition did not come closer to the easement than the existing house.

Mr. Auten stated that they plan to tear down the existing house. It is at a bad location on the lot.

Mr. Auten in answer to Mr. Smith's question stated that the only other property this easement serves is a small one-fourth acre parcel to the rear. The man who owns the adjacent property is going to try to buy this parcel of land. However, the lady that owns it thinks she has an acre of land instead of one-fourth.

In answer to Mr. Kelley's question he stated that he did not know if he could move his house back because he had not studied that point.

There was no one to speak in favor or in opposition.

Mr. Kelley moved that this case be deferred for the applicant to restudy this in terms of a minimum variance or to otherwise try to meet the requirements of the Code. If he does make a change, he should submit new plats reflecting that change.

Mr. Barnes seconded the motion.

The motion passed 5 to 0. This case was set for September 24, 1975 for the additional information and decision only.

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10:35 a.m. -
Ltc. Donald J. Delandro appl. under Section 30-6.6 of the Zoning Ord. to permit construction of pool closer to front and side lot lines than allowed by the Zoning Ord., (2' from side; 20' required and 45' from front, 50' required) 7401 Windmill Court, 93-4((12))41, (18,878 sq.ft.), Mason Hill Subd., Mt. Vernon Dist., (RE-0.5), V-155-75.

Ltc. Delandro submitted notices which were in order. The contiguous property owners were A.G. Van Metre's Company, 7429 Vernon Square Drive, #204, and Mr. Tarpey, 7405 Windmill Court.

Mr. Delandro stated that he has a very irregular shaped lot. It is on a corner and he has to setback from the street on three sides of his lot. This is the only place on the lot where he can put a pool. He stated that he purchased the house in July and the salesman from Van Metre's Company, the builder, told him that putting a pool in would be no problem. However, he has found out differently. He stated that he did not plan to enclose

the pool area with anything other than a fence. He stated that he plans to put up a wooden stockade fence.

The Board members agreed that this is one of the most unusual shaped lots that they had seen.

Mr. Kelley stated that it concerns him that this pool on one corner will be only 2' from the adjoining property and there is 20' required. This is a lot of variance. He asked Ltc. Delandro if he could cut down the size of the pool.

Ltc. Delandro stated that to make the pool any narrower would make it impractical. It would be a long trench. He stated that the house next door is about 20' from the property line. The house has not yet been sold and is still owned by the builder, Mr. VanMetre.

There was no one to speak in favor or in opposition to the application.

In answer to Mr. Smith's question, Ltc. Delandro stated that none of the other lots in the neighborhood are shaped quite like his. They do not have a similar problem. There is one lot across the street, but it is so small they could not get a pool on it.

Mr. Runyon stated that a 6' wall could not be constructed in the front setback.

Mr. Swetnam stated that he could build a fence across the sanitary sewer easement, but he could not build a wall.

Mr. Runyon moved that this case be deferred for additional information regarding the sanitary sewer easement. Should the County have to repair the sewer line, it would take more than 10' which is the amount of the easement.

Mr. Kelley seconded the motion.

The motion passed 5 to 0. The case was deferred until September 24, 1975 for the additional information and decision only.

Mr. Smith stated that it would not be necessary for the applicant to appear next week and there was no additional information needed from him.

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10:50 - WILLIAM T. AND DORIS WARD appl. under Section 30-6.6 of the Ord. to permit carport to be enclosed closer to side property line than allowed by Ord., (15' required, 10' from line), 6412 Lakeview Dr., 61-3((14))148, Lake Barcroft Subd., (13,100 sq.ft.), Mason Dist., (R-17), V-156-75.

Mr. Ward presented notices to the property owners to the Chairman. The two contiguous owners were Mr. and Mrs. James Price, 3818 Lake View Terrace, and Dr. and Mrs. Riesel, 6408 Lake View Drive.

Mr. Ward stated that this enclosure will be used for living space. He cannot put the addition any place else on the property because of the 50' sanitary sewer easement to the rear of the house and the 10' storm drainage easement on the other side of the house. They propose to modify the parking by eliminating the present driveway and creating a parking apron parallel to the street. The carport as it exists is essentially a fair weather facility in that during bad winter weather, it often cannot be used because of the steep grade. The use of that driveway is a hazard at all times because of the steep incline and the foliage in that area which makes it difficult to see oncoming traffic.

He submitted a letter that had been signed by one of the contiguous property owners stating that they had no objection to this request.

There was no one to speak in favor or in opposition to the application.

Page 349, September 16, 1975
WARD (continued)

RESOLUTION

In application V-156-75 by William T. and Doris J. Ward under Section 30-6.6 of the Zoning Ordinance to permit enclosure of carport closer to side property line than allowed by the Zoning Ordinance (10' from line, 15' required), 6412 Lakeview Drive, 61-3((14))148, County of Fairfax, Mr. Swetnam moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board on September 16, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 13,100 sq. ft.
4. That the property is subject to Pro Rata Share for off site drainage.

AND, WHEREAS, the Board has reached the following conclusions of law:
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:
-- exceptional topographic problems of the land.

NOW, THEREFORE, BE IT RESOLVED, that the subject application 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. Runyon seconded the motion.

The motion passed 5 to 0.

11:05 - GRAHAM R. SCHATZ appl. under Section 30-6.6 of the Zoning Ord. to permit carport to be enclosed to a garage closer to side property line than allowed by the Zoning Ord., (7.5', total of 16; 8' with a total of 20' required), 6110 Rockwell Road, Bent Tree Subd., 78-4((13))284A, (8,523 sq. ft.), Springfield District, (R-12.5C), V-157-75.

Mr. Schatz presented notices to property owners which were in order. The two contiguous owners were Martin McKnight, 6112 Rockwell Road and Robert E. Lamb, 6108 Rockwell Road, Burke, Virginia.

Mr. Schatz's justification was the steep slope that he has on his property. He stated that the other houses in the area have garages already. There is only one house further down the block that doesn't have either a carport or garage. This garage will be used to house the car. They already have a family room so there is no need to convert this into living space. The materials will be compatible with the existing house.

Mr. Swetnam stated that he only needs a variance on one corner of this addition. The setback gradually increases so that Mr. Schatz doesn't need a variance on the other end of the addition.

RESOLUTION

In application V-157-75 by Graham R. Schatz under Section 30-6.6 of the Zoning Ordinance to permit carport to be enclosed to a garage closer to side property line than allowed by Ord. (6" to min. side yard and 4' to total minimum requirement) 6110 Rockwell Road, Bent Tree Subd., 78-4((13))284A, 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 by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to 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 16th day of Sept., 1975

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5 Cluster.
3. That the area of the lot is 8,523 sq.ft.
4. That the request is for a minimum variance.

AND, WHEREAS, the Board has reached the following conclusions of law:
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,
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 on the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.
3. Architectural details are to conform with 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. Barnes seconded the motion.

The motion passed 5 to 0.

11:20 - EDWARD D. CONNOR appl. under Sect. 30-6.6 of Ord. to permit enclosure of carport to garage closer to side property line than allowed by Ord. (10', total 27'; 10', total of 30' required), 9310 Arabian Avenue, The Trails Subd., 28-4((16))15, (16,918 sq.ft.), Centreville Dist., (RE-0.5 Cluster), V-163-75.

Mr. Connor presented notices to property owners to the Board. Two of the contiguous property owners were Harry James, 9404 Old Court House Road and Walter Durden, 9308 Arabian Avenue.

Mr. Connor explained why he needed the garage. He felt it would enhance his property and he needed this enclosed area to store his car.

Mr. Smith explained to him that this was not a justification under the Ordinance. There must be a hardship because of a physical problem with the land.

Mr. Connor stated that the County tells him that he needs 3' more in order to build the garage and he did not have that much land in the area where he wants to convert the carport to a garage.

Mr. Smith stated that from the plats it looks like the lot is narrower in the front than it is at the rear and that is why he doesn't have 30' in total.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application V-163-75 by Edward D. Connor under Section 30-6.6 of the Zoning Ordinance to permit enclosure of carport closer to side property line than allowed by Ord. (10' total 27'; 10' total of 30' required), 9310 Arabian Avenue, 28-4((16))15, 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 held on September 16, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5 Cluster.
3. That the area of the lot is 16,918 sq. ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
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,
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. 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 5 to 0.

The Board recessed from 11:35 a.m. until 11:50 a.m.

11:35 - DANIEL M. LOWERY appl. under Section 30-6.6 of the Zoning Ord. to permit enclosure of carport to garage closer to side property line than allowed by Ord., (7.5' from side, 12' required), 8114 Norwood Drive, 101-2((9))26, (13,980 sq. ft.), Lee District, (R-12.5), Fairfield Subd., Section 1, V-164-75.

Mr. Lowery presented notices to property owners to the Board. The two contiguous property owners were Donald Hattan, 8116 Norwood Drive and Donald Poore, 8106 Norwood Drive.

Mr. Lowery stated that he got a permit to build a carport and in the process of construction, he and his wife decided to make a garage out of it. He stated that he did not realize the setbacks were different for a garage. The house is not set parallel on the lot and in addition, this is a pie shaped lot. The front portion of the garage meets the setbacks, but the lot narrows to a point at the back, causing him to need a variance on the rear portion of the garage.
Mr. Lowery stated that he had owned the property for over two years and plans to continue to live there. The roof of the carport will be "A" shaped to match the existing structure.

There was no one to speak in favor or in opposition.

352

RESOLUTION

In application V-164-75 by Daniel M. Lowery under Section 30-6.6 of the Zoning Ordinance to permit enclosure of carport closer to side property line than allowed by Ord., (7.5' from side, 12' required), 8114 Norwood Drive, 101-2 ((9))26, County of Fairfax, Virginia, Mr. Swetnam moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public 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 September 16, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 13,980 sq. ft.
4. 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:
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 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 details shall conform with 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. Runyon seconded the motion.

The motion passed 5 to 0.

T/A LAHAIROI CHRISTIAN ACADEMY (as amended)

11:50 - LAHAIROI INC./appl. under Section 30-7.2.6.1.3.2 of the Zoning Ordinance to permit school of general education, Kindergarten through 12th grade, 8800 Arlington Blvd., 48-4((1))39, (7.9 acres), Providence District, (RE-1), S-181-75.

Mr. Frank C. Allen, 4735 Welcome Drive, Falls Church, represented the applicant before the Board.

Notices to property owners were in order. The contiguous owners were Alfred H. Thompson, Star B, Box 19, Reva, Virginia and Willard A. and Virginia Thompson, 6804 Walnut Street, Falls Church, Virginia.

Mr. Allen stated that he also notified a number of property owners that are across Chichester Lane.

Mr. Allen stated that this request is to operate a school of general education with grades of Kindergarten to 12th grade during the normal school year. This school will be under Christian directorship and they intend to provide general education based on the precepts of Jesus Christ. They hope to bring students to maturity to see a sense of values in a Christian way of life. They do not intend to discriminate in any fashion against any person but they do insist that this is a Christian School and will require both parents and students to indicate their support for the school. The school will be owned by the corporation, but will be trading as Lahairoi Christian Academy.

Mr. Allen stated that this school would be operated five days per week. They would like to have some adult classes at night if possible.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application S-181-75 by Lahairoi, Inc., T/A Lahairoi Christian Academy under Section 30-7.2.6.1.3.2 of the Zoning Ord. to permit school of general education, Kindergarten through 12th Grade, 120 students, 8800 Arlington Blvd., Providence District, 48-4((1))39, 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,

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board on September 16, 1975.

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

1. That the owner of the property is Resource Evaluation & Development, Inc. The applicant is the contract purchaser.
2. That the present zoning is RE-1.
3. That the area of the lot is 7.9 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 has reached the following 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 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 maximum number of students shall be 120, ages 5 through High School age.
7. The hours of operation shall be from 8 A.M. to 9 P.M., 5 days per week, Monday through Friday, during the normal school year.
8. The operation shall be subject to compliance with the inspection report, the requirements of the Health Department, the State Dept. of Welfare and Institutions and obtaining a Non-Residential Use Permit.
9. All buses and vehicles used for transporting students to and from school shall comply with the standards of the Fairfax County School Board and the State Code for color and light requirements.
10. Landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

12:00 LAKE BARCROFT RECREATION CENTER, INC. appl. under Section 30-7.2.6.1.1 of the Zoning Ord. to permit amendment to existing Special Use Permit to allow change in membership restrictions, change in location of perimeter fence, internal sidewalks and tennis courts, Whispering Lane, 61-3((14))A3, (13.67779 acres), Mason District, (R-17), S-179-75.

354

LAKE BARCROFT RECREATION CENTER, INC., appl. under Section 30-6.6 of the Zoning Ord. to permit 14' tennis court fence in front setback area, (30' from right-of-way line), Whispering Lane, 61-3((14))A3, (13.67779 acres), Mason Dist., (R-17), V-180-75.

The hearing began at 2:00 P.M. Mr. Smith limited the applicant and the opposition to 20 minutes each.

Mr. Richard Hobson, attorney for the applicant, presented notices to property owners which were in order. He notified a total of 36 property owners; 32 were contiguous.

Mr. Stuart Finley, 3428 Mansfield Road, Falls Church, Virginia, President of the Recreation Association, stated that they plan to build a 6' non-rusting aluminum fence to meet the specifications of the Fairfax County School System's fencing requirements. Their contractor has built the entire eastern boundary fence down to the point where the Recreation Center line extends to the Cloisters, 512 feet. They have also built a gate to prevent traffic into the north parking lot and a gate to prevent traffic into the existing parking lot. They hope to conform this request to the wishes of the abutting property owners. They mailed each property owner a questionaire inquiring whether or not they wished to have a fence. They tried to conform their plans for this application in accordance with the response to the questionaires. Mr. Finley submitted a map indicating the properties that did and did not wish to have a fence and where they wished to have the fence located. He also submitted copies of the questionaire signed by each of these property owners. He stated that this had been discussed with Rufus Brown, President of the Belvedere-Barcroft Hills Civic Association. There has been an agreement in part regarding these changes.

Mr. Hobson stated that a 10' fence around the tennis courts would be sufficient. This will be a two phase fence program.

Mr. Smith reminded Mr. Hobson that Lake Barcroft Recreation Association has a mandate from this Board to have the fence constructed completely around the perimeter by the end of September, 1975.

Mr. Finley answered that they are financially limited.

Mr. Hobson stated that they also would like to change the location of the proposed tennis courts to the location shown on the plat before the Board and to change the internal sidewalk location adjacent to the tennis courts. He submitted a copy of a letter from R. B. Morris, Consulting Engineer, 1127 National Press Building, Washington, D. C. stating that he had reviewed the plans and he had attached a sketch showing the most feasible location for the tennis courts. This location would be substantially below the level of the road. According to Mr. Morris, if the variance is not granted, the courts would have to be moved 20' to the north and an extremely expensive fill and/or retaining wall would have to be built. The existing storm sewer would have to be extended and trees would have to be cut down. Therefore, Mr. Morris recommended that the Association try to obtain a variance.

Mr. Hobson stated that they would like the Board to change the present membership restrictions. He stated that the other recreation associations in the nearby area are not as restricted as they are. He gave as an example Sleep Hollow Recreation Association, Sleepy Hollow Bath and Racquet Club and Parklawn Recreation Association. All of these clubs have waiting lists.

Mr. Smith stated that these clubs were granted years ago before the Board started putting restrictions on them.

Mr. Wade Cothran, member of the Belvedere-Barcroft Hills Citizens Association and a Director of the Lake Barcroft Recreation Center, testified on behalf of Lake Barcroft regarding the adequacy of the parking area and the need to be able to seek members from outside their restricted area. He stated that they now have 223 members. The facility will sustain 400 family members. The parking lot is about 15 percent full during the day. There are only 6 to 15 cars there during the day and about 40 cars at peak periods on weekends.

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355 + 356

are missing

During special events, five or six times a season,during swim team sessions, etc., the parking lot is almost to capacity.

Mr. Smith stated that the parking lot is supposed to take care of the maximum usage, not the minimum.

Mr. Kelley agreed with the Chairman.

Mr. Smith stated that it is unfortunate that the Board gets agreements and think they have the situation stabilized and then the Association wants to change them.

Mr. Hobson stated that they just want to change the geographical area, not reduce the parking or change the membership. He compared this with the Country Club of Fairfax and stated that that Club is not limited in its geographical area.

Mr. Smith stated that that Club is a non-conforming use and did not go in under a Special Use Permit.

Mr. Hobson stated that they cannot come up with the membership needed in time to meet the financial obligations of the Association and provide quality service. He stated that their membership fee is competitive with the neighboring associations, around $450.

Mr. Rufus Brown, 6506 Oakwood Drive, President of the Belvedere-Barcroft Hills Citizens Association, spoke on the Association's behalf. He stated that their Association has agreed with Mr. Finley's presentation as to the fence along the southern border of the Lake Barcroft Recreation Association's property with the exception of the fence for the property owners who want the fence out to the cut line of the trees off that property line. He stated that they would like the fence brought back to the property line after it jogs out.

Mr. Finley stated that they would do that.

Mr. Brown asked that the Board require the Recreation Association to have a perimeter fence to the extent that it is now possible. They would like a fence connecting the two tennis courts and a fence from the eastern perimeter fence connecting to the tennis court on that side. This will fill in the gaps. They would also like to see the fence around the entire eastern boundary. They do not oppose the relocation of the perimeter fence on the north side of Recreation Lane.

He stated that his Association opposes any change in the presently existing membership restrictions because this will add to the traffic problems. If the Board allows this, the Recreation Association will be back again in a couple of years asking for an increase in membership.

The Belvedere-Barcroft Hill Citizens Association ask for full and effective screening by the planting of trees and otherwise as required by the Special Use Permit to replace trees and other vegetation removed in the process of the construction activities of the Recreation Center.

They again request that the excessive noise created by the Recreation Center activities, including the use of electrical amplification equipment, be eliminated.

They oppose any extension of time for the construction of this fence.

Mr. Costello, 3832 Pinewood Terrace, stated his opposition to the Recreation Association's request to stop the fence at the end of his property. The kids just come around the fence and use his yard for access to the Association's property.

Mr. Smith agreed that this request was reasonable.

Mr. Hobson stated that those people up there do not want a fence. He suggested they extend the fence along the other property line of Mr. Costello's property.

Mr. Costello stated that that might help the problem, but he did not know if it would stop those kind of kids from using his property.

Mr. Bernard Sheps, 3838 Pinewood Terrace, stated that there is a fence in place along the full length of his property and about 25' from his neighbor's property where it terminates. That is part of the eastern boundary shown in red on the map before the Board. Therefore, there is access to the Recreation Association's property within 25' of his property line. He stated that his reasons for wanting a full perimeter fence are the same as Mr. Costello's. He has the same problems with traffic going through his yard cutting through to get to the Recreation Association's property. If the fence is moved over to the tennis court fence, the one already built along his property line would then become a spite fence, and he would not permit it to remain.

Mr. Sheps stated that in addition to the problem with the fence, there is a problem with the screening and planting. In putting up the fence along his property line, the Recreation Association removed several trees from his property and several trees were damaged. He would like those replaced.

The third problem is the noise that is generated by the amplifiers on the Recreation Center's property.

Mr. Smith asked him to notify the Zoning Administrator and he would have one of his inspectors check this out.

Mr. Sheps stated that he had sent numerous letters to the Zoning Office and to no avail. Nothing has been done and the noise continues to occur. This happens most of the time on weekends in the evenings.

Mr. Smith stated that the Zoning Office has inspectors that work on weekends. He suggested that he contact the Zoning Administrator and he felt sure he would have an inspector out there. In addition, he stated that there is a noise ordinance that will go into effect January 1, 1976 that should help alleviate these problems. Mr. Smith asked Mr. Covington if the Zoning Inspector had made any reports and if he had issued any violations.

Mr. Covington stated that the Zoning Inspector, Gerald Carpenter, has given him verbal reports, no written ones. There have been no violation notices issued.

Mr. Smith asked Mr. Sheps to call Mr. Covington, Mr. Knowlton, or Mrs. Kelsey if excessive noise occurs in the future and he was sure he could get some action.

Mr. Hobson stated that the Recreation Association would like until June 1st, 1976, to complete Phase II of the fence.

Mr. Smith stated that he was concerned about going another summer season without this fence being entirely in place. It should have been up before they went into operation, he stated.

Mr. Finley stated that they have $9,630 available money. They will spend every dollar of it on the fence.

Mr. Hobson stated that if they could change the geographical area for membership, they could get more money to complete the fencing job.

Mr. Kelley stated that a 4 mile radius goes a long way to the north, south, east and west. He stated that he is willing to go along with the Special Use Permit that the Board granted previously and let Lake Barcroft Recreation Center live with that. There is no way to put part of the fence one way and part another way and have a workable arrangement. A full perimeter fence is the only answer to this problem in his opinion, he stated.

Mr. Hobson submitted a map which he stated showed the 4 mile radius from which they would like to draw a portion of their membership.

Mr. O'Malley, 6419 Lake View Drive, Lot 211, came forward and stated that his property abuts the Recreation Association on the eastern boundary and he does not want a fence because it would spoil his rustic view.

The Board recessed 5 minutes and returned to make the following motion.

In application S-179-75 by Lake Barcroft Recreation Center, Inc. under Sect. 30-7.2.6.1.1 of the Zoning Ordinance to permit amendment to existing SUP to allow change in membership restrictions, change in location of perimeter fence, internal sidewalks and tennis courts, Whispering Lane, 61-3((14))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 held on the 16th day of September, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 13.67779 acres.
4. That compliance with the Site Plan Ordinance is required.
5. That the property is subject to Pro Rata Share for off site drainage.
6. That this is an amendment to SUP S-142-75, granted 10-30-74 for community recreation facilities.

AND, WHEREAS, the Board of Zoning Appeals has reached the following 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 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 has started or unless renewed by action of this Board prior to date of expiration, as to the change in the internal sidewalks and tennis courts.
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 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. Fence changes as noted on the plat initialed by the applicant and the Board are approved.
7. There shall be no increase in membership area at this time.
8. The fence to the north, Phase II, at the bottom of the slope, is to be completed by June 1, 1976.
9. The fence along the south line, Belvedere - Barcroft Hills and on the north side of Recreation Lane across the tennis courts is to be completed by October 15, 1975.

(Clarification on Condition No. 76 (6) Fence changes as noted on the plat initialed by the applicant and the Board. This includes all of them except the one to go from approximately where the cul-de-sac is to the angle point in the Belvedere Citizens Association property. That includes around Mr. Costello's and that is indicated on the plat. In the spirit of compromise, there will be no increase in membership at this time. The fence to the north says Phase II, around the bottom of the slope, which is to be completed by June 1, 1976 and also the balance of the perimeter fence to the north.

On this plat, it says Phase I around Recreation Lane along the south line of Belvedere - Barcroft Hills and north side of Recreation Lane across the 2 tennis courts. This is to be completed by October 15, 1975.

Mr. Runyon asked Mr. Hobson and Mr. Finley to look at the plat.

Mr. Barnes seconded the motion.

Mr. Smith asked if that included the revised tennis court location.

Mr. Runyon stated that that will be addressed in the variance request.

Both Mr. Smith and Mr. Hobson signed the plat for identification.

The motion passed 4 to 1 with Mr. Kelley voting No.

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In application V-180-75 by Lake Barcroft Recreation Center, Inc. under Sect. 30-6.6 of the Zoning Ordinance to permit 10' tennis court fence in front setback area (30' from right of way line) on property located at Whispering Lane, 61-3((14))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 held on the 16th day of Sept.,1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 13.67779 acres.
4. That compliance with the Site Plan Ordinance is required.
5. That the property is subject to Pro Rata Share for off-site drainage.

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

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 permits and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed 4 to 1 with Mr. Kelley voting No.

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MR. & MRS. HERMAN GODIN, appl. under Section 30-6.5 of the Zoning Ordinance to appeal decision of Zoning Administrator approving carport and wall on property located at 3911 Moss Drive, Sleepy Hollow Woods Subd., 60-4((16))(F)5, Mason District, (R-12.5), (15,422 sq.ft.), V-123-75. (Deferred from July 22, 1975 for decision only.)

Mr. Gilbert R. Knowlton, Zoning Administrator, stated that the Board had asked the Zoning Office on July 22 to have the subject property measured to determine the exact setback of the carport and the retaining wall. The plat in front of the Board, drawn by an engineer in the Zoning Office, shows that the retaining wall is 5.15' from the property line and the carport is 7.05' from the property line. There is no problem with the setback. With that resolved, the question before the Board is concerning what is below the retaining wall, whether there is an interior room under the carport or not.

Mrs. Helen Denton, owner of the subject property, stated that she did receive approved plans to build the carport and the storage room exactly as it is built. At the time the amended plans were submitted, they were asked to cover up that opening, and they did. It has never been a room. There is no entrance to that dug-out area. In the original plan, that storage room was approved. After they were half finished building, the Zoning Office told them they were in violation because of the storage room, and they asked for a variance from this Board. This Board denied that variance request. She stated that she and her husband then covered the dug-out area's opening with plywood in accordance with the Zoning Administrator's instructions. It has cost $4,000 more than they had anticipated because of the confusion about what they could or could not do and they have done everything they had been asked to do by the Zoning Administrator's office, she stated.

Mr. Covington, Assistant Zoning Administrator, confirmed that that underground dug-out area has been sealed up and that one cannot get into that area.

Mrs. Denton stated that there is a fireplace along that wall in the living room and there is no way they could cut from the main house into the dug-out area without first removing the fireplace and they certainly wouldn't do that.

Mr. Smith stated that if it meets the Zoning Administrator's approval, he felt they could brick up and fill in that portion of the storage area that is within the setback area and still have a small storage room that meets the setback. That wall would then become a true retaining wall.

Mrs. Denton stated that they would be happy to do that.

Mr. Smith explained to Mr. Swetnam, the new member of the Board, that the problem came about because of a wall that was supposedly constructed to support a carport, but underneath that carport slab is a room that the owners have since closed up with plywood on Mr. Knowlton's instructions.

Mr. Herman Godin brought up the point that he did not feel the Dentons' had a valid building permit because there was a violation notice which he felt rendered the building permit null and void.

Mr. Knowlton stated that he did not think the building permit was ever revoked. The building permit was amended to meet the requirements as he had outlined them; that is, to cut the construction of the carport back as it rested on the slab and the retaining wall, to meet the 7' requirement to the posts that supported the carport.

Mr. Knowlton stated in answer to Mr. Godin's question, that a building permit could be amended. He stated that he personally is not involved in the actual building permit issuance and does not know the procedure of the Building Inspector's office. The zoning violation was cleared on this particular application and the building permit was amended to meet the setback requirements.

Mr. Godin stated that the slab extends to even less than 5' to the property line because it overlaps the wall by a couple of inches.

Mr. Covington stated that one could put a concrete slab on his entire yard right up to the property line if he wished to.

Mr. Swetnam stated that it is standard practice to put a lip on the concrete slab to give a water stop. It is generally 1 1/2 inches.

Mr. Godin stated that this construction has caused a drainage problem on his land.

Mr. Smith stated that that problem comes under the jurisdiction of the Dept. of Public Works.

Mr. Runyon stated that even if they constructed the carport 12' from the property line, they would have had to build up the same wall to the same elevation. The property drops on in that area.

Mr. Smith stated that they must have had to dig out some dirt underneath the carport.

Mr. Runyon moved that in Application V-123-75 to appeal the Fairfax County Zoning Administrator's decision approving the carport's being within 7' of the property line, he would move that the Board resolve that the decision of the Zoning Administrator be upheld.

Mr. Barnes seconded the motion.

There was no discussion.

The motion failed with Messrs Runyon and Barnes voting Aye; Messrs. Smith and Swetnam voting No, Mr. Kelley abstaining.

Mr. Kelley stated that he had misunderstood the motion.

Mr. Swetnam stated that he would have to abstain since he was not present for the original hearing.

Mr. Kelley stated that he would vote for the motion since he misunderstood it. if the structures now meet the County requirements.

Mr. Runyon stated that he would add to the motion if the Board desires that there will be no use made of that space.

Mr. Smith stated that he felt in order to comply with what Mr. Knowlton has said that there would have to be included in the motion that there could be no use made of the space underneath the carport unless they build a wall 12' off the property line. He stated that as it now stands, there is a majority for the motion. He stated that he is going to abstain.

Mr. Runyon moved that in this application the Board confirm the decision of the Zoning Administrator and support that decision contingent on the fact that (1) the carport supports are located 7 feet from the property line and (2) the area under the carport not be used for any living or storage purposes unless a wall is built 12 feet from the side property line bringing that area into conformance with the Ordinance. That is to say, that we are interpreting that wall on the outside not necessarily as a retaining wall, but a support wall that had to be built because of the topography of the land.

Mr. Barnes asked if the hole between the two walls would have to be closed up.

Mr. Runyon stated that that was correct.

Mr. Barnes seconded the motion.

The motion carried with Messrs. Runyon, Barnes and Kelley voting Aye. Messrs Smith and Swetnam abstaining.

Mrs. Godin asked for an explanation and asked if the carport would stay.

Mr. Smith answered that it would as long as the resolution is complied with, the structures could remain. He stated that if the Godins do not agree with this decision, they have the courts as a recourse.

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MANSION HOUSE CLUB, INC. S-75-75 and V-76-75.

Mr. Kenneth W. Smith, attorney for the opposition, as he stated he would do at the previous meeting on this case, had submitted a list of conditions that the applicant had agreed to, that his clients would like added to any Resolution made to grant the application.

Mr. Kelley inquired if the Board has the right to say that the applicants must have a bonded security guard.

Mr. Smith stated that the Board does have that right as long as it is an agreement between the residents and the Permittee. The applicants have agreed to these conditions.

In application S-75-75 by Mansion House Club, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit increase in membership to 400 and to permit lights on tennis courts, 9423 Old Mt. Vernon Road, 110-4((1))part of 7, Mt. Vernon District, 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 this Board held on the 28th day of May, 1975 and deferred to subsequent dates. This decision being made this 16th day of September, 1975.

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 RE-0.5.
3. That the area of the lot is 5.0435 acres.
4. That compliance with the Site Plan Ordinance is required.
5. That the applicant operates, pursuant to SUP S-171-65, granted October 12, 1965, a swimming pool and other recreational facilities on property.
6. This application seeks revision of S-171-65 to allow increase in number of family memberships from 300 to 400, addition of a third tennis court and lighting for the tennis courts, a snack bar not limited to vending machines only, limited use memberships over and above regular memberships, and a reduction in number of required parking spaces.

AND, WHEREAS, the Board has reached the following 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 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 this Board (other than minor engineering details) whether or not these additional uses 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. Mansion House Club, Inc. will maintain a bonded security guard over the age of 18 years to be on duty at the swimming pool and tennis court facilities seven (7) days a week from 9 o'clock p.m. to daylight during the period the Club is operable.
6. The above-mentioned guard will police said facilities and will have access to a telephone for receiving and transmitting calls.

7. If a guard is not on duty at the facilities or any social event held at the Club, the club facilities shall not be used after 9 o'clock p.m.
8. In no event shall any of the facilities be used after dark unless there is a designated person in charge to turn lights off and to clear and lock the tennis courts, not later than 10 o'clock p.m.
9. Any sound system in use at the Club will not be operated at a volume exceeding 55 decibels. Any test conducted in conjunction with this condition shall measure the decibel level from any point on the applicant's property line.
10. Lights on tennis courts are not to exceed approximately 15 feet in height.
11. 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.
12. The maximum number of family memberships shall be 350, and 50 special memberships.
13. The hours of operation shall be from 9:00 a.m. to 9:00 p.m. for the pool and from 9:00 a.m. to 10:00 p.m. for the tennis courts.
14. All lights shall be directed onto the site and noise from loudspeakers, etc. shall be confined to said site, including the new Noise Ordinance.
15. Landscaping and/or screening is to be provided to the satisfaction of the Director of Environmental Management.
16. The Agreements between Mansion House Club, Inc., Lavington and Gennerio are to be made a part of the file in this case.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Swetnam abstained as he was not on the Board at the time of the public hearing on the case.

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In application V-76-75 by Mansion House Club, Inc. under Section 30-6.6 of the Zoning Ord. to permit waiver of normal setback requirement for access through property belonging to generally the same membership as that of the property which the access road serves, Old Mt. Vernon Road and Robertson Blvd., 110-4 ((1))part of 7, 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 held on the 28th day of May, 1975, and deferred to subsequent dates. This decision being made the 9th day of September, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE0.5.
3. That the area of the lot is 5.0435 acres.
4. That the request is for tennis court fence and lights within 5'; paddle tennis court within 30'; and parking within 46' of centerline of common access road.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 structures 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 this granting does not constitute exemption from the requirements of this County and he shall be responsible for obtaining building permits and the like through the established procedures.

Mr. Barnes seconded the motion and the motion passed 4 to 0. Mr. Swetnam abstained.
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MANSION HOUSE YACHT CLUB, INC.

In application S-74-75 by Mansion House Yacht Club, Inc. under Sect. 30-7.2.6.1.6 of the Zoning Ordinance to permit revision and renewal of SUP S-8-71 to allow addition of lots 1 and 2 and to permit relocation of club house and service building, on property located at Potomac River off Old Mt. Vernon Rd. and Robertson Blvd., 110-4((8))1, 2, 3 and 8, Mt. Vernon Dist., County of Fairfax, Mr. Kelley moved that the Board of Zoning Appeals adopt the following resolution:

365

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

WHEREAS, following proper notice to the public 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 28th day of May, 1975 and deferred to subsequent dates. This decision being made this 16th day of September, 1975.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Mansion House Yacht Club, Inc. and Coker, et al.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 4.3880 acres.
4. That compliance with Site Plan Ordinance is required.
5. That the applicant operates, pursuant to SUP S-8-71 granted April 20, 1971, a private club marina on property located in Belle Rive Subd., Mt. Vernon Dist., with frontage on the Potomac Rive and access from Old Mt. Vernon Rd. via easement across the n.w. adjoining property of Mansion House Club, Inc.

AND, WHEREAS, the Board 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 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 maximum number of family memberships shall be 350.
7. The hours of operation for the Club House shall be from 9:00 a.m. to 1:00 a.m.
8. All lights shall be directed onto site and noise from loudspeakers etc. shall be confined to said site, including the new noise ordinance.
9. Landscaping and/or screening is to be provided to the satisfaction of the Director of Environmental Management.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Swetnam abstained because he was not present at the original hearing of the case.

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12:20 - (Began at 5:00 P.M.)
P.M. KENNETH STREETER & SUPER SERVICE, INC. appl. under Sect. 30-6.6.5.4 of the Zoning Ord. to permit temporary structure closer to side line than allowed by Ord. and to permit 6' fence in front yard to remain, 3201 Ox Road, 35((1))53B, C-G, (31,546 sq.ft.), Centreville District, V-142-75. (Deferred from Sept. 4, 1975 to allow applicant to amend application to the name of the owner of the property and to get a Certificate of Good Standing on the corporation).

366

The Certificate was in the file and the application had been amended to reflect the name of the owner of the property.

Mr. Streeter confirmed that this would be a temporary structure and he only needed it to remain on the property for two years.

RESOLUTION

In application V-142-75 by Kenneth C. Streeter and Super Service, Inc. under Section 30-6.6.5.4 of the Zoning Ordinance, 3201 Ox Road, Centreville Dist., 35((1))53B, 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 4th day of September, 1975 and deferred to the 16th day of September, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Kenneth C. and Beverly B. Streeter.
2. That the present zoning is C-G.
3. That the area of the lot is 31,546 sq. ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
That the applicant has satisfied the Board that the non-compliance was the result of an honest error and will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:
1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. The fence is to be removed at the owners expense at such time as West Ox Road is widened and/the temporary structure is to be removed within a two year period.

FURTHERMORE, the applicant should be aware that this granting 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 permits and the like through the established procedures.

This request was to allow a temporary structure to remain closer to residential zoned land than allowed by the Zoning Ordinance and to allow 6' fence to remain 11' from property line in front setback.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Runyon abstained as his firm prepared the plats.

Page 367, September 16, 1975

JOHN H. NICHOLSON appl V-127-75 (Deferred from July 22, 1975 for new plats) Decision Only.

The new plats had been received reflecting the change in the location of the building. The new plats showed the building up against the City of Falls Church property yard's building along the length of the building. The building was set off the C-G property 25' to match the existing building on the adjacent lot.

RESOLUTION

In application V-127-75 by John H. Nicholson under Section 30-6.6 of the Zoning Ordinance to permit building to be constructed closer to side and rear property line than allowed by Ordinance (2' from boundary lines of C-G and residential property), on property located at Gordon Road approximately 400' from Leesburg Pike, 40-3((12))8B, Providence 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 held on the 22nd day of July, 1975 and deferred to September 16, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is I-L.
3. That the area of the lot is 11,137 sq.ft.
4. That the property is subject to Pro-Rata Share for off-site drainage.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 in part with the following limitations:
1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land. (Building to be 2' from Falls Church line and 25' from C-G line to match existing building on adjacent lot)
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 permits and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Swetnam abstained because he was not present at the original hearing.

LESTER L. STRIBLING, V-138-75

The Board had not yet received a report from the Zoning Administrator regarding the violations that the Board members had noticed on the subject property.

The Board deferred this case until September 24, 1975 for that report.

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CECIL PRUITT, JR. appl. S-146-75. Deferred from Sept. 9, 1975 for decision only and for clarification.)

368

A letter had been received from J. H. Liedl, Director, Office of Waste Management, dated September 10, 1975 regarding the existing sewer line. The letter stated that the requirement for an additional 10' restriction outside the existing easement is not essential to the operation and maintenance of this sewer line and they would recommend that the comments with reference to the sewer line location be eliminated from the September 3, 1975 memo.

Mr. Kelley stated that this clears up the questions he had.

RESOLUTION

In application S-146-75 by Cecil Pruitt, Jr. under Section 30-7.2.10.5.6 of the Zoning Ordinance to permit indoor tennis facility on the southeast corner Ravensworth Road and Little River Turnpike, 71-1((1))part 83 and all of 84, 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 held on the 9th day of September, 1975 and deferred to September 16, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Howard M. Lowry.
2. That the present zoning is C-G.
3. That the area of the lot is 2.23930 acres.
4. That compliance with the Site Plan Ordinance is required.
5. That the property is subject to Pro Rata Share for off-site drainage.
6. 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:
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 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/or screening is to be provided to the satisfaction of the Director of Environmental Management.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

AFTER AGENDA ITEM:

OUT OF TURN HEARING REQUEST - SIDEBURN CIVIC ASSOCIATION, INC., S-204-75.

369

The Board stated that it did not feel that application should be before it. This is an old nonconforming use that has been in operation for 20 years. It may have been moved slightly, but it is under the same civic association's jurisdiction.

Mr. Covington stated that they had had some complaints last year and the Sideburn Civic Association had moved it to clear up the complaints. They did not have to move it.

The Board asked the Zoning Administrator to hold this case in abeyance until something could be worked out on this.

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Mr. Barnes moved that the minutes for September 4, 1975 be approved.

Mr. Kelley seconded the motion.

The motion passed 5 to 0.

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The Board meeting adjourned at 5:30 P.M.

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Jane C. Kelsey
Jane C. Kelsey
Clerk
Board of Zoning Appeals

Submitted to the Board on September 30, 1975

Daniel Smith
DANIEL SMITH, CHAIRMAN
BOARD OF ZONING APPEALS

APPROVED October 14, 1975
(DATE)

The Regular Meeting of the Board of Zoning Appeals Was Held September 24, 1975, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; Charles Runyon; George Barnes; and Tyler Swetnam. Harvey Mitchell and Wallace Covington were present from the Staff.

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

10:00 a.m. - GEORGE E. & RUTH F. DEAL appl. under Sect. 30-6.6 of Ord. to permit construction of two level, subterranean garage closer to side and front lines than allowed by Ord. (30' from front, 50' required; 7' from side, 20' required), 6245 Park Road, 31-3((1))61 & 61A, (.716 ac.) Dranesville District, (RE-0.5), V-151-75.

Mr. Deal represented himself before the Board. Notices to property owners were in order. The contiguous owners were Mr. and Mrs. Claude Hodges, 6251 Park Road and Mrs. Rhinehart, 6241 Park Road, McLean.

Mr. Deal stated that he has a very peculiar topography problem. When the road was put through, it was cut lower than his property. Therefore, they are sitting on a clift about 10' to 12' above the road. He stated that he had owned the house since 1969. The house was built in 1948.

In answer to Mr. Smith's question, Mr. Deal stated that this house did originally have a carport, but he enclosed it a long time ago.

Mr. Kelley stated that the applicant is asking for a 66% variance on the side property line.

Mr. Deal stated that he originally had requested a larger variance to the front property line and a smaller variance on the side, but the Zoning Office staff felt that this request would be more reasonable.

Mr. Smith stated that under this section of the Zoning Ordinance, the Board has to consider a minimum variance, not a maximum. The Board has not allowed any construction for anything other than carports in the front setback area. He stated that he did not feel there is justification for the room on the top of the garage. He stated that the applicant has an unusually odd shaped lot. He stated that he did not think the embankment in the front has any bearing on this request.

Mr. Swetnam stated that he would be interested in seeing how the entrance works and what kind of site conditions are on the lot. He stated that he would also like to see how the applicant plans to back out into that road.

Mr. Deal stated that he planned to build an access lane from his present driveway so he could back out onto the access lane without being in the road.

Mr. Smith inquired if he could move the garage closer to the house.

Mr. Deal stated that he had six large oak trees in that location and he didn't want to cut them down. He stated that he would rather have the trees than the garage. He stated that all the neighbors are agreeable to this request, other than Mrs. Rhinehart. He submitted a Petition indicating their support for the record.

Mr. John Carlton, attorney with the law firm of Fitzgerald and Smith, represented Evelyn and Walter Rhinehart in opposition to this application. His main points of opposition were that this variance would adversely affect the property values. He stated that the house had been added to several times since its original construction and he felt this request was unreasonable. He stated that the hardship resulting from the acts of the applicant in enclosing the previous carport. That carport was within 15.7' of the side property line. When Mr. Deal enclosed it, it then became a violation to the Zoning Ordinance. The carport was constructed in 1958 and enclosed in the early 60's.

In answer to Mr. Smith's question, Mr. Deal stated that he got a building permit to enclose that carport in August of 1969.

Mr. Mitchell stated that he could not find such a building permit in the file.

In rebuttal, Mr. Deal stated that he did not feel his plans would adversely affect the Rhinehart property. He stated that he had seen plans of the way they would like to develop their property and the rear of the houses would be adjacent to his property. He stated that Mr. Rhinehart now has a lot of junk

cars or cars that he is repairing. There are about one-half dozen cars and trucks in there now in various stages of repair. He stated that he had not complained about this previously, but he did not see how his addition would adversely impact the Rhinehart property in its present condition with all these used cars and trucks there.

Mr. Smith stated that the Board has a policy of allowing underground parking for commercial use as long as there is no above ground structures.

Mr. Swetnam asked if Mr. Deal would consider coming back in with a revised plan showing underground garage.

Mr. Deal stated that the only problem he would have is the connection of the garage to the house.

Mr. Kelley stated that he did not know how he could do that. When the carport was enclosed it caused a violation to the Zoning Ordinance because it is only 15.7' from the side property line. The house is now 110' long and 75' deep. He stated that he felt this is maximum development on this lot already unless Mr. Deal can meet the Ordinance requirements.

RESOLUTION

In application V-151-75 by George E. and Ruth F. Deal under Section 30-6.6 of the Zoning Ordinance to permit construction of two level subterranean garage with a room above it closer to side and front property lines than allowed by the Ordinance, (30' from front, 50' required; 7' from side, 20' required), 6245 Park Road, 31-3((1))61 & 61A, Dranesville 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 held on the 24th day of Sept., 1975,

WHEREAS, the Board 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 .7160 acre.

AND, WHEREAS, the Board has reached the following conclusion of law:
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.

Mr. Barnes seconded the motion.

There was no discussion.

The motion passed 4 to 0. Mr. Runyon had not yet arrived.

10:15 a.m. - JAMES T. BARNES OF WASHINGTON, D.C., INC. appl. under Sect. 30-6.6.5.4 of the Ord. to permit garage to remain closer to side prop. line than allowed by Ord. (20' required, 19.4' from line), 110-3((3))(K)267 & 268, (15,000 sq.ft.), Mt. Vernon Dist., (RE-0.5), V-158-75

Began at 10:53 - (Middle of Tape 2)

Mr. Ted Borgna, attorney for the applicant, submitted notices to the Board which were in order. The contiguous property owners were Mr. and Mrs. Robert F. Williams, 9227 Craig Avenue; Mr. and Mrs. Millard L. Ledbetter, 9223 Craig Avenue; Mr. and Mrs. Harry Alvin Heiney, 4203 Robertson Blvd.; Daniel J. Appel, 9312 Boothe Street; Mr. Rappuchi, 9316 Boothe Street.

Mr. Borgna stated that the original builder and owner had obtained a building permit from the County in order to construct this home. The builder then constructed a garage within 19.4' of the side property line. The building permit and accompanying plats indicated a carport on this house. Subsequent to the building the original owner and builder defaulted on the loan and the applicant in lieu of foreclosure accepted ownership of the premises. The error that was made was a direct result of a mistake in the construction of the home and garage by the original owner and builder and was not the fault of the present owner and applicant for this variance. This setback variance will not be detrimental to the use and enjoyment of other properties in the immediate vicinity, nor will it create an unsafe condition with respect to both other property and public streets. To force the applicant to comply with the setback requirements would impose an unreasonable hardship on the applicant.

Mr. Bill Cooper, construction superintendent for the James T. Barnes Company of Washington, D. C. Inc., stated that he was employed by the original owner and builder at the time the error was made. He stated that the house with the garage was completed at the time the applicant took over the property. He stated that the original owner must not have taken the zoning into consideration when he changed the carports to garages and just went ahead with them.

The Vice-President of James T. Barnes of Washington, D. C. Inc. submitted for the record a copy of the deed between the original owner and builder and his company.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application V-158-75 by the James T. Barnes of Washington, D.C., Inc. under Section 30-6.6.5.4 of the Zoning Ordinance to permit garage to remain closer to side property line than allowed by the Ordinance, (19.4' from line), 9312 Henry Street, 110-3((3))(K), Lots 267 & 268, Dranesville District, County of Fairfax, Mr. Kelley moved that the Board of Zoning Appeals adopt the following:

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

WHEREAS, following proper notice to the public 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 September 24, 1975, and

WHEREAS, the Board 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 15,000 sq. ft.
4. That the request is for a variance of .6 feet.
5. That the present owner and applicant obtained this property when the original owner and builder defaulted on the loan secured by these properties.

AND, WHEREAS, the Board 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 properties 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.

FURTHERMORE, the applicant should be aware that granting of this variance does not constitute exemption from the 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. Runyon had not yet arrived.

10:15 a.m. - GUY & CAROL SCHANTZ and JAMES T. BARNES OF WASHINGTON, D. C., INC. appl. under Section 30-6.6.5.4 of the Zoning Ordinance to permit garage to remain closer to side property line than allowed by Ord. (18.5' from side, 20' required), 9317 Henry Street, 110-3((3))(I)225 and pt. 222, 223 & 224, (15,000 sq.ft.), Mt. Vernon District, (RE-0.5), V-159-75.

(Began at 11:15, beginning of tape 3)

Mr. Ted Borgna, attorney for the applicant, submitted notices to the Board which were in order. The contiguous owners were Daniel Appel, 9312 Boothe Street; Mr. Rappuchi, 9316 Boothe Street; Jerry Leniham, 4200 Scotland Road, Millard Ledbetter, 9223 Craig Avenue; and Robert Williams, 9227 Craig Avenue.

Mr. Borgna, attorney for the applicant, stated that the original builder and owner had obtained a building permit from the County to construct this house. The builder then constructed a garage within 18.5' of the side property line instead of a carport as originally planned and approved on the building permits. Subsequent to the building, the original owner and builder defaulted on the loan and the applicant in lieu of foreclosure accepted ownership of the property. The error that was made was a direct result of a mistake in the construction of the home and garage by the original owner and builder and was not the fault of the present owner and applicant for this variance. This setback variance will not be detrimental to the use and enjoyment of other properties in the immediate vicinity, nor will it create an unsafe condition with respect to other property and public streets. To force the applicant to comply with the setback requirements would impose an unreasonable hardship on the applicant.

Mr. Bill Cooper, construction superintendent for the applicant, stated that he had been employed by the original owner and builder at the time the error was made. He stated that the house with the garage was complete at the time the applicant took over the property. The original owner must not have taken the zoning into consideration when he changed the carport to a garage and just went ahead with it.

The Vice-President of the James T. Barnes of Washington, D. C. Inc. company who had earlier submitted for the record a deed transferring the ownership of this property from the original owner and builder to his company, stated that he had no knowledge of the error at the time it was done. His company took the property in lieu of foreclosure. It was constructed prior to his company's taking the property.

There was no one to speak in favor or in opposition.

RESOLUTION

In application V-159-75 by JAMES T. BARNES OF WASHINGTON, D.C., INC. and GUY & SAROL SCHANTZ appl. under Section 30-6.6.5.4 of the Zoning Ordinance to permit garage to remain closer to side property line than allowed by the Zoning Ord. (18.5' from side, 20' required), 9317 Henry Street, 110-3((3))(I)225 and part of 222, 223 & 224, (15,000 sq.ft.) 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 September 24, 1975, and

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

1. That the owner of the property is the applicant, Guy and Carol Schantz.
2. That the James T. Barnes of Washington, D. C., Inc. company obtained this property when the original owner and builder defaulted on the loan secured by this property. The house has now been sold to Guy and Carol Schantz.
3. That the area of the lot is 15,000 sq. ft.
4. The present zoning is RE-0.5.
5. That the request is for a variance of 1.5 feet.

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

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

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

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. Runyon had not yet arrived.

10:15 a.m. - RICHARD & MARY MERCER and JAMES T. BARNES OF WASHINGTON, D. C., INC. appl. under Sec. 30-6.6.5.4 of the Zoning Ord. to permit garage to remain closer to side property line than allowed by Ord., (18.6' from side, 20' required), 9304 Henry St., 110-3((3))(K)263 & 264, (15,000 sq.ft.), Mt. Vernon Dist., (RE-0.5), V-160-75

Mr. Ted Borgna, attorney for the applicant, submitted notices to the Board which were in order. The nearby owners were Daniel Appel, 9312 Boothe Street; Mr. Rappuchi, 9316 Boothe Street; Jerry Leniham, 4200 Scotland Road; Mr. Naleid, 9304 Boothe Street; Mr. Poor, 9308 Boothe Street. The contiguous owners were Mr. Ediin, 9301 Craig Avenue; Mr. Ledbetter, 9223 Craig Avenue; Mr. Jurich, 9219 Craig Avenue; Mr. Cloud, 4207 Robertson Blvd.; Mr. Heiney, 4203 Robertson Blvd.

Mr. Borgna stated that the original builder and owner had obtained a building permit from the County to construct this house. The builder then constructed a garage within 18.6' of the side property line instead of a carport as originally planned and approved on the building permits. Subsequent to the building of this house and garage, the original owner and builder defaulted on the loan and the applicant in lieu of foreclosure accepted ownership of the property. The error that was made was a direct result of a mistake in the construction of the home and garage by the original owner and builder and was not the fault of the present owner and applicant for this variance. This setback variance will not be detrimental to the use and enjoyment of other properties in the immediate vicinity, nor will it create an unsafe condition with respect to other property and public streets. To force the applicant to comply with the setback requirements would impose an unreasonable hardship on the applicant.

Mr. Bill Cooper, construction superintendent for James T. Barnes of Wash.,D.C., Inc., stated that he had been employed by the original owner and builder at the time the error was made. He stated that the house with the garage was complete at the time the James T. Barnes corporation took over the property. The original owner must not have taken the zoning into consideration when he changed the carport to a garage and just went ahead with it.

The Vice-President of the James T. Barnes corporation who had earlier submitted for the record a copy of the deed transferring the ownership of this property from the original owner and builder to his company, stated that he had no knowledge of the error at the time it was made. His company took the property in lieu of foreclosure. It was constructed prior to his company's taking the property.

There was no one to speak in favor or in opposition.

RESOLUTION

In application V-160-75 by Richard and Mary Mercer and James T. Barnes of Washington, D. C., Inc. under Section 30-6.6.5.4 of the Zoning Ord. to permit garage to remain closer to side property line than allowed by Ord., (18.6' from side, 20' required), 9304 Henry Street, 110-3((3))(K)263 & 264, (15,000 sq.ft.), County of Fairfax, Virginia Mr. Kelley moved that the Board of Zoning Appeals adopt the following resolution:

Page 375, September 24, 1975
RICHARD & MARY MERCER & JAMES T. BARNES OF WASH., D.C.,INC.(continued)V-160-75

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

WHEREAS, following proper notice to the public 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 24th day of Sept.,1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Richard and Mary Mercer.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 15,000 sq.ft.
4. That the variance request is for 1.4 feet.
5. That the James T. Barnes of Wash.,D.C.,Inc. company obtained this property when the original owner and builder defaulted on the loan secured by this property.

AND, WHEREAS, the Board has reached the following conclusions of law:
1. That the Board has found that non-compliance was the result of an error in the location of the building subsequent to the issuance of a building permit, and
2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:
1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.

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. Runyon had not yet arrived.

10:15 a.m. - JAMES T. BARNES OF WASHINGTON, D.C., INC. appl. under Section 30-6.6.5 .4 of the Zoning Ordinance to permit garage to remain closer to side property line than allowed by the Ord., (19' from side, 20' required), 9309 Henry Street, 110-3((3))(I)228 & 229, (15,000 sq.ft.), Mt.Vernon Dist., (RE-0.5), V-161-75.

Mr. Ted Borgna, attorney for the applicant, submitted notices to the Board which were in order. The contiguous property owners were Mr. Leniham, 4200 Scotland Road; Mr. Rappuchi, 9316 Boothe Street; Mr. Appel, 9312 Boothe Street; Mr. Naleid, 9304 Boothe Street; and Mr. Poor, 9308 Boothe Street.

Mr. Borgna stated that the original builder and owner had obtained a building permit from the County to construct this house. The builder then constructed a garage within 19' of the side property line instead of a carport as originally planned and approved on the building permits. Subsequent to the building of this house and garage, the original owner and builder defaulted on the loan and the applicant in lieu of foreclosure accepted ownership of the property. The error that was made was a direct result of a mistake in the construction of the home and garage by the original owner and builder and was not the fault of the present owner and applicant for this variance. This setback variance will not be detrimental to the use and enjoyment of other properties in the immediate vicinity, nor will it create an unsafe condition with respect to other property and to public streets. To force the applicant to comply with the setback requirements would impose an unreasonable hardship on the applicant.

Mr. Bill Cooper, construction superintendent for James T. Barnes of Wash.,D.C. Inc., stated that he had been employed by the original owner and builder at the time the error was made. He stated that the house with the garage was complete at the time this company took over the property. The original owner must not have taken into consideration the zoning requirements when he changed the carport to a garage.

The Vice-President of this company testified that this house was constructed prior to his company's taking the property. He submitted a copy of the property transfer for the record.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application by JAMES T. BARNES OF WASHINGTON, D. C., INC. under Section 30-6.6.5.4 of the Zoning Ordinance to permit garage to remain closer to side property line than allowed by the Zoning Ordinance, (19' from line, 20'required), 9309 Henry Street, 110-3((3))(I), Lots 228 & 229, 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 held on September 24, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject properties is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 15,000 sq.ft.
4. That the request is for a variance of 1 foot.
5. That the present owner and applicant obtained this property when the original owner and builder defaulted on the loan secured by this property.

AND, WHEREAS, the Board has reached the following conclusions of law:
1. That the Board has found that non-compliance was the result of an error in the location of the building subsequent to the issuance of a building permit, and
2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:
1. This approval is granted for the location and the specific structure 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. That the applicant be aware that the 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. Runyon had not yet arrived.

10:15 a.m. - JAMES T. BARNES OF WASHINGTON, D.C., INC. appl. under Section 30-6.6.5.4 of the Zoning Ordinance to permit garage to remain closer to side property line than allowed by the Zoning Ordinance, (18.6' from side, 20' required),9308 Henry Street, 110-3((3))(K)265 and 266, (15,000 sq.ft.), Mt. Vernon District, (RE-0.5), V-162-75.

Mr. Ted Borgna, attorney for the applicant, submitted notices to the Board which were in order. The contiguous property owners were Mr. Robert Williams, 9227 Craig Avenue; Mr. Leniham, 4200 Scotland Road; Mr. Rappuchi, 9316 Boothe Street; Mr. Ledbetter, 9223 Craig Avenue; and Mr. Anthony Jurich, 9219 Craig Avenue, Alexandria, Virginia.

Mr. Borgna stated that the original builder and owner had obtained a building permit from the County to construct this house. The builder then constructed a garage within 18.6' from the side property line instead of a carport as originally planned and approved on the building permit. Subsequent to the building of this house and garage, the original owner and builder defaulted on the loan and the applicant in lieu of foreclosure accepted ownership of the property. The error that was made was a direct result of a mistake in the construction of the home and garage by the original owner and builder and was not the fault of the present owner and applicant for this variance. This setback variance will not be detrimental to the use and enjoyment of other properties in the immediate vicinity, nor will it create an unsafe condition

with respect to other property and to public streets. To force the applicant to comply with the setback requirements would impose an unreasonable hardship on the applicant.

Mr. Bill Cooper, construction superintendent for James T. Barnes of Washington D. C., Inc., stated that he had been employed by the original owner and builder at the time the error was made. He stated that the house with the garage was complete at the time this company took over the property. The original owner must not have taken into consideration the zoning requirements when he changed the carport to a garage.

The Vice-President of James T. Barnes of Washington, D. C.,Inc. testified that this house was constructed prior to his company's taking the property. He submitted a copy of the property transfer deed for the record.

There was no one to speak in favor or in opposition.

RESOLUTION

In application by JAMES T. BARNES OF WASHINGTON, D.C., INC. under Section 30-6.6.5.4 of the Ordinance to permit garage to remain closer to side property line than allowed by the Ordinance, (18.6' from side, 20' required), 9308 Henry Street, 110-3((3))(K), Lots 265 & 266, 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 held on September 24, 1975, and

WHEREAS, the Board 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 15,000 sq.ft.
4. That the request is for a 1.4' variance.
5. That the present owner and applicant obtained this property when the original owner and builder defaulted on the loan secured by this property.

AND, WHEREAS, the Board 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.
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:

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.

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. Runyon had not yet arrived.

10:45 a.m. - A. ROBERT LOWRY appl. under Section 30-6.6 of Ord. to permit addition of garage closer to front and side property line than allowed by Ord., (44.4' from front, 50' required; 15.5' from side, 20' required), 5001 Dodson Drive, 71-4((13))14, (20,016 sq.ft.), Annandale District, (RE-0.5), Tall Oaks Subd., Section 2, V-165-75.

Mr. Don Bowman, attorney for the applicant, stated that the applicant had to be out of town this week and asked him to present the case for him. However, Mr. Lowry did not send out certified notices. He did notify all the owners of the neighboring properties and had them sign a statement to that effect. However, the State Code requirement has not bee met and they would ask deferral to the earliest possible date.

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

The Board deferred this application until October 14, 1975, at 11:45 a.m.

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11:00 a.m. - MT. VERNON MASONIC LODGE #219 (owner) and NINA D. BROLIN (contract purchaser), appl. under Section 30-6.6 of the Zoning Ord. to permit variance to requirement of three acre minimum open space for cluster development, 225'± south of intersection of Mt. Vernon Hwy. & Sunny View Drive, 101-4((1))Parcel 27 & 27A (115,870 sq.ft.), Mt.Vernon District, (R-12.5), V-166-75

Ray Crist, 6434 Brandon Avenue, Springfield, Virginia, represented the applicants. He submitted notices which were in order. The contiguous owners were Roger L. Sanford, 8221 Mt. Vernon Highway; R. L. Lockhart, 7006 Colgate Drive; Ellroy Allen, 8205 Mt. Vernon Highway; and Ted Borgna, 3406 Ayers Drive, Alexandria, Virginia.

Mr. Crist stated that this property is adjacent to the Sunny View Subdivision.

The Mt. Vernon Masonic Lodge originally had a Special Use Permit to construct a lodge at this location. However, they did not construct and the Special Use Permit expired. Thereafter, several of the Lions Clubs in the Mt. Vernon area applied for a Special Use Permit for a community center at this location. There was a great deal of controversy over that application and the application was withdrawn. This applicant wishes to subdivide this property under the cluster provisions of the Ordinance. The provisions of that Ordinance require that a minimum of 3 acres of open space be provided before such a subdivision can be considered for approval. The applicant's entire property is less than 3 acres and the applicant proposes to set aside 37,750 sq. ft. of open space.

The Preliminary Engineering Branch comments stated:

"As stated by the office of the Zoning Administrator, 'The basic concept of "cluster" has been that certain benefits were granted to a developer who provided 30% or more of his land in common open space, provided that the open space thus attained was of a size and configuration as to provide certain minimum standards. The lot width requirement is eliminated; the lot size is reduced; the general setbacks are lessened; and the total number of lots per acre is generally increased. In exchange for the lesser restrictions, the developer is required to provide no less than an unbroken tract of three acres for common open space, and an acceptable plan of subdivision. Under Column 9 of the RE-2 District, and thus through all of the single-family residential zones to and including R-12.5, the "Director" is charged with the decision of whether or not "cluster" or "alternate density" is approved. Among the criteria necessary for that approval is the requirement for a minimum of three acres of open space. The applicant has, in this case, requested a variance to permit less than three acres to be considered by the Director. Approval of this request would allow the Director to consider this as a "cluster development", but would not assure his approval of the plan.'

This office is responsible for the approval of preliminary subdivision plans. Concurrent with the review of this plan, the decision is made to approve or not approve the proposed subdivision for alternate density development. The decision is based upon the adequacy of the proposed open space and the acceptability of the general layout of the proposed subdivision in accordance with the intent of the Zoning Ordinance in

allowing development under the alternate density method.

The subject application is substandard since the minimum three acres of open space is not being provided. The use of pipestem lots in an alternate density subdivision should be secondary to the primary use of lots with average frontage on a public street. The applicant will be requesting the Director to approve a subdivision in which over 60% of the lots will be pipestems.

The Department of Environmental Management strongly discourages the use of pipestem lots with their privately owned and maintained streets where a public street, publicly owned and maintained, may be built. The construction of a public street would relieve the prospective homeowners of the responsibility of maintaining their own street and would also relieve the County of the increasing problem of homeowners desiring the County to maintain the street after the homeowner realizes the cost of maintenance.

It should be noted that, under subdivision control, the owner will be required to dedicate approximately 7,800 sq.ft. of the subject property along the full frontage of the property on Mt. Vernon Highway, Route 235, for future road widening. This dedication would reduce the usable parkland to approximately 30,000 sq.ft.

Therefore, this office would very strongly recommend against and would not approve the subject proposed subdivision for alternate density development."

Mr. Crist stated that this concept has been approved by the Board of Supervisors in the new Zoning Ordinance. The new Zoning Ordinance does not require a minimum park size. He stated that he had the choice of requesting the variance now or waiting until the Zoning Ordinance goes into effect since it has only been approved in principal. He stated that he feels that what is good for a larger piece of property is good for a smaller property. It was his opinion that this 3 acre minimum was initially instituted when it was thought that these small parks would be controlled by the Park Authority. However, the Park Authority does not maintain these parks and this requirement should no longer be applicable. In many cases the County has approved parks smaller than 3 acres. Townhouses have tot lots that are nothing more than small parks. What is good for townhouses should be good for other people, he stated. The reason for a park is to create reasonable recreational area. The property that he is proposing, he stated, will accomodate 12 tennis courts, or an olympic size pool and its parking, or many other recreational activities. This park will be owned by the 8 homeowners that buy these proposed homes. This will also allow the developer to save the trees on the site.

Mr. Crist then submitted some slides showing the trees that he wishes to save.

Mr. Smith told him that in the Zoning Ordinance there is no reference to trees as a reason for this Board to grant a variance.

Mr. Crist stated that if they develop in the standard approach, they would have to place a house where the trees are.

Mr. Crist then compared this request to that of a man who wishes to place a carport on his home closer to the property line than allowed by the Ordinance. That hardship is not that that man will not be able to use his property at all if the variance is not granted, it doesn't mean that he would not have a job or that he might loose his property. A hardship exists when a person cannot use the land in a reasonable manner. The cluster approach is more reasonable, he stated, than the conventional type of development. The percentage of park as to developed area does comply in all other respects.

Mr. Smith stated that there are other approaches a developer can use, such as the condominium approach. The Ordinance says that the Board should eliminate all other possibilities before granting a variance. In addition, under Section 30-6.6.1 the Ordinance says, "No variance shall be authorized that would permit the establishment of any use not otherwise permitted in the district under the specific provisions of this chapter." One of the specific requirements is the 3 acre requirement. The question here is whether the applicant and owner can get the reasonable use of the property without a variance.

Mr. Crist stated that this portion of land is zoned differently from the adjacent subdivision and he did not know if it could be incorporated into it.

Mr. Crist stated that he could develop 7 lots with the 8th lot being the park area which would be left vacant. The subdivision would be designed somewhat the same except the lot in the upper right hand corner would be eliminated and the lot in the upper left hand corner of the plat before the Board would be moved. This would still allow him to save the trees, but he would lose 1 lot. This would meet the Code, with the exception of a small variance for lot frontage.
Mr. Crist stated that he had met with the citizens association at Sunny View and they have expressed their support for this concept.

Mr. Kelley stated that he did not see how the Board could act on this.

Mr. Smith stated that this second approach would have to be in the form of a new request, a new application and rescheduled.

In answer to Mr. Runyon's question as to why he could not run a street from Ayers Drive to Old Mount Vernon Road, Mr. Crist stated that he could if he wanted to trade pavement for the park area.

Mr. Runyon stated that he was not sure it could be developed that way without variances for the corner lots.

Mr. Allen, 8205 Old Mount Vernon Highway, spoke in opposition. He stated that he was in favor of a single family development of this land, but five of these houses that are proposed will back up to his property and one house will go in front of his house. That house would be about 162' back from the road and his house is 192' back. He stated that it seemed to him that one house could be eliminated or moved to the lower side of the property.

Mr. Runyon told Mr. Allen that if Mr. Crist develops under the normal density requirement, there would be another house even further toward Old Mount Vernon Road than this one is. If the Board does not grant this variance, Mr. Crist will have to move the houses closer to Old Mount Vernon Road.

Mr. Allen stated that if the Board grants this request, it should require the developer to place a permanent fence along the property line.

Mr. Robert A. Swet, former President of Riverside Estates and on the Board of Directors of Mount Vernon Counsel, spoke in opposition to this application. He stated that if the developer would take one house off the plan he would be in compliance. He wants to make a little more money. Taking this one house away would take care of Mr. Allen's problem and his association and the Mt. Vernon Counsel could go along with it.

Mr. Runyon asked him if he understood that if Mr. Crist developes this property as a straight subdivision, Mr. Allen would still be looking at 8 units except he would not be looking at the open space.

Mr. Swet stated that he appreciated the need for open space, but he felt that seven lots would be sufficient for this small piece of property.

In rebuttal, Mr. Crist stated that without a variance there is no possibility of his being able to cluster this development. He stated that he felt this variance is within the power of this Board to grant.

Mr. Runyon stated that this proposal does not exceed the 70% of the gross acreage for the lots. He can't meet the requirement for the 3 acres of open space and he has stated that the new Zoning Ordinance does allow this which would add more quality to each individual parcel. It doesn't change the density. He suggested that perhaps Mr. Crist should discuss this with the opposition.

Mr. Smith stated that the Board has to decide whether Mr. Crist would have a reasonable use of the land without the variance.

Mr. Runyon stated that he was not sure he would. He stated that under R-12.5 zoning, he could look for 3 units per acre and he is not exceeding that. He stated that he would like to see the applicant present the Board with a plan for straight density and he felt the case would be better stated that way. That plan might show that he would be considerably constrained with the straight subdivision.

Mr. Kelley stated that he agreed that if this parcel of land can be developed under the Ordinance then it should be.

Page 381, September 24, 1975, V-166-75 (continued)

Mr. Runyon moved that this case be deferred until October 14, 1975, for decision only and he stated that he would like to see an optional plan showing what the straight density development would be like.

Mr. Swetnam seconded the motion.

Mr. Runyon stated that he was interested in seeing what the number of units would be under straight subdivision. If 6 lots can be developed then he would agree with Mr. Kelley that the applicant can make reasonable use of his land without a variance, but if only 4 lots can be developed, then the lots will be too narrow up on Old Mount Vernon Road.

Mr. Smith stated again that the Board has no authority to grant a variance to a specific requirement of the Ordinance. He stated that the State and County Code addresses itself to this. Economic factors are not to be a factor in any request for a variance. It can be considered in a minor way, but it is not the greatest economical return from a parcel of land that this Board must consider. He read the section of the State Code which pertains to this question.

The motion to defer passed 3 to 2 with Messrs. Kelley and Smith voting No.

// The Board recessed for lunch at 1:15 P.M. and returned at 2:15 P.M.

11:15 a.m. - RONALD L. & DIANA A. DAVIS appl. under Section 30-6.6 of the Zoning Ordinance to permit extension of garage to be constructed closer to the side property line than allowed by the Zoning Ordinance, (8' total of 24' required, 8.7' total of 18.6' requested), 8508 Browning Court, V-167-75.

Mr. Davis represented himself. Notices to property owners were in order. The contiguous property owners were Kenneth Donelly, 8510 Browning Court and Lamar Kelsoe, 8506 Browning Court.

Mr. Davis stated that the present house has a single car garage. The foundation of the house and attached garage was constructed 6 foot wider than the garage and along side the garage there is a poured concrete extension that is not under the roof. The lot is on a slight slope and the garage foundation is partially above grade and is constructed of red brick. Rain run-off from the unprotected 6 feet concrete extension has been running down the face of the garage foundation and is damaging the brick work. This has been particularly severe under freezing conditions when many entire brick facings have popped off and bricks have cracked. In addition, this excess water has caused the mortar joints to deteriorate and many bricks are becoming loose. Water collecting on the 6 foot extension is also seeping under the existing garage wall which is beginning to rot at the base. He stated that he had been advised by several contractors that the solution to this problem is to enlarge the existing garage by 6 feet to enclose the 6 foot concrete extension. This will eliminate the collection of any water on this presently unprotected area as roof gutters and down spouts would direct water away from the brick foundation and also eliminate any leakage into the garage.

In answer to Mr. Smith's question, Mr. Davis stated that there are no other houses in the subdivision with similar conditions. He submitted photographs showing the steep slope and the corner of the garage slab that is exposed.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application V-167-75 by RONALD & DIANA DAVIS under Section 30-6.6 of the Zoning Ordinance to permit extension of garage to be constructed closer to side property line than allowed by the Zoning Ordinance (8.7' total of 18.6' requested, 8' and total of 24' required), 8508 Browning Court, 59-3((15)) 129, Providence 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 held September 24, 1975, and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-17 Cluster.
3. That the area of the lot is 10,540 sq.ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
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:
-- 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 proposed additon.

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. Swetnam had left the meeting.at lunch.

DEFERRED CASE:

WADIH F. HAWIE, JR. appl. under Section 30-6.6 of the Zoning Ord. to permit open deck within 15.4' of rear property line (25' required), 3940 Lincolnshire Street, V-136-75 (Deferred from August 1, 1975 for applicant to rework his plans to hopefully avoid the need for a variance.)

Mr. Hawie stated that the Board had suggested that he put this deck on the side of the house, but there are no exits from that side of the house. He stated that he could not cut the size of the deck down without making it too narrow.

RESOLUTION

In application V-136-75 by Wadih F. Hawie, Jr. under Sect. 30-6.6 of the Ord. to permit deck to be constructed closer to rear property line than allowed by Ord., (15.4' from rear prop. line, 25' required), 3940 Lincolnshire Street, Annandale District, 60-3((28))78, 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 held by the Board on August 1, 1975, and deferred until Sept. 24, for applicant to reconsider request to see if deck could be placed on the lot without need for a variance, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 9,121 sq.ft.
4. That the prop. is subject to Pro Rata Share for off-site drainage.

AND, WHEREAS, the Board has reached the following conclusions of law:
That the applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ord. 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 is hereby denied.

Mr. Barnes seconded the motion and the motion passed 4 to 0.
Mr. Covington stated that he could build 10' into the setback as long as the deck is no wider than 10'.

DEFERRED CASE:
PLATAR, INC. appl. to permit nursery school change of ownership, 1703 Collinwood Road, 102-4((1))30A, R-12.5, Mt. Vernon Dist., (Deferred from 8-1-75 to allow applicant additional time to make necessary repairs and obtain Non-Residential Use Permit).

The Staff informed the Board that the applicant now had obtained the Non-Residential Use Permit.

RESOLUTION

In application S-102-75 by Platar, Inc. under Sect. 30-7.2.6.1.3 of the Ord. to permit change of ownership of nursery school to a corporation, 1703 Collingwood Road, 102-4((1))30A, 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 on June 25, 1975 and deferred to September 24, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 1.0 acre.
4. That compliance with all applicable State and County Codes is required.
5. That compliance with the Site Plan Ordinance is required.
6. That SUP S-170-74 was granted to Barbara T. Devine and Diane M. Rauch on Nov. 20, 1974 for a nursery school for a maximum of 50 students on this prop.

AND, WHEREAS, the Board has reached the following 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 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 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 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 terms and conditions of SUP S-170-74 shall remain in effect with the exception of the number of students, which shall be reduced to a maximum of 43.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Swetnam had left the meeting.

LTC. DONALD J. DELANDRO, appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of pool within 2' of side and 45' of front, 7401 Windmill Court, 93-3((27))41, (18,878 sq.ft.), V-155-75 (Deferred from Sept. 16, 1975 for input from Public Works regarding the close proximity of the pool to the sanitary sewer easement.)

The Department of Public Works had been contacted and they were to have had a memo indicating how this would affect that sewer easement should work have to be done on the sewer line. The memo was not yet available but a representative from that Department indicated that there might be a problem should work have to be done on the sewer line because of its close proximity to the proposed pool.

Mr. Runyon suggested that the applicant execute a hold-harmless agreement.

The applicant agreed to this.

RESOLUTION

In application V-155-75 by LTC. Donald J. Delandro under Section 30-6.6 of the Zoning Ordinance to permit construction of pool closer to front and side lot lines than allowed by the Zoning Ord., (2' from side, 20' required; 45' from front, 50' required), 7401 Windmill Court, 93-3((27))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 held on the 16th day of Sept. and deferred to September 24, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 18,878 sq.ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
That the applicant has satisifed 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 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 shall execute a Hold-Harmless Agreement with Public Works regarding the proximity of the existing sewer line and house lateral in the event maintenance of the sewer is required. This agreement is to be executed as per the memo from Public Works and shall conform thereto.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Swetnam had left the meeting.

The memo from Public Works will be made a part of the file on this case and a copy will be attached to the motion granting this variance.

Page 385, September 24, 1975

CENTREVILLE HOSPITAL MEDICAL CENTER, S-228-71 (Re-Evaluation decision deferred for further information re: Board of Supervisors granting sewer hookup extension, etc. Deferred from September 4, 1975.)

The Board read a copy of a Resolution adopted by the Board of Supervisors on September 22, 1975 whereby the Board of Supervisors agreed to execute an amended Agreement which should contain certain provisions as listed in that Resolution. The amended agreement is to be executed no later than October 17, 1975.

Mr. Runyon moved to defer this case until that Agreement has been executed. He stated that if Centreville Hospital Medical Center can meet the requirements of that Agreement, he would see no problems and that would take care of this matter.

Mr. Smith asked that he amend his motion to asked to applicant to submit in writing within 10 days an answer to each of the 10 provisions listed in the Board of Supervisors' resolution. He stated that the Board will need the other half of the agreement indicating that the Centreville Hospital Medical Center has agreed to the provisions of the extension as set forth in the Board of Supervisors' resolution.
Mr. Runyon agreed. Mr. Barnes seconded the motion and the motion passed 4 to 0. The Board deferred the case until October ~~X~~ 1975 for further consideration.
22 Board corrected minutes on Oct 7, 1975

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DEFERRED CASE: September 24, 1975
JAMES R. AUTEN, appl. under Sec. 30-6.6 to permit construction of single family dwelling within 25' from center line of ingress-egress easement, (75' required), 8422 Electric Avenue, 39-3((1))54, (32,115 sq.ft.), Providence District, (RE-1), V-153-75. (Deferred to allow applicant to study whether or not he could move the house back toward the street to reduce amount of variance request. The applicant has submitted a letter stating that he has now studied this and remeasured the distance between the proposed house and the stream and he cannot move the house back 15' or he will be in the stream.)

The Board read the letter into the record.

Mr. Runyon stated that he had understood that this road would be abandoned eventually anyway, but it would be a long time. Then this outlet road would no longer be necessary.

RESOLUTION

In application V-153-75 by James R. Auten under Section 30-6.6 of the Zoning Ordinance to permit construction of single family dwelling closer to center line of ingress-egress easement than allowed by the Zoning Ordinance, (25' from center line, 75' required), 8422 Electric Avenue, 39-3((1))54, Providence 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 the Fairfax County Code and the State Code and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public 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 September 16, 1975 and deferred to September 24, 1975, 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 RE-1.
3. That the area of the lot is 32,115 sq.ft.
4. That the request is for a minimum variance.

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

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. Swetnam had left the meeting earlier.

DEFERRED CASE:
GUY V. BENNETT, V-134-75 (Deferred from August 1, 1975 for decision only). The applicant submitted a request for withdrawal of the application.

Mr. Barnes so moved that the case be withdrawn without prejudice.

Mr. Kelley seconded the motion. The motion passed 4 to 0. Mr. Swetnam had left the meeting earlier.

Mr. Covington stated that the applicant got his land rezoned and no longer needed the variance.
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LESTER L. STRIBLING, V-138-75 for 2 story addition closer to zoning boundary line than allowed by the Zoning Ordinance, 8143 Richmond Highway, 101-2 ((1))26, deferred from 9-4-75, 9-9-75, 9-16-75 for viewing and report on violations.

The Zoning Administrator had addressed a letter to the Board stating that violations had been issued to this applicant because of the storage of oil trucks on the residential portion of this property.

The Board deferred this case until October 28, 1975, to see if the violation had been cleared.

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RKO-STANLEY WARNER THEATRES, INC., S-144-75, (Deferred from 9-4-75 for applicant to determine whether or not they could reduce the number of seats in their proposed theatres in order to reduce the amount of parking needed.)

There was a letter in the file that had been received from the applicant stating that they could reduce the number of seats in the existing Cinema 7 theatre in that shopping center by closing the balcony of that theatre. They did not propose to reduce the number of seats in the proposed theatres.

After checking with Preliminary Engineering, it was determined that the maximum seating that would be permitted for the Royal Hawaiaan Restaurant that will open soon where Giant used to be, would 524.

Mr. Smith stated that this is a specific requirement of the Ordinance. The applicant still needs a variance which this Board does not have the authority to grant.

The Board agreed that the applicant should come back in with a plan whereby they can meet the requirements for parking and the Board will consider the Special Use Permit.

The case was deferred for a period not to exceed 30 days.

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AFTER AGENDA ITEM:
MONTESSORI SCHOOL OF NORTHERN VIRGINIA (Request to change hours) The original SUP granted April 25, 1967 after considerable testimony. (See Minutes) Granted for 150 children, 3 to 6 and 6 to 9, 9:15 until 12:15 with remaining students on property until after public school bus traffic ends.

The Board determined that this would require a new application. There was a considerable amount of opposition at the time of the original hearing.

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AFTER AGENDA ITEM:
OUT OF TURN HEARING REQUEST FOR SUMMIT MANOR, INC.

Mr. Smith read a letter from the applicant request this hearing because they already have their Shows scheduled and this will cause them great inconvenience.

Mr. Smith stated that this is no reason for an out of turn hearing.

Mr. Runyon stated that he knew that they have had a lot of problems with their plans with the Building Inspector's Office. They had to rearrange the addition and move it which caused them to need the variance.

The Board then granted the Out of Turn Hearing for October 28, 1975.

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AFTER AGENDA ITEM: BOARD POLICY ON BEAUTY SHOPS IN HOMES.

The Board discussed this problem at length and deferred decision until October 7, 1975.

//
APPROVAL OF MINUTES FOR SEPTEMBER 4, 1975.
Mr. Kelley moved that the Minutes for September 4, 1975, be approved with corrections.
Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Swetnam had left the meeting earlier.

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Jane C. Kelsey
By Jane C. Kelsey
Clerk to the Board of Zoning Appeals

Submitted to the Board on October 7, 1975

Submitted to Board of Supervisors, Planning Commission, County Executive, County Attorney and Real Estate Assessments on

October 30, 1975
(DATE)

Daniel Smith
DANIEL SMITH, CHAIRMAN
BOARD OF ZONING APPEALS

APPROVED October 14, 1975
DATE

388

The Regular Meeting of the Board of Zoning Appeals Was Held on the 7th day of October, 1975 in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes, Tyler Swetnam and Charles Runyon. Harvey Mitchell and Wallace S. Covington were present from the Staff.

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

10:00 - COLUMBIA BAPTIST CHURCH AT BREN MAR appl. under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit day care center for 27 children, ages 2 1/2 to 6 years, Monday through Friday, 81-1((1))9B, Mason District, (5 acres), (R-10), S-168-75.

James A. Dawkins, Minister of Administration, represented the applicant. Notices to property owners were in order. The contiguous owners were James Bruce, 6225 Bren Mar Drive, Alexandria; James Petty, 6215 Bren Mar Drive; Charlie Clyde and Sadie M. Lawrence, 6217 Bren Mar Drive; Virginia R. Whistleman, 6221 Bren Mar Drive; Marvin and Stella Ward, 6211 Bren Mar Drive; Joseph Shifflett, 6312 Indian Run Parkway; LeHigh Portland Cement Co., 718 Hamilton Street, Allentown, Pa.; James Hughes, 6219 Bren Mar Drive; George and Betty Grove, 6223 Bren Mar Drive; Bren Mar Land Development Co., Inc., 962 Wayne Avenue, Silver Spring, Maryland.

Rev. Dawkins stated that they have operated a day care center in Falls Church for eight years. They would like to have 27 children at this location, from 7:30 a.m. to 5:30 p.m. They will not bus the children at this time. They hope to draw their enrollment from the Bren Mar area and the Bren Mar people will have first priority. They will take anyone from other areas however if there are vacancies. They hope to be in operation by January.

This day care center has the complete backing of the congregation of the Columbia Baptist Church at Bren Mar. They have also been in contact with the Bren Mar Civic Association and they have the support of that Association.

Mr. Smith stated that just prior to this meeting, Mrs. Neuless called to indicate her opposition to this case since she said she was unable to attend the hearing. She asked several questions, which Mr. Smith then asked Rev. Dawkins.

In answer to these questions, Rev. Dawkins stated that Bren Mar Baptist Church had financial troubles and in May Columbia Baptist Church merged with Bren Mar Baptist Church in order to alleviate the financial problems. The property was owned by the Mount Vernon Baptist Association. It is now owned by Columbia Baptist Church. He stated that this day care center will be under the same administration as the one in Falls Church. This is a non-profit organization and the papers are on file as such with Internal Revenue.

Mr. Wheeler who lives on Shelton Drive and is the Past President of the Bren Mar Civic Association spoke in support of this application. He stated that he came before the Board last spring to speak in opposition to a day care center that proposed to go into a house. This applicant has met one of the three alternatives that they formerly proposed to the other applicant last spring.

There was no one else to speak in favor and no one to speak in opposition.

RESOLUTION

In application S-168-75 by Columbia Baptist Church at Bren Mar under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit day care center for 27 children, on property located at 6200 Indian Run Parkway, 81-1((1))9B, 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 held on October 7, 1975.

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

1. That the owner of the subject property is Columbia Baptist Church.
2. That the present zoning is R-10.

3. That the area of the lot is 5.0 acres.
4. That compliance with the Site Plan Ordinance is required.
5. That compliance with all applicable State and County Codes is required.

AND, WHEREAS, the Board has reached the following 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 the same is hereby granted with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the 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 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 maximum number of children shall be 27.
7. The hours of operation shall be from 7:30 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 Dept. and the State Department of Welfare and Institutions.
9. Any necessary landscaping or screening shall be provided to the satisfaction of the Director of Environmental Management.
10. Should the applicant decide to transport the children by busses in the future, all busses or vehicles used to transport the children to and from school shall conform to the requirements of the State and County Code as to* Mr. Smith stated that the parking lot is non-conforming as to setbacks from property lines. The church can continue to use that parking lot as they have done previously. However, the eight parking spaces that will be required by the day care center will have to conform to the setback requirements. The school will not be able to park except in that designated area.

Rev. Dawkins stated that he understood this.

The motion passed 5 to 0.
*lighting and color of the bus. Mr. Barnes seconded the motion.

AND PAR CONSTRUCTION CORPORATION

10:20 - RICHARD J. BERGHOLZ/appl. under Section 30-6.6.5.4 of the Zoning Ord. to permit back porch to remain closer to rear property line than allowed by the Ordinance, (25' required, 18.9' from rear), 8711 Mercedes Court, 111-1((18))18, Plantation Estates, (10,991 sq.ft.), Mt. Vernon District, (R-12.5), V-171-75.

Mr. Gary Rappaport, Vice-President of Par Construction Corporation, submitted notices to the Board. The contiguous property owners were Kintz, 8710 Mercedes Court; Fairfax County Park Authority, 4030 Hummer Road; Slotten, 8709 Mercedes Court; and Robinson, 8708 Mercedes Court.

Mr. Rappaport stated that Par Construction Corporation started in 1974. This was their first subdivision for both he and his partner. Of the 23 homes they constructed, there were 7 homes of this design. They received permission to change the setback on 4 of the homes from 40' to 32' because they backed on a State road* Their engineers, Ross and France, advised them as to whether they could put this porch on this style house. They thought the engineer told them that they
*and that road was determined to be the rear yard.

could put this porch on all the houses of this design. They misinterpreted what Ross & France had said and never realized until the houses were complete and checked by the County that lots 8, 17 & 18 were in violation. They had no intention of violating the County regulations and zoning requirements. None of the houses had been sold at the time they put these porches on. All the surrounding landowners do not object to the porches remaining as they were built. He stated that the reason these porches are in violation is because they are too wide. This deck is 18' wide according to the Ordinance as the Zoning Administrator sees it.
Mr. Covington stated that he felt there is some room for misinterpretation here because the Ordinance says that a deck can be no more than 10' wide to extend 10' into the rear setback. It is the Zoning Administrator's interpretation that the width of the deck is measured with the width of the lot. However, everyone might not interpret this wording in this way.

Mr. Runyon stated that that section of the Ordinance could be read both ways; the width might mean parallel to the house or perpendicular to the house.

Mr. Swetnam stated that he certainly could understand how this could be misinterpreted. Ross and France gave the builder a list of houses that this porch would be all right on and these gentlemen figured that every house with this plan would be all right.

The case was recessed until the Staff could obtain a copy of the building permit on this case.
The Staff submitted a copy of the building permit for the file.
// The Board reconvened and Mr. Runyon made the following motion.

RESOLUTION

In application V-171-75 by Richard J. Bergholz and Par Construction Corporation under Section 30-6.6.5.4 of the Zoning Ordinance to permit back porch to remain closer to rear property line than allowed by the Zoning Ordinance (18.9' from rear, 25' required), 8711 Mercedes Court, 111-1((18))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 held on October 7, 1975, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the property is Richard J. Bergholz.
2. Par Construction Corporation was the builder and made the error involved in this case.
3. That the present zoning is R-12.5.
4. That the area of the lot is 10,991 sq. ft.

AND, WHEREAS, the Board 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 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.
FURTHERMORE, the applicant should be aware that this granting does not constitute exemption from the 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 and the motion passed 5 to 0.

Page 391, October 7, 1975

10:35 - PAR CONSTRUCTION CORPORATION AND WALLACE & RUTH SLOTTEN under Section 30-6.6.5.4 of the Zoning Ordinance to permit back porch to remain closer to rear property line than allowed by the Zoning Ordinance, (21.5' from rear, 25' required), 8709 Mercedes Court, 111-1((18))17, County of Fairfax, Mt. Vernon District, (R-12.5), V-172-75.

Mr. Gary Rapport, Vice-President of Park Construction Corporation, submitted notices to the Board which were in order. The property owners were Bergholz, 8711 Mercedes Court; Kintz, 8710 Mercedes Court; Fairfax County Park Authority, 4030 Hummer Road; Robinson, 8708 Mercedes Court; and Casper , 2022 Hoover Lane,Alexandria, Virginia.

Mr. Rappaport stated that Par Construction Corporation started in 1974. This was the first subdivision for both he and his partner. Of the 23 homes they constructed, there were 7 homes of this design. They received permission to change the setback on 4 of the 7 homes from 40' to 32' because it was backing onto a State road. Their engineers, Ross and France, advised them as to whether they could put this porch on this style house. They thought the engineers told them that they could put this porch on all the houses of this design. They misunderstood what Ross and France meant and never realized until the houses were complete and checked by the County that lots 8, 17 and 18 were in violation. They had no intention of violating the County regulations. None of the houses had been sold at the time they put these porches on. All the surrounding landowners do not object to the porches remaining as theywere built. This porch or deck is 19' wide according to the Ordinance as Mr. Covington interprets it. It is only 8' out from the house, however.

Mr. Covington stated that he felt there is some room for misinterpretation here because the Ordinance says that a deck can be no more than 10' wide to extend 10' into the rear setback. It is the Zoning Administrator's interpretation that the width of the deck is measured with the width of the lot. However, everyone might not interpret this wording in this way.

Mr. Runyon stated that that section of the Ordinance could be read both ways; the width might mean parallel to the house or perpendicular to the house.

Mr. Swetnam stated that he certainly could understand how this could be misinterpreted. Ross and France gave the builder a list of houses that this porch would be allowed on and these gentlemen figured that every house with this plan would be all right too.

The case was recessed until the Staff could obtain a copy of the building permit for this house.

When the Staff had obtained this, the Board reconvened and Mr. Swetnam made the following motion.

RESOLUTION

In application V-172-75 by Wallace and Ruth Slotten and Par Construction Corp. under Section 30-6.6.5.4 of the Zoning Ordinance to permit back porch to remain closer to rear property line than allowed by the Zoning Ordinance, (21.5' from rear, 25' required), 8709 Mercedes Court, 111-1((18))17, County of Fairfax, Mr. Swetnam moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public 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 October 7, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Wallace A. & Ruth E. Slotten.
2. That the present zoning is R-12.5.
3. That the area of the lot is 11,964 sq.ft.

AND, WHEREAS, the Board 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 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.

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 5 to 0.

10:50 - RE-EVALUATION HEARING ON SPECIAL USE PERMIT FOR RIDING STABLE, S-182-75, BERNARD C. COX, 3801 Skyview Lane, 58-4((1))54, 8 acres, Providence District, (RE-1), Granted November 14, 1973.

Mr. Blaine Friedlander, attorney for the applicant, represented the applicant-permittee before the Board.

Mr. Smith stated that this re-evaluation hearing was brought about by a series of complaints on the Permittee, Bernard C. Cox.

Mr. Lenn Koneczny, Senior Zoning Inspector, stated that his office received a number of complaints about this Special Use Permit property involving equipment going into and off of the property, parking on the street by employees of the Permittee, the hours of operation of the use, the storing of amusement equipment on the property and the repairing of that equipment, and the traffic in and out of the property which causes this use to impact on the residential community that surrounds it. Mr. Koneczny gave the list of violations and inspections that were made by the Zoning Inspectors. He stated that according to Inspector Atlee, these violations have been cleared. He stated that he and Mr. Atlee inspected the property on July 1 and issued a violation notice for storing amusement equipment, junk vehicles and allowing off-site parking. Mr. Atlee returned to the property on September 13 and found no violations. Mr. Atlee is in Court this morning and could not be present.

Mr. Carpenter inspected on September 27 and was unable to get on the property. The gate was locked. There was one car on the street.

Mr. Furnisen inspected on October 4 and was also unable to get on the property. There was one car in the cul-de-sac which was an International station wagon with Florida tags.

There was one other violation notice issued to Mr. Cox and that was for filling and grading that he was doing without a permit. He has now applied for that permit and the County is in the process of reviewing it.

The Board limited the opposition and the Permittee to 10 minutes each.

Mr. Friedlander spoke to the jurisdictional question and stated that he wondered whether the Board has the right to have this hearing. He stated that he could find no such authority in the Code and commented that the Board had not followed its own rules.

Mr. Edwin C. Woodburn, 3804 Skyview Lane, whose lot abuts Mr. Cox's property, asked the Board to withdraw Mr. Cox's Special Use Permit.

Mr. Smith explained that this is not a revocation hearing, but a re-evaluation hearing to see if the conditions of the Special Use Permit have been violated or if hazardous conditions exist on this property.

Mr. Woodburn stated that there were several of the conditions of the Special Use Permit that Mr. Cox has violated. One was the hours of operation that are limited to 9:00 a.m. to 5:00 p.m., Monday through Friday. The second is the parking that must be on site for all visitors and employees. The third is the storage and repair of vehicles or amusement equipment on the property. He read a log from June 28, 1975 showing the incoming and outgoing traffic to and from this property which included not only trucks with horses in them, but amusement rides also.

In answer to Mr. Barnes's question, Mr. Woodburn stated that he knows that these cars belong to employees of Mr. Cox, or at least they are cars that belong to people who visit Mr. Cox's property. Mr. Woodburn submitted photographs of Mr. Cox's property and the trucks and amusement equipment on the street. Mr. Stanley LeRoy, 3826 Skyview Lane, five houses up from Mr. Cox, stated that he had advised the Board by letter dated April 12, 1975 that Mr. Cox was allowing his horses to trample his yard. This occurred on Saturday, April 5, 1975, when Mr. Cox's employees were unloading horses from a van which was parked across the street. There were from 6 to 10 horses as he recalled. However, he stated that his letter gives all the particulars. He stated that he lives at the top of the hill and can testify that the vans and trucks from Mr. Cox's operation speed on that road. The trucks also frequently break down and the employees repair them on the road. He stated that it is his opinion that these vehicles are operated in a hazardous manner.

In answer to Mr. Smith's question, Mr. LeRoy stated that he had not called the police and he had not discussed this with Mr. Cox.

There was no one to speak in opposition to this use.

Mr. Smith told Mr. Friendlander that in answer to his question on the Board's authority to hold a Re-Evaluation Hearing, he would refer him to Condition No. 3 of the Special Use Permit which states:

> "This approval is granted for the buildings and uses indicated on plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit shall be cause for this use permit to be re-evaluated by this Board. These changes include, but are not limited to, changes of ownership, changes of the operator, changes in signs, and changes in screening or fencing."

Mr. Friedlander stated that he was not satisfied that under the conditions that this condition is a proper condition. He stated that he was speaking strictly from a legal sense.

Mr. Smith stated that he wasn't going to argue the legal point with him. The Board will abide by the rules and regulations that have been checked by the County Attorney as far as the procedures are concerned. The applicant was notified and he has an opportunity to appear here and hear the violations as indicated by the inspectors and alleged to by the neighbors. He stated that this is a very democratic procedure.

Mr. Friedlander stated that he would take issue with the statement regarding the democratic aspect of this hearing. He referred the Board to the 14th Amendment of the Constitution and the other amendement that concerns themselves with the due process of law which the Chairman had alluded to. The letter notifying Mr. Cox of this hearing was non-commital and did not speak to the specific complaints and violations that Mr. Cox could answer.

Mr. Smith agreed that perhaps the letter should have indicated the dates and times of the violations, complaints, etc, but Mr. Cox had been previously issued a violation notice. He stated that all Special Use Permits are revocable if the conditions have not been or are not being met.

Mr. Friedlander stated that he had not seen the photographs; the conditions of the Special Use Permit were vague, and the Special Use Permit did not state any prohibitions as to the type of vehicles that could go in and out of the Permittee's property, and the automobiles that allegedly belonged to Mr. Cox that were being parked in the cul de sac were not identified. He stated that he felt the Board should tell him exactly what the questions are that they are to answer.

Mr. Smith stated that this is the purpose of this hearing.

Mr. Kelley stated that he felt it is fair enough to call a Re-Evaluation Hearing before starting the revocation proceedings. He stated that it was hard for him to understand why that should be questioned.

Mr. Friedlander stated that he disagreed with the Board on this point because of the way the Code is worded. Mr. Friedlander did agree that this Board has the right to place conditions on Special Use Permits. He asked for a deferral of this Re-Evaluation Hearing until the first meeting in November,

Mr. Smith asked Mr. Koneczny if he would prepare a list of the inspection dates, inspector's names and make available to Mr. Friedlander at a mutually agreed time all of the inspectors involved so that they can exchange information on this.

Mr. Woodburn requested that the citizens be given a copy of the information that Mr. Koneczny provides Mr. Friedlander.

Mr. Smith asked Mr. Koneczny to provide Mr. Woodburn with a copy of this report so that everyone would be aprised of what is taking place before final decision in this matter. He requested that Mr. Friedlander answer the questions raised in writing so that the Board would have an opportunity to study them prior to November 6. He stated that unless it becomes evident that the Board needs additional testimony, only written testimony will be taken. He told Mr. Friedlander that any questions of a legal nature that he might have should be addressed to the Chairman and he would discuss them with the County Attorney.
In accordance with Mr. Kelley's motion, Mr. Barnes' second and a unanimous vote, the case was deferred until November 6, 1975, at 2:00 P.M.

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11:20 - MAYO S. STUNTZ AND CONSTANCE P. STUNTZ appl. under Section 30-7.2.9.1.1 Of The Zoning Ordinance to permit antique shop in home, 2596 Chain Bridge Road, 38-3((1))37, (4.8385 acres), Centreville District, (RE-1), S-173-75.

Mr. Stuntz submitted notices which were in order. The contiguous owners were Wessel, Chillicot, Marlan, Woods and Mallon.

Mr. Stuntz stated that he has owned the land totally since 1959. This has been his home since 1917. He stated that he had moved there when he was 2 years old. This was originally a 5 acre tract of land. The Highway Dept. condemned a portion of his land in 1971 for road widening.

Mr. Swetnam stated that he could confirm that this piece of land has been owned by one family, the Stuntz family, since 1917. A Special Use Permit would not run with the property and if that property were disposed of, the Use Permit would no longer be valid. This is a home occupation and is more of a collection type thing rather than a sales store. He stated that he did not feel this would damage the neighborhood.

Mr. Smith stated that the only problem he could see is that this property doesn't meet the 5 acre requirement of the Ordinance. The Board also has to consider the comprehensive land use to a great degree and any other provisions of the section of the Ordinance relating to Special Use Permits.

Mr. Kelley stated that what bothers him is that the memo the Board received from Carolyn Manchester, Area II Plan Manager, Office of Comprehensive Planning stating that this use would appear to violate the spirit of the plan.
He stated that in the past, the Board has denied a Use Permit for an antique shop in this area. That application was made by Mr. Ramey. This will set a precedent and does violate the spirit of the Area Plan.

There was no one to speak in favor or in opposition to this application.

Mr. Smith concurred with Mr. Kelley's statements. He stated that the Specific Requirement is also being violated.

RESOLUTION

In application S-173-75 by Mayo S. & Constance P. Stuntz under Section 30-7.2.9.1.1 of the Zoning Ordinance to permit antique shop in home, 2596 Chain Bridge Road, 38-3((1))37, 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

Page 395, October 7, 1975
STUNTZ (continued)

owners, and a public hearing by the Board held on October 7, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 4.8385 acres.

AND, WHEREAS, the Board has reached the following conclusions of law:
That the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in RR 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 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. Hours of operation are from 1:00 p.m. to 5:00 p.m., Tuesday through Saturday for public visits and sales.
7. No signs or outside display will be permitted.

Mr. Swetnam seconded the motion.

The motion passed 3 to 2 with Messrs. Kelley and Smith voting No.

11:40 - B. ROBERT ROTHENHOEFER, JR. appl. under Section 30-6.6 of Ordinance to permit construction of addition closer to rear property line than allowed by Ord. (19.95' from rear, 25' required), 7407 Lisle Ave., 30-3((8))26, V-176-75.

Mr. Rothenhoefer submitted notices to the Board which were in order. The contiguous owners were Conover, 7409 Lisle Avenue, Falls Church; Preston, 1830 Olmstead Drive, Falls Church; Garlock, 7405 Lisle Avenue, Falls Church; and Adams, 7402 Storm Court, Falls Church. The other nearby property owner was Bottomly, 7410 Lisle Avenue, Falls Church.

Mr. Rothenhoefer stated that he wishes to build an addition to the rear of his residence. His property is zoned R-10 and the lots should be at least 10,000 square feet. However, his is only 8,873 square feet. This deficiency in the lot size accounts for an 11 foot loss off the rear line, making the lot too shallow to build the proposed addition. Due to the small and shallow lot, he stated that he felt he is being deprived of the reasonable use of his land. To build the addition in any other area would be out of configuration with the rest of the development since all utility sheds are in the back. Many of the other property owners in this area have already built additions by right, he stated.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application V-176-75 by B. Robert Rothenhoefer, Jr. under Section 30-6.6 of the Zoning Ordinance to permit construction of addition closer to rear property line than allowed by the Zoning Ordinance, (19.95' from rear, 25' required), 7407 Lisle Avenue, 30-3((8))26, County of Fairfax, Mr. Swetnam moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public 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 October 7, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 8,873 sq.ft.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

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, but asked that a number 3 be added to the conditions, that is: Architectural detail shall conform to that of the existing structure.

Mr. Swetnam agreed.

The motion passed 5 to 0.

AFTER AGENDA ITEM: October 7, 1975

OUT OF TURN HEARING REQUEST - R. O. WELANDER, V-222-75

Mr. Welander by letter addressed to the Board dated September 30, 1975 stated that he wished to have an out of turn hearing because the outdoor construction season is very short and he has been assured by the pool contractor that all work can be completed if started by the first week in November.

Mr. Runyon stated that there is no way the Board can hear the case by the first of November. Therefore, he did not think there would be an advantage to granting an out of turn hearing for November 12 or 19.

Mr. Smith stated that this hardship request is similar to all the other applications that also wish to be heard as soon as possible. The Board has had an extra meeting in September and October to try to keep the schedule as current as possible.

Mr. Runyon moved that based on the evidence presented that the request be denied.
Mr. Kelley seconded the motion since the Board has many such applications.
The motion passed 5 to 0.

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Page 397, October 7, 1975

AFTER AGENDA ITEMS:

BOARD POLICY ON BEAUTY SHOPS AS HOME OCCUPATIONS

At this time, the Board discussed whether or not it should adopt a formal policy on beauty shop applications as a home occupation. This is a question the Board had been discussing at previous meetings at the request of the Zoning Administrator in his memo to the Board dated September 15, 1975.

The Board informally agreed that it did not have a policy or rule in this regard, and while proximity to commercial beauty shops is a valid factor in its considerations, it should not be the sole determining factor in such applications.

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APPROVAL OF MINUTES

Mr. Kelley moved that the Minutes of the Board of Zoning Appeals for September 9, 1975 be approved with the correction relating to the hours of operation for Dr. Gagon's Special Use Permit. He asked the Clerk to check the file to see what Dr. Gagon had proposed in his statement he submitted with his application.

Jane C. Kelsey
By Jane C. Kelsey
Clerk to the Board of Zoning Appeals

Submitted to the Board on

October 14, 1975
Date

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED November 6, 1975
DATE

Submitted to other Boards and Commissions on

Nov. 6 1975
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held on the 14th day of October, 1975 in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes, Tyler Swetnam and Charles Runyon. Harvey Mitchell and Wallace S. Covington were present from the Staff.

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

10:00 - OLIVET EPISCOPAL CHURCH TRUSTEES appl. under Sect. 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of retaining wall and addition to church, 6107 Franconia Road, S-174-75.

10:00 - OLIVET EPISCOPAL CHURCH TRUSTEES appl. under Sect. 30-6.6 of the Zoning Ordinance to permit construction of retaining wall and addition on front property line (45' front setback required), V-175-75.

Ray Steiger, 6004 Ravina Drive, Springfield, Virginia submitted notices to the Board which were in order.

Mr. Steiger stated that about five years ago they began planning this addition to their church. When the Highway Department began the widening process of Franconia and Beulah Roads, they began to try to think of how they could retain this church as the historical landmark that it has been. Their alternative was to find another site for their church, but they were unable to do this. They feel the plan they are bringing to the Board will retain the character of the site and preserve the historical character as well. This is the only original site in the Franconia area. They have tried to integrate their plans with the plans of the Highway Department. They have tried to design their addition to alleviate as much road noise as is possible. Their plans will not adversely affect anyone.

Mr. David Rosenthal, architect with offices in Alexandria, Virginia, explained why they need the variance to place the addition at this location. He stated that this variance request is to permit 23 2/3 linear feet of wall to be placed on the property line, 16 2/3 linear feet would be set back 3' and the final 8 2/3 linear feet would be set back 6' from the front property line for a total distance of 48'. The average wall height would be 14' for this proposed addition. He stated that the request is based on the unusual conditions of the location of the existing building as a result of the State Highway Department's taking of a depth of 30'. That will place the chapel 17 1/2 feet from the new right of way. The existing church building will be 42 1/2 feet from the new right of way line as a result of the taking. The widening of Franconia Road will accomodate 6 lanes of traffic. In order to combat the devastation accompanying this "taking" they devised a plan which will attempt to protect and enhance what remained of the Church's property while at the same time providing a scheme for an addition to the building for worship which would include a more adequate space for the rector, a secretary, and a small meeting room. They feel that by parking on the south end of the site with automobile access well clear of the intersection of Franconia and Beulah Roads, by landscaping the areas adjacent to and enclosed on the west by the existing building and on the north by the chapel, they will provide a green oasis insulated from the surrounding gallop of development. This plan will also provide safety for the children. The proposed addition will be 148' from the intersection and in no way will intrude on the vision for that intersection.
Mr. Steiger submitted letters from the Franconia Volunteer Fire Department and Maude E. Simms supporting the applications.

There was no one to speak in favor or in opposition to the applications.

In answer to Mr. Kelley's question, Mr. Steiger stated that the highest point of the retaining wall will be 4'.

In answer to Mr. Smith's question, Mr. Steiger stated that the chapel was constructed around the late 1890's and the other building was constructed about 1955.

Mr. Rosenthal stated that the chapel is a registered Fairfax County Historical Landmark.

RESOLUTION

In application No. S-174-75 by Olivet Episcopal Church Trustees under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of retaining wall and addition to church, 6107 Franconia Road, 81-3((5))22, Lee District, 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 October 14, 1975, and

WHEREAS, the Board 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 and RE-1.
3. That the area of the lot is 1.83 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board 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 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.

Mr. Barnes seconded the motion. The motion passed 5 to 0.

VARIANCE RESOLUTION

In application V-175-75 by Olivet Episcopal Church Trustees, under Section 30-6.6 of the Zoning Ordinance to permit construction of retaining wall and addition to church on front property line (45' required), 6107 Franconia Road, 81-3((5))22, Lee 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 14th day of Oct.,1975.

WHEREAS, the Board 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 and RE-1.
3. That the area of the lot is 1.83 acres.

AND, WHEREAS, the Board 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) The taking by the State Highway Department of a major portion of the frontage for road widening.
(b) Preservation of a historical building.
(c) Unusual condition of the location of the existing building on the 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.
3. The retaining wall shall not exceed the County requirements for sight distance.

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. Barnes seconded the motion.

The motion passed 5 to 0.

10:20 - WASHINGTON FARM METHODIST CHURCH appl. under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of church building for offices and church school, 3921 Old Mill Road, 110-2((1))9B, 33, 39 and ((9))11B, (1.838 acres), Mt. Vernon District, (RE-0.5), S-177-75

Col. Robinson, East Curtis Avenue, Alexandria, Chairman of the Building Committee for the church, submitted notices to property owners which were in order.

Col. Robinson explained that they had notified Hosely Memorial who was identified in the land records as the record owner of the cemetary that is contiguous to the church property and from whose property line they need a variance. However, the letter to Hosely Memorial was returned. They then notified Mrs. Mann in Waterville, Vermont who would be the acting Trustee for the Hosely Memorial. The church does maintain that cemetary, even though it is not part of the church property.

Col. Robinson stated that this addition will be used for church education purposes. They have an old inadequate frame house on the property now that is used for Sunday School classes and they also hold some of the classes in the minister's home. They feel they are not providing adequate services for their congregation, therefore, they propose to build this addition to their original church building. The original church structure has been there since 1882. It has been refurbished. The proposed structure will be architecturally in keeping with the existing structure. The seating capacity is about 144. The material they will use for the addition will be primarily block with frame or aluminum siding.

In answer to Mr. Runyon's question Mr. G. T. Ward with Ward & Hall Architects showed the Board the architectural drawings of the proposed addition. He stated that they do not wish to have a long bowling alley type structure. The proposed structure will be an L shaped building 26' by 76' and 22' x 28'. The facade will be the same as the existing structure.

There was no one to speak in favor or in opposition to the applications.

RESOLUTION

In application S-177-75 by Washington Farm Methodist Church under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of church building for offices and church school, 3921 Old Mill Road, 110-2((1))9B, 33, 39 & ((9)) 11B, 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 held on October 14, 1975, and

WHEREAS, the Board 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 1.838 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 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 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. Thirty (30) parking spaces are to be provided.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

VARIANCE RESOLUTION

In application V-178-75 by Washington Farm Methodist Church under Section 30-6.6 of the Zoning Ordinance to permit building closer to side property line than allowed by the Zoning Ordinance (within 6' of line, 20' required), on property located at 3921 Old Mill Road, 110-2((1))9B, 33, 39 & ((9))11B, 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 held on October 14, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Washington Farm Methodist Church.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 1.838 acres.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 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, non-residential use permit and the like through the established procedures.

Mr. Kelley seconded the motion.

The motion passed 5 to 0.

10:40 a.m. - COMMUNITY CHURCH OF GOD appl. under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit addition to church 2438 Gallows Road, 39-4((1))28, (24,000 sq.ft.) Centreville District (RE-1), S-182-75.

Rev. James B. Wood submitted notices to the Board which were in order. He also submitted a Petition from twenty-five property owners in the immediate vicinity stating that they do not oppose this proposed addition. He submitted a letter from Mary Anne Lecos, Chairman of the Fairfax County School Board, giving the church permission to use the parking facilities at Dunn Loring Elementary School. He stated that they also have permission from Mr. Dunn, Trustee of the Dunn Loring Park, for them to use the park for overflow parking from the church. He stated that they use busses to bring a number of people to the church and a number of people live close enough to walk. They do not park on the street at any time. They propose to use the same type wood siding for the addition as is in the existing structure.

In answer to Mr. Swetnam's question, Rev. Wood stated that they have not had any architectural work done yet except for a general outline of what they propose to do.

Mr. Runyon asked how they were going to make these additions onto the existing structure without making them look tacked on.

Rev. Wood stated that that is one of the reasons they are anxious to put this addition onto the existing building. The back area of this building was constructed after the first part of the church was constructed and it is constructed on an off-set and the present planned addition will eliminate that off-set and make it appear more balanced and better looking to the community.

In answer to Mr. Runyon's question, Rev. Wood stated that the church is sensitive to the fact that they will have to be concerned about the architectural facade of the addition as it relates to the existing building and they are conscious of their presence in the community and want to do a good job.

Mr. Joseph F. Miller, contiguous property owner, stated that this addition will back up to his garden. That area of land will never and can never be used for anything but a garden. Therefore, this addition will certainly have no adverse impact on his land.

Page 403, October 14, 1975
COMMUNITY CHURCH OF GOD (continued)

Mr. Oscar Dunn spoke in support of the application. He stated that he had lived in this area for 46 years. His brother is the Trustee of the park there. That land was dedicated to the people of Dunn Loring to use as a park forever. He stated that he supported this application because he felt it would make the present building more attractive. He explained the background of this church building. He stated that it was built in 1889. The last addition was put on in 1955. At that time the Methodist Church occupied the building. That addition was put up hurriedly and was an odd size and shape. It was the best they could do with the funds that they had, however. This proposed addition will make the building look like one whole building instead of looking like it has a shed tacked on as it does now.

There was no one to speak in favor or in opposition to the applications.

Mr. Smith read letters from Supervisor Pennino from the Centreville District and Supervisor Magazine from the Mason District in support of these applications.

10:40 - COMMUNITY CHURCH OF GOD, request to permit addition to church closer to rear property line than allowed by the Zoning Ordinance (19' from rear, 25' required), V-183-75.

Rev. Wood stated that the extension would be difficult to build anyplace else because of the existing building development on the land.

RESOLUTION

In application S-182-75 by Community Church of God under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit addition to church 2438 Gallows Road, 39-4 ((1))28, County of Fairfax, Mr. Swetnam moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public 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 October 14, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Trs. of Community Church of God.
2. That the present zoning is RE-1.
3. That the area of the lot is 24,000 sq. ft.
4. That the property is subject to pro rata share for off-site drainage.
5. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board 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 this granting 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. Runyon seconded the motion.

The motion passed 5 to 0.

VARIANCE RESOLUTION

In application V-183-75 by Community Church of God under Section 30-6.6 of the Zoning Ordinance to permit addition to church closer to rear property line than allowed by the Ordinance (19' from rear, 25' required), on property located at 2438 Gallows Road, 39-4((1))28, County of Fairfax, Mr. Swetnam moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public 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 October 14, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Trs. of Community Church of God.
2. That the present zoning is RE-1.
3. That the area of the lot is 24,000 sq. ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 the 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 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 5 to 0.

11:00 - AMOCO OIL COMPANY appl. under Section 30-7.2.10.3.1 of the Zoning Ordinance to permit change of name on Special Use Permit for service station, 5863 Leesburg Pike, 61-2((17))(B)1A, 2 & 3A, (27,582 sq.ft.) Mason District, (CD & CO), S-184-75.

Donald C. Stevens, attorney for the applicant, submitted notices to property owners which were in order. Mr. Stevens stated that he also represents the owner of the property, Potomac Oil Company, that previously operated a Phillips 66 station at this location. Amoco proposes to lease this station and operate it with minor refurbishing and clean-up. They do not contemplate any rental of trucks, trailers, recreational vehicles, etc. at this location. They do propose to keep the free standing sign that is presently there. The new sign for Amoco will be lower than the present sign.

Mr. Smith stated that the Phillips 66 Station has been there for 15 years. There were very unusual circumstances concerning that Special Use Permit because part of the property is zoned C-D and part C-O. He stated that he

Page 405, October 14, 1975
AMOCO (continued)

felt Amoco should be able to keep the free standing sign as long as they do not increase the sign space or height of the sign.

Mr. Covington stated that if they do not have 200' of frontage, it would make them non-conforming and the sign could continue as it is as long as it doesn't change and they use the same sign area.

Mr. Runyon stated that they have 200' of frontage because the property has a curve return with a tangent of 10', making the 200' of frontage.

In answer to Mr. Runyon's question, Mr. Stevens stated that Amoco does not plan any major remodeling and the plats do reflect what they are going to do.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application S-184-75 by Amoco Oil Company under Section 30-7.2.10.3.1 of the Zoning Ordinance to permit change of name on Special Use Permit for service station, 5863 Leesburg Pike, 61-2((17))(B)1A, 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 held on October 14, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Potomac Oil, Inc.
2. That the present zoning is C-D and C-O.
3. That the area of the lot is 27,582 square feet.
4. That compliance with the Site Plan Ordinance is required.
5. That Special Use Permit No. 3020 was granted to Potomac Oil Company on June 21, 1961.
6. That compliance with all applicable State and County Codes is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 not be any display, selling, storing, rental, or leasing of automobiles, trucks, trailers, or recreational vehicles on said property.

Mr. Barnes seconded the motion and the motion passed 5 to 0.

11:15 - MOUNT VERNON PARK ASSOCIATION appl. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit construction of a new bath house, 8042 Fairfax Road, 102-2((1))4, (8.311 acres), Mt.Vernon District, (R-12.5) S-185-75.

Mr. John Harris, 1500 Belle View Blvd., Alexandria, Virginia, attorney for the applicant, submitted notices to property owners which were in order.

Mr. Harris explained that the Health Department has told them that their present bath house is inadequate for the number of people they now have in their association. They are proposing to build a new bath house and use the old one for storage. They have a membership of 600 families. They do not anticipate any new membership. There will be no change in the facilities other than this additional structure. Since the architect drew these plats, they have purchased 2 1/2 acres of land. They have no immediate plans for the use of this additional land.

Mr. Smith stated that some of the parking spaces on the plats before the Board are in the setback area. They will have to be deleted.

Mr. Kelley stated that if those spaces are deleted, the organization might not have enough spaces to accomodate the cars.

There was no one to speak in favor or in opposition to this application.

The hearing on this case was recessed until October 28, 1975 in order for the applicant to verify the land area to include the two new parcels of land they had just purchased. In addition, the plats must show the parking layout in accordance with the Zoning Ordinance. The parking cannot be in any required setback, nor within 25' of any other property line.

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11:30 - HOWARD J. PFEFFER appl. under Section 30-6.6 of the Zoning Ordinance to permit construction of carport closer to side property line than allowed by the Ord. (6' from side, 15' required), 8705 Millbrook Place, 110-1((14))(1)29, (20,927 sq.ft.), Mt. Vernon District, (RE-0.5), V-187-75.

Mrs. Pfeffer submitted notices to the Board which were in order.

Mrs. Pfeffer stated that they have limited use of the land due to a 30 degree slope at the rear of the lot covering 31% of the total area. In addition, the lot lines angle in toward the rear of the lot causing them to need a larger variance on the rear of the carport. The width of the carport is 16'. At the back of the carport is a brick shed, 8' in width.

Mr. Runyon stated that there is a 4' areaway between the proposed carport and the house that goes down to the basement. That would make the carport 12' wide.

Mr. Smith stated that the proposed shed is 8'. The Board policy has been to allow a 4' shed at the end of the carports but not anything any larger. Actually, in this case the shed needs the largest variance. The front portion of the carport only needs a 4' variance because the lot is larger and wider at that point.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

Mr. Swetnam moved that the application be amended to include the shed 8' in width.
Mr. Runyon seconded the motion. The motion passed 3 to 2 with Messrs. Smith and Kelley voting No.

In application V-187-75 by Howard J. Pfeffer under Section 30-6.6 of the Zoning Ordinance to permit carport and 8' shed to be constructed closer to side property line than allowed by the Zoning Ordinance (6' from side, 15' required) 8705 Millbrook Place, 110-1((14))(1)29, County of Fairfax, Mr. Swetnam moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public 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 October 14, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 20,927 sq.ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:
(a) exceptionally irregular shape of the lot,
(b) exceptional topographic problems of the land,
(c) unusual condition of the location of existing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted 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 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 2 with Messrs Smith and Kelley voting No.

Mr. Kelley stated that the only reason he could not support the resolution was because of the fact that it is granting a 60 percent variance from the requirement of the Ordinance and the other lots in that area are smaller than this one. He stated that he realized that this particular lot has topography problems, but he felt the Board is setting a precedent and he also feels that this is not a minimum variance.

Mr. Smith stated that he concurred with Mr. Kelley's statements.

11:45 - A. ROBERT LOWRY appl. under Sec. 30-6.6 of the Zoning Ordinance to permit addition of garage closer to front and side property line than allowed by the Zoning Ordinance (44.4' from front, 50' required; 15.5' from side, 20' required), 5001 Dodson Drive, 71-4((13))14, (20,016 sq.ft.), Annandale District, (RE-0.5), Tall Oaks Subd., Section 2, V-165-75 (Deferred from Sept. 24, 1975 for full hearing and for proper notices).

Mr. Don Bowman, 4085 Chain Bridge Road, Fairfax, Virginia, attorney for the applicant, submitted notices to property owners which were in order.

Mr. Bowman stated that Mr. Lowry had to be out of town and was not present for this hearing, but Mrs. Lowry was present.

Mr. Bowman stated that the necessary setback cannot be met because of the angle and position of the existing house on the lot. He stated that if the house had been placed straight across the lot, the variance would not have been necessary.

The proposed garage will be of brick to match the existing house and will be aesthetically pleasing and compatible with the neighborhood. There is an existing carport on the property now, they are just going to add to it and make a two car garage.

In answer to one of the Board members questions, Mr. Bowman stated that the applicant will agree to cut the garage down some. The applicants plan to continue to live at this location and this addition is for their own use and not for resale purposes.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application V-165-75 by A. Robert Lowry under Section 30-6.6 of the Zoning Ordinance to permit garage addition closer to front and side property line than allowed by the Ordinance (44.4' from front requested, 50' required; 15.5' from side requested, 20' required), 5001 Dodson Drive, 71-4((13))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 held on October 14, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 20,016 square feet.

AND, WHEREAS, the Board has reached the following conclusions of law:
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:
-- unusual condition of the location of the existing building.

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

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

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

3. Architectural detail shall conform to that of the existing structure.

4. The width of the garage along the building face shall not exceed 23 feet.

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. Swetnam seconded the motion.

The motion passed 5 to 0.

12:00 Noon - MT. VERNON MASONIC LODGE #219 AND NINA D. BROLIN, application under Section 30-6.6 of the Zoning Ordinance to permit variance to requirement of 3 acre minimum open space for cluster development, 225'± South of intersection of Mt. Vernon Hwy. and Sunny View Drive, 101-4 ((1))Parcel 27 & 27A, (115,870 sq.ft.), Mt. Vernon District, (R-12.5), V-166-75. (Deferred from 9-24-75 for meeting with citizens and for a revised showing how many lots could be obtained without cluster type development)

Mr. Ray Crist, representing the applicant, had submitted a sketch of how many lots could be obtained without cluster development. He could get seven lots. However, he stated that if he developed in this way, the trees would have to be removed. He stated that they had had a meeting with the citizens in the area and the basic modification on the original plan was to remove one lot. Therefore, they would have seven lots with either type development, but with the cluster type development, they could save the trees and have some open space.

Mr. Crist stated that it amounts to confiscation of the land, if they have to cut down the trees in order to develop this property.

Mr. Smith stated that Preliminary Engineering Department took the time to make some suggestions as to how this property could be developed with six lots and still save the trees without clustering.

Mr. Elroy Allen, contiguous property owner, stated that he preferred the cluster concept being used at this location as long as Mr. Crist promises to remove the 8th lot as he has shown on the drawing before the Board.

Mr. Ted Borgna, another contiguous property owner, stated that he would also prefer the cluster concept for development of this property if the proposed driveway for the house with a separate entrance onto Ayers Drive is near where it would be for the development according to the straight zoning.

Mr. Crist stated that it would be about the same location.

Mr. Runyon stated that he favored the cluster layout, but he did not know how or if the request complies with the requirements of the hardship section. Mr. Smith stated that if there is an alternative method of developing this or any parcel of land without a variance, then the Board has no power to grant that variance. The cluster might be a better plan, but the Board has to consider the Ordinance. The applicant has not presented a hardship under the Ordinance.
Mr. Runyon moved that the case be deferred until the next meeting, October 22, 1975.

Mr. Kelley stated that he would not be present next week.

Mr. Barnes stated that he would second the motion only if there would be a full Board.

The motion died for lack of a second since Mr. Kelley would be absent next week, October 22, 1975.

RESOLUTION

In application V-166-75 by Mt. Vernon Masonic Lodge #219 and Nina Brolin under Section 30-6.6 of the Zoning Ordinance to permit variance to required 3 acre minimum open space for cluster development, 225'± of intersection of Mt. Vernon Hwy. & Sunny View Drive, 101-4((1))27 & 27A, 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 held on October 14, 1975, and

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Mt. Vernon Masonic Lodge #219. Nina Brolin is the contract purchaser.
2. That the present zoning is R-12.5.
3. That the area of the lot is 115,870 sq.ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 involved.

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

Mr. Kelley seconded the motion.

The motion passed 5 to 0.

AFTER AGENDA ITEMS:

Mr. Kelley moved that the Minutes of the Board for September 16 and September 24, 1975 be approved with corrections.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

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AFTER AGENDA ITEM - OCTOBER 14, 1975 - OUT OF TURN HEARING REQUEST
BELLE HAVEN COUNTRY CLUB

Mr. Robert Lawrence, attorney for the applicant, stated that if they could not get the cover constructed for their tennis courts before the winter months, they would loose a considerable amount of money. The Club is trying to go ahead with their plans to construct additional parking facilities and an addition to their Club house. The reason they have taken so long to come before the Board with this request is because all this work is done by volunteers of the Club. These volunteers are not familiar with all the work that must be done to prepare a case to be heard before the Board and it, therefore, takes them much longer to get the application, plats, etc. ready.

The Board granted the out of turn hearing for November 12, 1975, since there were only variances scheduled for that date and variances usually do not take as long as Special Use Permits do to be heard.

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The meeting adjourned at 1:40 P.M.

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Jane C. Kelsey

By Jane C. Kelsey
Clerk to the Board of Zoning Appeals

Submitted to Board on Oct. 22, 1975
Submitted to other Depts & Bds. Nov. 6, 1975

Daniel Smith

DANIEL SMITH, CHAIRMAN

APPROVED November 6, 1975
(DATE)

411

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building, Wednesday, October 22, 1975. Members present: Daniel Smith, Chairman; Tyler Swetnam; and Charles Runyon. Harvey Mitchell and Wallace Covington were present from the Staff. Loy Kelley and George Barnes were absent.

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

10:00 a.m. - PEARL M. VIA, T/A PEARL VIA'S BEAUTY SALON appl. under Sect.30-7.2.6.1.5 of the Ord. to permit one chair beauty salon in home, 6416 Virginia Hills Avenue, 92-2((2))(11)24, (10,003 sq.ft.), Lee Dist., (R-10), S-188-75.

Mr. Jim Moore, 103 South St. Asaph Street, Alexandria, attorney for the applicant, submitted notices to property owners to the Board. The notices were in order. He had notified all contiguous and all property owners across the street.

Mr. Moore stated that Mrs. Via wishes to have a one-chair beauty shop operation. She would like to have four customers per day, no more than one at a time. There is room in the driveway for one car to leave and one come in at the same time. Mrs. Via has just finished beauty school. However, she worked with a licensed beautician as part of her training. She is a housewife who would like to earn a little extra money and help meet the need for this use in this neighborhood. It is about three miles to the closest established commercial area.

There was no one to speak in favor of the application.

Mr. Ray France who lives directly behind the Vias stated that he is not in opposition, but he would like several questions answered.

In answer to his questions, Mr. Smith stated that the applicant could never have more than a one chair operation. This is a limitation of the Zoning Ordinance. If this Special Use Permit is granted, it is not transferable to anyone else for any reason without that applicant first coming to this Board with an application just as Mrs. Via has. Should Mrs. Via sell the property, the new tenant could not automatically have a beauty shop just because Mrs. Via had one. That tenant would have to file a new application and go through the same public hearing process.

RESOLUTION

In application S-188-75 by Pearl M. Via T/A Pearl Via's Beauty Salon under Section 30-7.2.6.1.5 of the Zoning Ordinance to permit one chair beauty shop in home, 6416 Virginia Hills Avenue, 92-2((2))(11)24, 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 held October 22, 1975.

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

1. That the owner of the property is Ralph E. Via, husband of the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 10,003 sq.ft.

AND, WHEREAS, the Board has reached the following 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 application 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 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 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 9:00 a.m. to 4:00 p.m., Monday through Saturday.
7. The number of patrons is not to exceed an average of four (4) per day.
8. All parking shall be on site in the existing driveway with no parking in the street.

Mr. Swetnam seconded the motion.

The motion passed 3 to 0. Messrs. Kelley and Barnes were absent.

10:20 a.m. - MT. VERNON PLAZA ASSOC., A JOINT VENTURE, V-189-75

Mr. Bernard Fagelson, attorney for the application, submitted notices to the Board which were in order.

Mr. Smith stated that there was not a full Board present and he could request a deferral for a full Board if he desired.

Mr. Fagelson stated that he did desire a deferral for a full Board.

The Board set the deferral time to 11:45 a.m., November 6, 1975.

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10:35 a.m. - DONALD J. BLAKESLEE appl. under Section 30-6.6 of the Zoning Ord. to permit enclosure of carport closer to side property line than allowed, 6515 Lily Dhu Lane, V-190-75.

Mr. Blakeslee submitted notices to the Board which were in order.

He stated that his existing carport already extends 4.9' into the side yard setback. He wishes to enclose one end of that carport. The lot is very narrow and there is no room on the lot for additional construction. He stated that he intends to leave the front of the carport open.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application V-190-75 by Donald J. Blakeslee under Section 30-6.6 of the Zoning Ordinance to permit side yard of 15.3' for enclosure of carport, 6515 Lily Dhu Lane, 61-1((8))27, 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 held on October 22, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 21,808 sq.ft.

Page 413, October 22, 1975
BLAKESLEE (continued)
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/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 responsible for fulfilling his obligation to obtain building permits and the like through the established procedures.

Mr. Swetnam seconded the motion.

The motion passed 3 to 0. Messrs. Kelley and Barnes absent.

10:50- TUCKAHOE RECREATION CLUB, INC., S-191-75
a.m.
Mr. Ken Echols stated that he had not notified property owners in accordance with the new law. He apologized and stated that if the Board would defer this case until a later date, he would notify the property owners by certified mail, return receipt requested, in accordance with the new state law.

The Board set the new hearing date for 12:00 NOON, November 12, 1975.

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11:00 - HAYFIELD ANIMAL HOSPITAL appl. under Section 30-7.2.10.2.6 of the
a.m. Zoning Ordinance to permit construction of small animal hospital, S-192-75.

Mr. Richard Chess, attorney for the applicant, submitted notices to property owners which were in order.

Mr. Chess stated that this property is under contract to purchase. A copy of that contract is in the file. He stated that he also represents the landowner and both parties are treating this contract as a binding contract contingent upon the issuance of the Special Use Permit.

Mr. Chess stated that it is anticipated that this small animal hospital will have two doctors and three staff people. The hours are proposed to be from 8:00 a.m. to 8:00 p.m. They will, of course, open up for emergencies during off hours. The proposed building will be soundproofed and odor proofed. There will be no outside kennels. The building will be constructed with brick and it will be a one story building.

There was no one to speak in favor or in opposition to the application for the Special Use Permit.

11:00 - TEXSTORE PROPERTIES, CORP. AND HAYFIELD ANIMAL HOSPITAL appl. under Section 30-6.6 of the Zoning Ordinance to permit waiver of screening requirements relating to alignment and location, V-193-75.

Mr. Richard Chess, attorney for the applicants, submitted notices which were in order. He stated that he is not certain if they need a variance. The property contiguous with this property on the northeast is the Southland Corporation which has constructed a 7-11 Store there. There is existing Fairfax County Standard Screening along the rear of the property. They propose to allow that to remain intact. They request that along the south property line that they would not have to put in the Standard Screening.

Mr. Smith stated that this is a requirement set forth in the Site Plan Ordinance and he stated that he had some question whether this Board has the authority to grant such a waiver.

Mr. Runyon stated that the Standard Screening requirements have been changed. He recommended that the Board defer this variance request until the applicant has been through the Site Plan Department.

Mr. Clarence Bahr, 7732 Telegraph Road, contiguous property owner to the south arrived and stated that he wished to oppose the variance request.

Mr. Smith explained that that variance request would not be granted until the applicant has gone through the Site Plan Department. It will come back to this Board only if that Department cannot resolve the problem. He told Mr. Bahr that he would have to be contacted prior to any waiver of this requirement.

RESOLUTION

In application S-192-75 by Hayfield Animal Hospital under Section 30-7.2.10.2.6 of the Zoning Ordinance to permit construction of a small animal hospital, 7724 Telegraph Road, 100-2((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 held October 22, 1975.

WHEREAS, the Board of Zoning Appeals has made the following findings of fact:
1. That the owner of the subject property is Texstore Properties, Corp. The applicant is the contract purchaser.
2. That the present zoning is C-N.
3. That the area of the lot is 15,033 sq.ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 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 hours of operation are to be from 8:00 a.m. to 8:00 p.m., Monday through Friday, and 8:00 a.m. to Noon on Saturday.
7. Parking and screening shall be in conformance with the requirements of the Dept. of Environmental Management.
8. All odor and noise shall be confined to the site and shall be within an enclosed building which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property.

Mr. Swetnam seconded the motion. The motion passed 3 to 0. Messrs. Kelley and Barnes absent.

Page 415, October 22, 1975

The Board recessed because the Board of Supervisors needed the Board Room for Bond Sales.

The Board reconvened at 1:40 P.M. to continued with the scheduled Agenda.

1:20 p.m. - STEPHEN W. POURNARAS appl. under Section 30-6.6 of the Zoning Ordinance to permit building closer to residential zoning boundary line than is allowed by the Ordinance, V-205-75, OTH.

Mr. Pournaras, 6142 Tompkins Drive, McLean, Virginia, submitted notices to the Board which were in order.

Mr. Pournaras stated that this parcel of land was zoned C-OL about ten years ago. He worked in conjunction with the McLean Planning Committee and the adjoining property owners to arrive at what they felt was the best location for the building on the property. He had originally planned to place the building on the other side of the property next to Dolly Madison Blvd. However, the citizens and the Planning Committee suggested he move the building to the other side facing Chain Bridge Road in order to facilitate the extension of Fleetwood Road into Elm Street. This Board granted a variance to allow this change on January 22, 1974. After much discussion with the adjoining property owners and contract purchaser, it wasn't until September 1974 that they were able to effect the swap of land necessary for this road extension. At that time, the interest rates were so high that he wasn't financially able to build the building. He therefore delayed a few months. After that, he ran into the problem of getting a sewer tap. That is why the variance expired and he is again before the Board for the same variance. There have not been any changes in the plat that was approved by the Board previously. The site plan has been approved.

Mr. Smith stated that the Board has a memo from Carolyn Manchester, Area II Plan Manager, stating that the subject parcel is sandwiched between two current rezoning applications, C-503 for C-OL in conformance with the Area II plan, and C-530 for C-RMH or 40 residential units per acre. The plan calls for PDH, 20 units per acre for that parcel. Ms. Manchester suggested that the Board take these rezoning cases into account in considering the application.

Mr. Covington stated that under PDH, there could be a higher building than the building Mr. Pournaras is proposing.

Mr. Pournaras stated that his proposed building will be 30 feet high.

Mr. Runyon stated that this is a narrow lot and it has a road on the other side. If Mr. Pournaras moves the building to the other side, he would have to set back from the road.

There was no one to speak in favor or in opposition.

Mr. Smith stated that no matter where Mr. Pournaras moves the building, it would require a variance.

RESOLUTION

In application V-205-75 by Stephen W. Pournaras under Section 30-6.6 of the Zoning Ordinance, to permit building to be constructed on residential boundary line, 6870 Elm Street, 30-2((1))1 & ((10))(6)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 held October 22, 1975, and

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

1. That the owner of the property is the applicant.
2. That the present zoning is C-OL.
3. That the area of the lot is 13,499 sq.ft.
4. That a previous variance was granted to allow this construction on January 22, 1974, which variance will expire on this date.

416

AND, WHEREAS, the Board has reached the following conclusions of law:
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:
-- 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 upon whichever of the following shall last occur:
a. Twelve months from this date unless construction has started or unless renewed by action of this Board,
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.

FURTHERMORE, the applicant should be aware that granting of this action 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. Swetnam seconded the motion.

The motion passed 3 to 0. Messrs. Kelley and Barnes were absent.

DEFERRED CASE:
1:40 - CALVARY CHRISTIAN CHURCH, S-121-75 (Deferred from August 1, 1975 at the p.m. request of the applicant.)
Mr. Smith read a letter requesting withdrawal of this application.
Mr. Swetnam moved that the Board in accordance with the applicant's request withdraw this application.

Mr. Runyon seconded the motion.

The motion passed 3 to 0. Messrs. Kelley and Barnes were absent.

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CENTREVILLE HOSPITAL MEDICAL CENTER, INC. S-228-71 (Deferred in order that the applicant could have an opportunity to comment on a list of items listed in the resolution by the Board of Supervisors granting the extension to the sewer hookup.) The applicant submitted answers to all those items. The applicant could not get the Agreement signed by all parties. The applicant signed the Agreement, but the shopping center refused to sign it. The County Executive's Office is now redrafting the Agreement whereby Centreville Hospital Center can execute an Agreement separately from the shopping center.

Mr. Runyon moved that this decision be deferred until this Agreement is signed.

Mr. Swetnam seconded the motion. The motion passed 3 to 0. Messrs. Kelley and Barnes absent.

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AFTER AGENDA ITEM: KEY TO LIFE ASSEMBLY, REQUEST FOR OUT OF TURN HEARING.

This church was previously granted a Special Use Permit for a term of two years to use an existing building on the property.until they could build a new building. The two years will lapse on November 21, 1975 and they have not built the new building. They would like the Board to hear an application for renewal of this Special Use Permit on November 19, 1975, in order that they can continue to meet in the existing building until they get their new building constructed.

Mr. Runyon so moved that this request be granted.

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

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Page 417, October 22, 1975

AFTER AGENDA ITEM: MOBIL OIL CORP., S-85-71, granted January 25, 1972

Mobil sent a letter requesting that they be allowed to put a trash container on the property. They sent amended plats showing this trash container.

After some discussion, Mr. Runyon moved that the request be granted.

Mr. Swetnam seconded the motion.

The motion passed 3 to 0. Messrs.Kelley and Barnes absent.

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The meeting adjourned at 2:00 P.M.

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Jane C. Kelsey
By Jane C. Kelsey, Clerk to the
Board of Zoning Appeals

Submitted to the Board of Zoning
Appeals on October 28, 1975

Submitted to Board of Supervisors,
Planning Commission, County Attorney,
County Executive, and Real Estate
Assessments on Dec. 16, 1975.

Daniel Smith
Daniel Smith, Chairman
Board of Zoning Appeals

APPROVED December 10, 1976
DATE

An Extra Meeting of the Board of Zoning Appeals Met on the 28th day of October, 1975, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes; Tyler Swetnam; and Charles Runyon. Harvey Mitchell and Wallace Covington were present from the Staff.

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

10:00 a.m. - VULCAN QUARRY AND FAIRFAX QUARRIES, INC. -- ANNUAL REPORT.

Mr. Jack Maize, Inspector Specialist in the Office of Zoning Enforcement, stated that the Restoration Board conducted its annual inspection of this quarry on October 9, 1975. Mr. Maize stated that generally during the past twelve months, Vulcan Quarry (Graham-Virginia Plant) has met all conditions prescribed under their special use permit. In his judgment, there are no additional requirements that need be considered at this time by the Board of Zoning Appeals. They plan to continue surveillance of all existing quarry limitations and will strive to improve air quality. A joint study of suspended particulates has been conducted during the past twelve months in the Occoquan area in a joint study by Fairfax County and Vulcan Materials Co.

Mr. Jimmy Nelson, Chief of Monitoring and Engineering, Air Pollution Control, Fairfax County, had earlier submitted a report to the Board on his studies and the results of those studies. He gave the Board the highlights of those studies. He stated that his recommendation would be that he would like to see the large stockpile moved to a better location or an improvement be made in the movement activities. He stated that if the stockpile was left dormant, the particulate blowoff would decrease, but the company is continually adding to and taking away from it causing the blowoff to be greater. If the company could do something to help this problem, it would improve the dust conditions. The company does try to keep the surface of that pile damp which does help to some degree.

Mr. Robert M. Stewart, project engineer for Vulcan with offices at #1 Metroplex Drive, Birmingham, Alabama, submitted Vulcan's Occoquan Dust Study dated October 24, 1975 to the Board. This report is in the file. He stated that the four test stations are identical to 1974's stations. The report showed that there has been a decrease in the dust since last year. The weekly average is 17.7% less than reported last year. He stated that this reduction is believed to be partially attributable to the use of water trucks on weekends as recommended last year. However, it is also believed that the majority of the reduction in the weekly averages can be attributed to the increase in rainfall experienced during this test period as compared to the 1974 test period. He asked that Vulcan be allowed to wet down the blast area prior to setting off the charge. He stated that they could not spray the blast area during the blast. The Federal EPA did not include blasting in their standards as far as the amount of dust that would be allowing during a blast.

Mr. Bob McCrary, General Manager, Northern Virginia Area for Vulcan, 4324 Mariner Lane, Fairfax, Virginia, stated that the company is fairly on schedule as far as being completed at this location within five years. However, production has slowed this year due to the economy. This is still the closest quarry operation to D. C. Vulcan still uses water transportation for deliveries in the D. C. area.

Mr. Jack Maize submitted some photographs to the Board showing the quarry area with and without the use of water to control the dust. This experiment was done by the Company's engineer since there was quite a bit of diversion of opinion as to whether or not the industry should go to a bag-house operation versus water for dust control. He stated that the photographs speak for themselves in showing that the water method is controlling dust.

Mr. Smith stated that if this operation were to continue for a number of years, he would think the dust screen should be used. However, since this is only a five year temporary use, he felt the water method of controlling dust is satisfactory.

Mr. Maize stated that Vulcan is making every effort to control their own problems through their operations. He stated that he has no additional recommendations to the Board for any additional limitations or conditions.

Mr. Smith stated that any time the crusher is in operation the water system

is also in operation.

Mr. Covington stated that the Board does not have a report from the Restoration Board because the Acting Chairman, Carol Whitcomb, had a difference of opinion about the housekeeping of this quarry. He stated that he agreed that the company could have done a better job of cleaning up around the crusher. Carol Whitcomb was concerned about the safety of the workers and that safety had a bearing on the housekeeping practices of Vulcan.

Mr. Smith stated that the safety of the workers is something that is controlled by the State and Federal agencies.

Mr. Covington stated that there was a great deal of dust at the various focal points where the workers load and unload. It is a spillage from the crusher and trucks.

Mr. Maize confirmed this. He stated that he could suggest to the personnel that they keep those areas cleaner. It is not dust, but fine stone and rock particles. This is something that will require action from the local management.

In answer to Mr. Runyon's question, Mr. McCrary stated that the run-off from the use of the water to control the dust goes into the pit where it settles out and is pumped into a storage tank which they use again in the watering trucks. In cases of excessive rainfall they do pump into the Occoquan from the water pit. They use a wetting additive in order that they do not have to use so much water for the wetting down process. They keep the pump 6 or 8 feet from the bottom of the pit to keep the mud from going back into the storage tanks or into the Occoquan.

There were no comments from any of the people in the audience.

The Board accepted the annual report on Vulcan Materials Company quarry located at Occoquan.

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FAIRFAX QUARRY

Mr. Maize stated that the Restoration Board conducted its annual inspection of this quarry on October 9, 1975 and concluded that:

1. This quarry is operating in compliance with all the requirements of its special use permit.
2. Roads in the area indicate that there is no appreciable spillage of material from trucks hauling stone from this quarry.
3. Considerable grading and landscaping along Lee Highway has been accomplished in the past year. The main entrance to the quarry is most attractive.
4. Progress has been made in the achievement of their long range restoration plan. The entire quarry has been fenced and now provides a high degree of security and protection to the general public.
5. The Restoration Board has no recommendations for additonal restrictions for the health, safety and welfare of the general public with respect to quarry operations.

There were no other reports on this quarry.

The Board accepted this annual report.

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10:30 a.m. - FALLS CHURCH COMMUNITY SERVICE COUNCIL DAY CARE CENTER appl. under Sect. 30-7.2.6.1.3 to permit day care center, 6165 Leesburg Pike, S-194-75.

The hearing began at 10:45 a.m.

Mr. Alfred J. Burrows, Chairman of the Center, submitted certified notices to property owners to the Board. He had not asked for return receipts as he misunderstood the letter of notification from the Board.

Mr. Smith accepted the notices.

Mr. Burrows stated that there is a copy of the agreement between the Center and the First Christian Church that allows the Center to use the church facilities. He submitted Articles of Incorporation for the Center to the

Board.

In answer to Mr. Kelley's question, Mr. Burrows stated that they have one bus that transports the majority of the children to and from school. This bus is equipped and lighted in accordance with the State standards.

In answer to Mr. Kelley's question, he stated that there is no other day care facility in this church.

Mr. Burrows stated that this Center has been in continuous operation at this location since its original authorization by state and county licensing and special use permit action by this Board on September 16, 1970. Until recently, the center has operated as a semi-autonomous affiliate of the Annandale Community for Christian Action (ACCA) under the general direction of an all-volunteer day care center committee. In October 1973, the Falls Church Community Service Council (FCCSC) became a formally constituted, functional, non-profit corporation with essentially the same purposes and objectives as those of ACCA, but with a different geographical service area within the county.

Mr. Burrows stated that this Center proposes to have 60 children, 2 1/2 years through 12 years of age, Monday through Friday, 7:00 a.m. to 7:00 p.m.

Mary Lou Beatman, 3825 Oliver Avenue, Annandale, Virginia, Fairfax County's Day Care Coordinator, spoke in support of this application. She stated that this is a County subsidized Center. It has been in operation about five years and it was set up to serve low income families.

There was no one else to speak on the application.

RESOLUTION

In application S-194-75 by Falls Church Community Service Council Day Care Center under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit day care center, 6165 Leesburg Pike, 51-3((1))25, 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 held on October 28, 1975,

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

1. That the owner of the property is First Christian Church of Falls Church.
2. That the present zoning is R-12.5.
3. That the area of the lot is 6.825 acres.
4. That compliance with Site Plan Ordinance is required.
5. That compliance with all applicable State and County Codes is required.
6. That a day care center has been operating at this location pursuant to S-151-70, granted to ACCA on September 15, 1970. When inquiry was made about changing the affiliation to present applicant last June, it was discovered that S-151-70 had expired on September 15, 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 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

421

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 constiute 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 60, 2 1/2 to 12 years of age.

7. That the hours of operation shall be 7:00 a.m. to 7:00 p.m., Monday through Friday.

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. That landscaping and screening is to be provided to the satisfaction of the Director of Environmental Management.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

10:50 a.m. - ANTHONY A. NASIF, D.D.S., appl. under Section 30-7.2.6.1.10 of the Zoning Ordinance to permit general practice of dentistry, 6528 Braddock Road, 72-3((2))13, (.51 acres), Annandale District, (RE-0.5), S-195-75.

The hearing began at 11:20 a.m.

Mr. Russell Rosenberger, 9401 Lee Highway, Fairfax, attorney for the applicant, submitted notices to property owners which were in order. He stated that Mr. and Mrs. Nasif are the contract purchasers of this property. This property is located along Braddock Road which is a four lane highway. Access to the property is off Braddock Road. The property is immediately adjacent to an elementary school and is 100' from a church. This property has been on the market for about two or three years and has been vacant most of the time. He submitted a letter from Mr. Goodheart, the realtor, concerning the problems he has had trying to sell this property.

Mr. Smith stated that that had no bearing on this request for a dentist office. He did accept the letter for the record.

Mr. Rosenberger stated that eight parking spaces have been proposed. Other than putting in those parking spaces and adding additional landscaping and screening, the property will remain in its natural state. There will be no exterior changes except for painting and the parking lot. Dr. Nasif proposes to add a carriage type residential yard light in the front of the property to which he would affix his identification sign in accordance with the Ordinance. This use will not create any traffic hazards. Braddock Road is a well traveled road. They will not use any subdivision streets for this use. The property at this time is serviced by public water and a septic field. However, the sanitary sewer taps have been paid for this property and Dr. Nasif intends to connect to the public sewer. The office hours will be in accordance with the Ordinance, 8:00 a.m. to 8:00 p.m. with no evening hours except for emergencies.

In answer to Mr. Smith's question, Mr. Rosenberger stated that Dr. Nasif presently practices in Clinton, Maryland. He resides in Burke, Virginia.

Dr. Nasif stated that in Maryland he is associated with another dentist in an office building.

In answer to Mr. Smith's question, Mr. Rosenberger stated that the closest office building to this property is an insurance building near Route 236 behind Memco. He stated that Dr. Nasif does not plan to live in this building. The building is not large enough for use as a dentist office and to live in also. He stated that the applicant would comply with Preliminary Engineering's request to put in the 22' wide travel lane.

Mary Ann Sexton, 5201 Cherokee Avenue, President of the Lincolnia Park Civic Association, spoke in opposition to this application because their association feels that this use will introduce commercialism into their residential area.

In rebuttal, Mr. Rosenberger stated that the parking lot for this use is immediately adjacent to the parking lot for the elementary school. In addition, they plan to landscaping the rear of the property in order that this use will be entirely screened from the residential community.

In answer to Mr. Runyon's question, Mr. Rosenberger stated that the reason they propose to have eight parking spaces even though they only will have two people there is should the practice increase, he would add an additional employee as permitted under the Ordinance.

Mr. Runyon stated that in reading the standards for Special Use Permit uses in residential zones, he feels that this application does meet those standards.

Mr. Smith stated that it also has to meet the general standards such as safety. He stated that he is concerned about the elementary school next door and the hazard this might create for the students. He also stated that there is medical office space in the area and that there is no real need for this dentist office in this residential area.

Mr. Runyon stated that the standards doesn't say anything about establishing whether or not the use is needed.

Mr. Smith stated that this is also a small lot for this use. He stated that he did not think this use is compatible with this residential area. This has been the Board's policy in the past. A similar type use has been denied by the Board previously on Braddock Road. Another factor is the applicant does not propose to live in the house and it will be left vacant in this residential area every night. This causes a hazard to this residential community.

Mr. A. J. Goodheart, realtor, stated that there has not been a break-in type of vandalism to this house in the past 2 1/2 years that it has been on the market. They have tried to maintain a daily check on the property.

Mr. Runyon stated that this property fronts on a four lane major thoroughfare and is adjacent to a parking area for a school which limits the amount of impact it would have on a residential property. They are proposing to provide buffering to the rear and there are some trees there already. They also propose to supplement the plantings around the parking area. He stated that he is hardpressed to see where this does not comply with the standards as set forth in the Zoning Ordinance. If this use is not to be permitted in a residential zone, then the Ordinance should say that.

A lady in the audience came forward and asked if she could speak even though the opposition's testimony had been taken and the rebuttal made. She lived on Weyanoke Court. She questioned the need for eight parking spaces and stated that this area being paved will cause a lot of water run-off. She also questioned whether or not they would be able to buffer the rear of the property since that area is a storm drainage easement.

Mr. Rosenberger in answer to one of the Board member's questions, stated that Dr. Nasif will have approximately one patient per hour.

Mr. Smith commented that his dentist schedules a patient every 20 minutes.

Mr. Rosenberger stated that they would adjust the parking spaces to whatever the Board felt would be sufficient. They were trying to provide the maximum that might be needed sometime in the future. Dr. Nasif is not in a position to afford a space in an office building and he did not wish to work in partnership or to associate with another dentist. He preferred to be his own master. He does live in the nearby area and does not wish to do anything that would be detrimental to the community. They expect to have between 8 and 10 scheduled patients per day. However, since this is a new dental practice, it is probable that patient load will be considerably less during the first year of practice.

Page 423, October 28, 1975
NASIF (continued)

In application S-195-75 by Anthony A. Nasif under Section 30-7.2.6.1.10 of the Zoning Ordinance to permit general practice of dentistry 6528 Braddock Road, 72-3((2))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 Board of Zoning Appeals for Fairfax County, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous property owners and property owners across the street, and a public hearing by the Board held on the 28th day of October, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is John T. and Jacqueline Cassidy. The applicant is the contract purchaser.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 0.471 acre.

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 use 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 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 shall be from 9:00 a.m. to 5:00 p.m., Monday through Friday.
7. Landscaping and screening shall be provided around the parking area to the satisfaction of the Department of Environmental Management.
8. Parking spaces shall be provided for Six (6) cars.
9. This permit shall run for a period of Three (3) years with a re-evaluation to be held at that time.

Mr. Swetnam seconded the motion.

The motion passed 3 to 2. Messrs. Smith and Kelley voting No.

11:10 a.m. - CLOVERDALE CORP. appl. under Section 30-6.6 of the Zoning Ordinance to permit building to be constructed closer to zoning boundary line than allowed by the Ordinance (4.88' from boundary line, 25' or distance equal to height of building required), 1013 Dranesville Road, V-169-75.

Mr. Daniel Stegall, Gabsby Building, Suite 506, Alexandria, Virginia, attorney for the applicant, submitted notices to property owners which were in order.

Mr. Stegall stated that the applicant after investigating a number of alternative uses for the property in question entered into an Agreement of Lease with the Kinney Shoe Corporation to lease the property and for the construction of a Kinney Shoe Store on the property. Most of the property is presently zoned C-G and is adjacent to land zoned RE-1 which is also owned by the applicant. The lot is too narrow for the construction of a proto-type Kinney Shoe Store. In addition, a Special Permit has been obtained to permit commercial parking on a small portion of Cloverdale's adjacent residentially zoned land. That Special Permit that was granted by the Board of Supervisors is conditioned upon obtaining the variance from this Board.

Mr. Stegall stated that all of Cloverdale's RE-1 land, except for a very small portion, is in the flood plain of two streams. A small portion of land in the northeast quadrant is zoned C-G and presently contains a Shell Service Station immediately contiguous to this property. On the opposite side of Dranesville Road is a large shopping center.

Mr. Stegall stated that the standard prototype Kinney Shoe Store has a width of 90 feet and depth of 60 feet. Only a small portion of approximately 20 feet of the west wall of the shoe store and approximately 45 feet of its south wall will be located closer than 25 feet to the residential zoning boundary. The height of the building will be less than 20 feet. It is a one story building.

Mr. Stegall stated that in the past they have not been able to lease this land for any use because of the small amount of C-G land. He stated that he was prepared to go into the standards that must be met and that they have met if the Board wishes. He also submitted a 9 page justification for the file. He stated that all the conditions and requirements for the authorization of a variance as required in Section 30-6.6 are satisfied in this case. Without this variance, the applicant will suffer unnecessary hardship in being deprived the reasonable use of the land because of the physically narrow characteristic and the physical conditions of the surrounding area. The variance sought is the minimal relief required to avoid this unnecessary hardship.

In answer to Mr. Smith's question, Mr. Stegall stated that he did not feel the Kenney Shoe Store Corporation could cut down on the size of the building. He stated that they have exhausted every effort to make use of the land without the variance.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application V-169-75 by Cloverdale Corporation under Section 30-6.6 of the Zoning Ordinance to permit building to be constructed closer to rear property line than allowed by the Zoning Ordinance (4.88' from boundary line,25' or distance equal to height of bldg. required) 1013 Dranesville Road, 6((1)) 13 & 14, 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 property owners and property owners across the street, and a public hearing by the Board held on October 28, 1975, 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.

Page 425, October 28, 1975
CLOVERDALE CORPORATION (continued)

2. That the present zoning is C-G and RE-1.
3. That the area of the lot is 31,674 sq.ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
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:
(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, andis 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. Swetnam seconded the motion.

The motion passed 5 to 0.

11:30 a.m. - McLEAN POST 8241 VETERANS OF FOREIGN WARS, INC. to permit addition to post home, S-196-75.

11:30 a.m. - McLEAN POST 8241 VETERAN OF FOREIGN WARS, INC. to permit addition closer to side property line than allowed by the Ordinance (5.9' from side, 20' required), V-197-75.

Mr. Smith stated that this Special Use Permit application is being heard under the Group VI category in accordance with the Zoning Administrator's interpretation.

Mr. Smith stated that he was under the impression that the use of the existing building on the property was to be a temporary use.

Cmdr. Freese, 10713 Maple Street, Fairfax, stated that he had been the Post Commander for two years and he did not know this was only a temporary use.

Mr. Smith stated that the use was granted in 1969 and at that time the Post had indicated that it would be temporary.
Cmdr. Freese stated that he was not a member at that time.

Mr. Covington stated that this is a good location for this use.

Cmdr. Freese stated that they propose to add a building 80'x40'. They do not propose to increase the membership. They had hoped to continue to use the existing building for smaller group meetings. The existing building is not large enough for gatherings that they have occasionally with the families. The Post is buying the property. Their membership is 120. They plan to construct this building with concrete block and steel joists with brick facing on the outside. The hours of operation are from 6:00 p.m. to 11:00 p.m. in the evening. They have not had New Year's Eve parties in the past, but they might occasionally have a late night party.

In answer to Mr. Smith's question, Cmdr. Freese stated that automobiles can get back to the proposed parking lot without going over the septic field.

In answer to Mr. Kelley's question, Cmdr. Freese stated that they do plan to conform to the requests of Preliminary Engineering Branch.

Mr. Smith asked if they felt they had adequate parking for this use.

Cmdr. Freese stated that they felt they would have adequate parking since they do not plan to increase their membership. They have had no problem with

parking in the past.

Mr. Smith stated that he felt they should give some though to removing the existing frame building. He stated that all parking would have to be on site and when this new building is constructed and they find that they cannot get all the parking on the site, this will have to be done.

Cmrd. Freese and the two gentlemen who were with him indicated that they would consider this and commented that it would be easy to do should it become necessary.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application S-196-75 by McLean Post 8241 Veterans of Foreign Wars, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit addition to post home, 1051 Springhill Road, 20-4((1))71, Dranesville 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 property owners and property owners across the street, and a public hearing by the Board held on the 28th day of October, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the Post 8241, VFW of the U.S., Inc.
2. That the present zoning is RE-1.
3. That the area of the lot is 40,480 sq.ft.
4. That compliance with the Site Plan Ordinance is required.
5. That compliance with all State and County Codes is required.

AND, WHEREAS, the Board of Zoning Appeals has reached the following 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 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 additonal 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 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 members shall be 120.
7. That the hours of operation shall be from 6:00 p.m. to 11:00 p.m.
8. Landscaping and/or screening is to be provided to the satisfaction of the Director of Environmental Management.
9. That a minimum 22' wide travel lane access from Springhill Road to the parking lot in the rear of the subject property is to be provided as

required by Section 30-11.7 of the Fairfax County Zoning Ordinance.

Mr. Barnes seconded the motion. The motion passed 5 to 0.

In application V-197-75 by McLean Post 8241 Veterans of Foreign Wars, Inc. under Section 30-6.6 of the Zoning Ordinance to permit addition to post home closer to side property line than allowed by the Zoning Ordinance, 1051 Springhill Road, 20-4((1))71, Dranesville 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 held on October 28, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 40,480 sq.ft.
4. That the request is for a minimum variance.

AND, WHEREAS, the Board has reached the following conclusions of law:
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:
-- 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 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 legal 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. Barnes seconded the motion. The motion passed 5 to 0.

11:50 a.m. - CHARLES HUDNALL & R.J.L. ASSOC., INC. appl. under Sect. 30-6.6.5.4 of the Ord. to permit deck to remain closer to rear property line than allowed by the Ord., V-198-75.

Notices to property owners were in order.

Mr. William B. Flickinger represented the applicant before the Board. He did not have a copy of the building permit with him, nor was there one in the file. Therefore, the Board recessed this case until the applicant could obtain this.
//
The Board recessed for lunch at 12:50 and returned at 2:00 P.M. to continue with this case.
//

The applicant submitted a copy of the building permit. The building permit and plans did not show a deck. Mr. Flickinger stated that when they applied they stated that the houses would either have double carports or garages, basements and/or decks. The paid the fee based on this. They constructed 53 houses in this subdivision and required no variances other than the request that is now before the Board. Mr. Flickinger stated that this was a judgment error. A deck was construed to mean an overhang or a raised platform and not part of the house structure itself. It was a mistake and that is why they are before the Board.

Mr. Swetnam stated that there is a septic tank in the front of the house and for that reason, they probably pushed the house back on the lot. He stated that the applicant paid the maximum fee that would include a two car garage and a deck. He stated that he did not think this was done intentionally.

In answer to Mr. Smith's question, Mr. Flickinger stated that the deck was not shown on the grading plan that was originally submitted.

There was no one to speak in favor or in opposition to this application.

Mr. Flickinger stated that R.J.L. Associates, Inc. made an attempt to resubdivide the area immediately to the rear of the lot in order to achieve the 25' setback restrictions and maintain identical square footage of the lot, but this was considered to be an unsatisfactory solution by the homeowner. The area immediately to the rear of this lot is designated on the approved preliminary plan as part of the homeowner park area. Therefore, the deck would not be an encroachment on a future house.

RESOLUTION

In application V-198-75 by Charles Hudnall and R.J.L. Associates, Inc. under Section 30-6.6.5.4 of the Zoning Ordinance to permit existing deck to remain 14' from rear property line, 11420 Meath Drive, 67((14))37, 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 held on October 28, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is C.W. and D. E. Hudnall.
2. That the present zoningis RE-1.
3. That the area of the lot is 21,693 square feet.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
1. That the Board has found that non-compliance was the result of an error in the location of the building subsequent to the issuance of a building permit, and
2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

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

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.

Mr. Swetnam seconded the motion.

The motion passed 5 to 0.

12:10 a.m. - GREAT FALLS BOARDING KENNEL, INC. appl. under Section 30-7.2.8.1.1 of the Zoning Ordinance to permit renewal of SUP to continue operation of boarding kennel, 8920 Old Dominion Drive, 13-4((1))31, (2.123 acres) Dranesville District, (RE-2), S-154-75.

Mr. Eric Wyant, operator of the kennel, submitted notices which were in order. He stated that he has been in business for fifteen years and has facilities for 115 animals.

Mr. Covington, Zoning Administrator, stated that he has had no complaints about this operation. He stated that Mr. Wyant was on the Committee that worked on the new Animal Ordinance. He stated that the Animal Welfare League has not made comments on this application probably because there have been no problems with it.

Page 429, October 28, 1975
GREAT FALLS BOARDING KENNEL, INC. (continued)

Mr. Wyant stated that he boards dogs and cats for the Welfare League.

Mr. Covington stated that he has been on the premises and it is modern and well kept.

Mr. Smith read the letter in the file in opposition from Clay and Caroline Peters, 8900 Old Dominion Drive, McLean, Virginia. Their main objection was to loud and often continuous noise eminating from the kennel due to the barking of the dogs. They stated that this noise is a daily routine and does seem to be much worse during the morning hours, although they hear it any time of the day. They stated that they felt this use creates an obnoxious impact upon the local residential environment. They requested that should the Board grant a permit for continued operation, that it stipulate that certain measures be taken to reduce the sound now eminating from the kennel. They suggested (1) increased enclosure, (2) reducing the present number of dogs, and (3) adjustments in the feeding schedule, or some combination of those three suggestions.

Mr. Smith stated that the Board could not grant an expansion because the advertised request did not specify expansion, only continued operation.

Mr. Smith stated that if there are complaints about the noise then they should be checked out by the Zoning Office in accordance with the Noise Ordinance.
There was no one to speak regarding this application.

RESOLUTION

In application S-154-75 by Great Falls Boarding Kennel, Inc. under Section 30-7.2.8.1.1 of the Zoning Ordinance to permit renewal of SUP to continue operation of boarding kennel, 8920 Old Dominion Drive, 13-4((1))31, 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 held on October 28, 1975,

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Eric H. Wyant.
2. That the present zoning is RE-2.
3. That the area of the lot is 2.123 acres.
4. That the site is presently operating under SUP S-131-69 granted July 8, 1969.

AND, WHEREAS, the Board 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 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. Application to permit a total animal population of 100.
7. All other requirements of the existing SUP shall remain in effect.

Mr. Swetnam seconded the motion.

The motion passed 5 to 0.

12:30 P.M. - RAYMOND C. & JUDITH R. COOK appl. under Section 30-6.6 of the Zoning Ordinance to permit addition closer to rear property line than allowed by the Ordinance (22.2' from rear, 25' required), 8203 Gleaves Court, 101-3((16))53, (10,908 sq. ft.), Lee District, (R-12.5), Woodlawn Terrace Subdivision, V-199-75.

Mr. Cook submitted notices to property owners which were in order. He stated that the room addition would be 15' x 30'. The reason he needs the variance is because of the placement of the house on the lot. He stated that he had owned the property since November, 1970 and plans to continue to live there. This addition is for the use of his own family and is not for resale purposes.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application V-199-75 by Raymond and Judith Cook under Section 30-6.6 of the Zoning Ordinance to permit addition closer to rear property line than allowed by the Zoning Ordinance (22.2' from rear, 25' required), 8203 Gleaves Court, 101-3((16))53, Lee District, 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 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 held on October 28, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5
3. That the area of the lot is 10,908 sq.ft.
4. That the request is for a minimum variance of 2.8'.

AND, WHEREAS, the Board has reached the following conclusions of law:
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:
-- 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 this granting does not constitute exemption from the 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 5 to 0.

431

12:45 a.m. - SUMMIT MANOR, INC. appl. under Section 30-6.6 of the Zoning Ordinance to permit addition closer to front property line than allowed by the Ordinance (26' from front, 50' required), 6320 Arlington Blvd., 51-3((1))3, Providence District, (.09031 acres), C-D zoning, V-126-75, OTH.

Mr. Leroy Gravatte, III, with Professional Engineers, Inc., submitted notices to property owners to the Board which were in order. Mr. Gravatte stated that this restaurant has been under the management of Mr. Ray Gaiovannoni for the past seven years. Mr. Gaiovannoni would like to expand the space in the restaurant by means of the addition that is shown on the plats before the Board. However, this addition will go no closer to the front property line than the existing building. The State Highway Department condemned a portion of this property for the construction of the access road to Arlington Boulevard. This limits the reasonable development of this piece of land. This addition will not require a variance to any other property line.

Mr. Smith stated that the addition will be in line with the existing entrance-way. He stated that it would not be in line with the main portion of the building.

Mr. Swetnam stated that the entrance is part of the building.

Mr. Smith stated that at the time the building was constructed, the entrance-way could go in the setback area.

Mr. Covington inquired if they would be able to meet the parking requirements.

Mr. Gravatte stated that they would not be adding any seating capacity. It is a change in use. This addition will have a bar in one section and will cut down the seating capacity in that area. The present seating is 139.

Mr. Smith stated that the plats do not show the outside seating area and this must be shown. The plats show parking spaces in that area and they must be removed, if the applicant plans to continue to use that space for eating in the summertime.

Mr. Runyon stated that the Site Plan Department would handle all that. He stated that when the Highway Department took the property owner's land, it wasn't the property owner's doing. The entranceway requires a setback just as any other portion of the building.

Mr. Smith stated that he felt the applicant is entitled to some consideration but he felt the addition should be moved back even with the main part of the present building.

Mr. Gravatte stated that the adjacent property where the Giant Food Store is has a greater encroachment than this property does.

Mr. Smith stated that it looked as though some of the parking for this use is on the property belonging to the State. He stated that this question should be cleared up and if there is parking on other property than that of the owner, then it should be removed.

Mr. Barnes stated that he remembered the Board granting Howard Johnson a sign that was on State land.

Mr. Kelley stated that a variance has to be granted to the owner of the property and Summit Manor, Inc. is not the owner according to the records provided by the staff.

Mr. Gaiovannoni stated that the land is owned by Eakin Properties. Mr. Eakin has passed away and it is now owned by 13 different people. However, Mr. Roy Eakin represents those different owners. He stated that Mr. Eakin had given him permission to apply for this variance on his behalf. He stated that he did not have this in writing.

Mr. Smith stated that this case would have to be postponed until the Board could get revised plats and the property information on the application. He stated that he felt this was a convenience request rather than a hardship under the Ordinance.

Mr. Runyon moved that the application be deferred for one week in order for the applicant to correct the plats and bring forward a request from the property owner to join in the application.
Mr. Kelley seconded the motion and the motion passed 5 to 0.

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DEFERRED CASE: LESTER STRIBLING appl. under Sec. 30-6.6 to permit two story office addition closer to residential zoning boundary line than allowed by the Ord., V-138-75. (Deferred from 9-4-75 and successive dates for decision only.)

The Zoning Administrator reported that Mr. Stribling still had not cleared the violations.

It was the Board's decision that if the violations are not cleared by November 6, 1975, the Board would deny the application.

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MT. VERNON PARK ASSOCIATION (Deferred from October 14, 1975 for new plats.)

The plats had not been received. It was the Board's decision that if the plats and a representative from the association is not present on November 12, 1975, the application would be denied. The Board then amended that decision to say that the plats must be in five days prior to November 12, 1975, in order to give the applicant and the staff time to review these plats and make sure they are correct.

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RKO-STANLEY WARNER THEATRES, INC., S-144-75 -- Deferred from 9-4-75 and 9-26-75 for applicant to reduce number of seats in theatre in order to meet the parking requirements.)

Mr. Smith read a letter from the attorney for the applicant stating that they could not meet the requirement for the parking, therefore, they asked the Board to make a decision in this case.

The Board discussed this case briefly. Mr. Covington read from the section in the Ordinance relating to this question, Section 30-6.6.2:

"No variance shall be authorized with respect to any of the provisions of sections 30-3.10 and 30-3.11, which relates to the required amount of off-street parking space..."

Mr. Smith stated that he didn't see how the Board could relate this use to that of a church or fraternal organization or the like.
There was no one present to speak regarding this case.

RESOLUTION

In application V-146-75 by RKO-Stanley Warner Theatres, Inc. and B. F. Saul REIT under Section 30-6.6.2.4 of the Zoning Ordinance to permit reduction of the parking required for the theatre, 3513 Jefferson Street, 62-3((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 held on September 4, 1975, and deferred to subsequent dates and again on 10-28-75, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is B. F. Saul REIT.
2. That the present zoning is C-D.
3. That the area of the lot is 413,624 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 5 to 0.

RESOLUTION

In application S-144-75 by RKO-Stanley Warner Theatres, Inc. under Section 30-7.2.10.3.4 of the Zoning Ordinance to permit 590 seat movie theatre on property located at 3513 Jefferson Street, 62-3((1))11, County of Fairfax, Mr. Runyon moved that the Board of Zoning Appeals adopt the following resolution:

433

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

WHEREAS, following proper notice to the public 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 September 4, 1974 and deferred to subsequent dates and then to this date of October 28, 1975, and

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

1. That the owner of the subject property is B. F. Saul REIT.
2. That the present zoning is C-D.
3. That the area of the lot is 413,624 square feet.
4. That the site does not contain sufficient parking to accomodate the proposed use.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 in 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 5 to 0.

Question on deferral of MRS. ROBERT COLVILLE case coming up before the Board on November 12, 1975. Mr. Robert Kohlhaas in a letter to the Board requested that the case be deferred because Mrs. Colville would not be able to attend. However, the case had been advertised, posted, and was in the printed Agenda, therefore, the Board stated that the case would have to come up at the scheduled advertised time. The attorney for the applicant could request deferral then if he wished. The Board also stated that Mrs. Colville would not have to be present unless she wished to be.

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The meeting adjourned at 3:45 P.M.

// Jane C. Kelsey
By Jane C. Kelsey
Clerk to the Board of Zoning Appeals

Submitted to other Departments,
Boards and Commissions
on November 20, 1975

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED November 19, 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 November 6, 1975, Thursday. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes; Tyler Swetnam and Charles Runyon.

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

10:00 a.m. - RHODA B. RIMBOCK, S-200-75.
Mrs. Rimbock did not have notices to property owners.

The Board deferred this case until November 19, 1975 for proper notices. There was no one in the room interested in this case other than the applicant.

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10:15 a.m. - GEORGE K. OSS appl. under Section 30-6.6 of the Ord. to permit construction of addition to house closer to side prop. line than allowed by the Ord. (4' from side, 12' required), 5207 Ferndale Street, 71-3((4))(36)2, (14,041 sq.ft.), Annandale District, (R-12.5) N. Springfield Sec. 9, V-201-75.
Notices to property owners were in order.
Mr. Oss stated that the proposed additions will consist of an attached garage and enclosed (screened) breezeway. The breezeway will utilize the existing stone patio. The garage will be 26'x21' and the breezeway will be 18'x12'. The proposed addition will consist of brick and frame to match the existing structure. The existing garage which is in the lower level of this split level house will be used for additional living space to accomodate his growing family, as an alternative to relocation. The property is a corner lot and requires a substantial setback from both streets, leaving very little room on the sides of the house. There are no rear setbacks since this is a corner lot. Because of the way the house is designed and because of the topography of the lot, expansion toward the North property line would result in practical difficulty and unnecessary hardship relative to the reasonable use of the property. The addition on that side would also require a variance and the slope of the property would necessitate excavation. The proposed additions at the proposed locations as shown on the plat consider and utilizes the existing topography of the land, incorporates the existing stone patio, avoids unnecessary excavation and provides the most compatible architectural structure with the existing building and property.

In answer to Mr. Smith's question, he stated that he does have a "for-sale" sign in front of his house because if he does not get this variance, he will have to relocate.

Mr. Kelley stated that this is a 66 percent variance request and he did not feel it is a minimum variance.

Mr. Smith stated that if he could bring the garage over another 6', he would only need a 2' variance.

Mr. Oss stated that such an approach would make the breezeway unuseable.

Mr. Runyon moved that the Board defer this case for a period of two weeks to give the applicant time to consider a lesser variance request.

Mr. Swetnam seconded the motion.

The motion passed 5 to 0.

There was no one to speak in favor or in opposition to this application.

This case was set for November 19 for further consideration and decision.

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10:30 a.m. - CHURCH AT NORTHERN VIRGINIA appl. under Sect. 30-7.2.6.1.11 of the Ord. to permit classroom-assembly addition to church, 10922 Vale Road, 37-1 ((1))17 & 17A, S-202-75.

436

Rev. John Topping represented the applicant. Notices to property owners were in order.

Rev. Topping stated that they plan to add a 30'x40' addition to the present structure. The addition will be compatible with the design of the existing church. They are using the same architect that designed the existing church. The original building was constructed in 1972. The church has a seating capacity of 167 and there are 57 parking spaces indicated on the plats. This church has a little more than 17 acres of land.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application S-202-75 by The Church of Northern Virginia under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit classrooms and assembly addition to church, 10922 Vale Road, 37-1((1))17 & 17A, County of Fairfax, Mr. Swetnam moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public 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 November 6, 1975.

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

1. That the owners of the property are the Trustees of the Church of Northern Virginia.
2. That the present zoning is RE-2.
3. That the area of thelot is 17.9577 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board 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 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 seating capacity is 167 and 57 existing parking spaces.

Mr. Runyon seconded the motion and the motion passed 5 to 0.

Page 437, November 6, 1975

10:50 a.m. - LORD OF LIFE LUTHERAN CHURCH appl. under Section 30-7.2.6.1.11 of the Ordinance to permit expansion of parking facilities (87 additional spaces), 5114 Twinbrook Road, 69-3((1))17, (3.268 acres), Springfield District, (RE-1), S-203-75.

Mr. Carl Opstad represented the church. Notices to property owners were in order.

Mr. Opstad stated that there is seating capacity in the church for about 200 people. However, because of the scheduling of the two church services on Sunday morning, the present parking lot for 52 cars is not sufficient and they would like to add 87 more spaces.

There was no one to speak in favor or in opposition to the application.

Mr. Runyon inquired if they could remove the last row of parking along the rear property line on the left side of the plat. This would allow some buffer to be left between the parking the the contiguous property. He stated that he didn't feel they would need this many spaces for 200 people.

A representative for the church stated that they have made a study of projected growth and they feel within 4 or 5 years they will need all these spaces.

Mr. Opstad stated that the contiguous property owner, Mrs. Nash, was extremely interested in seeing these additional parking spaces put in.

Rev. Christian, 9813 Convent Court, stated that although their seating capacity is around 200, they run around 200 people for each services. The people are coming in for the second service before all the people from the first service get out of the parking lot and this creates problems. If they had more than one exit, they would not need as many parking spaces. The back portion of the proposed parking lot will be the last to be developed. That is all trees in that area and they use that area regularly. However, they felt that as long as they were hiring an engineer to draw up these plans, they should look at the total picture.

Rev. Christian stated that this additional parking will alleviate the hazard. He stated that he did not feel the ratio of 1 parking space for every 5 seats is enough. He stated that sometimes they are running 1 to 1 and he was sure other churches have the same problem.
Mr. Smith read a letter from Mrs. Dooley,5115 Twinbrook, expressing support.

RESOLUTION

In application S-203-75 by Lord of Life Lutheran Church under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit expansion of parking facilities (87 additional spaces), 5114 Twinbrook Road, 69-3((1))17, Springfield District, County of Fairfax, Virginia, Mr. Kelley moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners and a public hearing by the Board held on November 6, 1975.

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

1. That the owner of the property is Trustees of Lord of Life Lutheran Church.
2. That the present zoning is RE-1.
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 applicable State and County Codes is required.
6. That the applicant has been operating under SUP S-55-73, since it was granted on April 25, 1973.

AND, WHEREAS, the Board has reached the following 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 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

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. The seating capacity is 230.
7. Landscaping and/or screening is to be provided to the satisfaction of the Director of Environmental Management.
8. The total number of parking spaces is to be 139.

Mr. Runyon seconded the motion.

The motion passed 5 to 0.

11:10 a.m. - STANLEY R. KRAFT appl. under Section 30-6.6 of the Zoning Ordinance to permit enclosure of porch closer to side property line than allowed by the Ordinance (4.83' from side, 20' required), 5218 Yuma Court, V-206-75.

Mr. Kraft represented himself before the Board. Notices to property owners were in order. He had notified all contiguous property owners and property owners across the street, except the Highway Department or whoever owns the strip of land next to I-95.

The case was recessed until the Board could get an opinion from the County Attorney as to whether or not notification to this landowner would be required. It was the County Attorney's opinion that notification of the landowner of the strip of land next to I-95 would not be required.

Mr. Kraft stated that the Highway Department has already taken 100' off his lot, about 11,000 square feet. He stated that he wished to enclose an existing porch closer than the required 20'. The reason he needs this variance is because the Highway Department took the 100'. He stated that he consulted with them at the time and they said they would leave the trees as a buffer between his house and the highway. However, they removed the trees. There is a ramp that is within 23' from the porch. The porch was constructed before the Highway Department took the property.

There was no one to speak in favor or in opposition to this application.

Mr. Kraft stated that no one else could see the porch because of the foliage that is behind the other houses. There are two vacant lots beside his house.

Mr. Kraft stated that the architecture and materials that he would use for this enclosure would be compatible with the existing house. The roof of this porch is part of the general roof line of the rest of the house. The porch as it is now is unusable because of the noise level from I-95. He stated that the topography of the land is such that he cannot place an addition anyplace else on the property.

RESOLUTION

In application V-206-75 by Stanley R. Kraft under Section 30-6.6 of the Zoning Ordinance to permit enclosure of porch closer to side property line than allowed by the Zoning Ordinance (4.83' from side, 20' required), 5218 Yuma Court, 72-3((11))79, County of Fairfax, Mr. Swetnam moved that the Board of Zoning Appeals adopt the following resolution:

439

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

WHEREAS, following proper notice to the public 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 November 6, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 26,145 square feet.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 because of the right of way taking for the widening of I-95. /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 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 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. Runyon seconded the motion.

The motion passed 5 to 0.

11:25 a.m. - FRANCOIS & MARIE HAERINGER appl. under Section 30-6.6 of the Zoning Ordinance to permit variance from Section 30-3.10.5 of the Ordinance to permit waiver of requirement for dustless surface as defined in the Ordinance, 332 Springvale Road, 3((1))26A, (2 acres), Dranesville District, (CN), V-207-75.

Mr. Charles Radigan, attorney for the applicant with offices in Arlington, Virginia, presented notices to property owners which were in order.

Mr. Radigan submitted pictures of the site which showed the rural, pastoral nature of the site. He stated that there are no plans for any additional buildings. This is the only commercial land near this site. This property was zoned C-N when Mr. Haeringer purchased it about three years ago. He purchased it for the purpose of converting it into a restaurant. This property was originally a country store and gasoline station and had been used as such for many, many years in this rural area of the County. The site plan has been filed and building permits have been approved. The remodeling of this building is underway at the present time. There are many

beautiful old trees on this property that they would like to keep. They have a letter from the Fairfax County Arborist substantiating the position that the gravel would help keep the trees alive and the bituminous asphalt would have a detrimental effect on them. In addition, the paving of this parking lot would create a severe run-off problem. Great Falls Swim and Tennis Club is nearby and their parking lot is not paved. They have a letter from Patricia Weisel, President of the Great Falls Civic Association, in support of this application.

Mr. Kelley stated that he knew of another site that does not have all its roads paved in accordance with this Ordinance and the dust is terrible. He stated that he felt paving would be better and cheaper in the long run.

Mr. Radigan stated that the area set aside for parking is relatively flat. The crushed stone would be impacted. If it does create problems, they would have no objection to the Board's making it a requirement that they then pave it. They are paving the entrance into the property in accordance with the requirements of the Highway Department.

Mr. Smith stated that it is a use that has been in existence for a long period of time. He stated that the approach is certainly worth giving a try. He suggested that the motion to grant might include a time limit for a re-evaluation to determine whether or not the crushed stone is satisfactory.

Mr. Kelley stated that they will have to maintain it as a dustless surface no matter what type of material they use.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application V-207-75 by Francois and Marie Haeringer under Section 30-6.6 of the Zoning Ordinance to permit waiver of requirement for dustless surface as defined in the Zoning Ordinance, 332 Springvale Road, 3((1))26A, 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 property owners and property owners across the street, and a public hearing by the Board held November 6, 1975, and

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

1. That the owner of the property is the applicant.
2. That the present zoning is C-N.
3. That the area of the lot is 2 acres.

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

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 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 plats included in 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.
3. The surface shall be kept in a dust-free condition and maintained.
4. A standard paved DE-5 shall be provided at each entrance.

FURTHERMORE, the applicant shall comply with all other applicable State and County requirements.

Mr. Swetnam seconded the motion and the motion passed 5 to 0.

DEFERRED CASE OF MT. VERNON PLAZA ASSOCIATES, V-189-75 (Deferred from October 22, 1975 for a full Board.)

Mr. Bernard Fagelson, 124-126 South Royal Street, Alexandria, Virginia, submitted notices which were in order. The notices had been presented at the originally scheduled hearing date of October 22, 1975.

Mr. Fagelson stated that this request for a variance from the sign ordinance is based on Section 30-16.8.3 of paragraph 4 of Chapter 30 of the Zoning Ordinance that permits a variance under certain conditions. He stated that at the time the shopping center known as Mt. Vernon Plaza was constructed off U.S. Route 1 and Fordson Road, through the failure of the developers of the property to realize the need for properly identifying the smaller shops, the existing pylon signs only identified the larger installations. The smaller stores cannot be seen from the intersection of Fordson Road and Route 1. He submitted several photographs showing this. He then requested the Board to allow them to reduce their existing 42 1/2 foot pylon structure to 25 feet and rearrange the advertising to designate the shopping center, Mount Vernon Plaza, and also have space for 24 individual tenants to be listed.

The Board discussed this at length.

Mr. Smith stated that at the time the shopping center was constructed the maximum sign area would have been 300 square feet.

RESOLUTION

In application V-189-75 by Mt. Vernon Plaza Associates under Section 30-6.6 of the Zoning Ordinance to permit variance from the sign Ordinance based on Section 30-16.8.3 to permit redesigning of existing free standing sign, U. S. Route 1 and Fordson Road, 101-2((1))12A, Lee 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 held on October 22, 1975 and continued to November 6, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Mt. Vernon Plaza Associates.
2. That the present zoning is C-D.
3. That the area of the lot is 24.690 acres.
4. That compliance with the Site Plan Ordinance is required.
5. That at the time of construction of the center, a sign of 300 square feet would have been permitted.

AND, WHEREAS, the Board has reached the following conclusions of law:
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) condition of the location of the 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 expiration.
3. This variance is for an additional center identity sign to be placed on the existing ZAYRE sign with an area not to exceed 100 sq.ft. additional.
FURTHERMORE, the applicant should be aware that granting of this action does not constitute exemption from the requirements of this County. The applicant shall be responsible for obtaining building permits, sign permits, etc. through the established procedures.
Mr. Barnes seconded the motion. The motion passed 5 to 0.

2:00 P.M. - BERNARD C. COX, S-182-73, Re-Evaluation Hearing on SUP for riding stable. (Deferred from 10-7-75 at the request of the applicant's attorney in order for the Zoning Inspector to provide the attorney with the history of inspections and violations.)

Because of an earlier message that had been received from Mr. Friedlander's office and the confusion that had arisen from that message, only part of the people interested in this case were present because they had been notified that this case would be deferred.

In answer to Mr. Smith's question, Mr. Friedlander stated that only part of the information that he had requested had been made available to him. He had received that information in part on Friday.

In answer to Mr. Smith's question, Mr. Atlee, Zoning Inspector, stated that on July 1, 1975, there was a notice of violation issued for storing amusement equipment on the property and for having junk there. Mr. Koneczny, Senior Zoning Inspector, also issued a notice of violation for allowing off-site parking for this use. That violation was cleared within the allotted time. There is a question about the off-site parking. There have been numerous inspections made to determine whether or not these cars belong to employees of Mr. Cox.

Mr. Edwin Woodburn, 3804 Skyview Lane, questioned the Board on whether or not it should proceed with this hearing. He stated that they had received a telephone call at 11:30 a.m. this date stating that this hearing would be deferred because of an emergency that had arisen that would prevent the attorney from being present. Based on that information, he stated that he had called ten of his neighbors who had planned to be present. He stated that he did not think it would be fair to those neighbors to continue with this hearing.

Mr. Friedlander explained that he had been in Court and had asked his office to notify the Board that he might or might not be out by 2:00 p.m. The Court would not release any of the attorneys. He agreed to a further deferral of this case.

The Board deferred this case until 12:00 Noon, December 2, 1975.

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2:15 P.M. - SUMMIT MANOR, V-216-75 (Deferred from October 28, 1975 for new plats and letter from Eakin Properties, the owner of the property, giving Mr. Giovianno permission to act as Eakin Properties's agent in this request for a variance.)

The letter and plats were in the file.

The Board amended the application to read EAKIN PROPERTIES, INC.
The new plats showed 69 parking spaces. The corporation papers were in the file.

RESOLUTION

In application V-216-75 by Eakin Properties, Inc. under Section 30-6.6 of the Zoning Ordinance to permit addition closer to front property line than allowed by the Zoning Ordinance, i.e. 26 feet, 6320 Arlington Boulevard, 51-3((1))3, 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 held on the 28th day of October, 1975 and deferred to November 6, 1975 for decision and additional information.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Eakin Properties, Inc.
2. That the present zoning is C-D.
3. That the area of the lot is 39,322 square feet.

Page 443, November 6, 1975
EAKIN PROPERTIES, INC. (continued)

AND, WHEREAS, the Board has reached the following conclusions of law:
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 indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. The architectural detail shall conform to that of 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 responsible for fulfilling his obligation to obtain building permits, non-residential use permit and the like through the established procedures.

Mr. Swetnam seconded the motion.

The motion passed 5 to 0.

DEFERRED CASE: November 6, 1975
LESTER L. STRIBLING, V-138-75 (Deferred from September 4, 1975 for viewing and again on subsequent dates to give applicant an opportunity to clear violations.)

The Board had a request for withdrawal from the applicant's attorney.

Mr. Runyon moved that the case be withdrawn without prejudice.

Mr. Swetnam seconded the motion.

The motion passed 5 to 0.

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AFTER AGENDA ITEMS: November 6, 1975

AMOCO OIL COMPANY, S-184-75, Granted October 14, 1975.

The Board was in receipt of a request to allow a fourth underground storage tank which is necessary in order for Amoco to provide unleaded gasoline service, as they are required to do by Federal regulations.

Mr. Runyon moved that their request be granted.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

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AFTER AGENDA ITEM - NOVEMBER 6, 1975 - LAKE BRADDOCK CHURCH, S-158-74, Granted November 6, 1974.

By letter dated October 31, 1975, the applicant requested an extension of time on the above-captioned Special Use Permit because site plan approval had not been granted because of three off-site sanitary sewer easements that had not been obtained from adjacent and nearby property owners.

It was the Board decision that Lake Braddock Church, Special Use Permit S-158-74 be granted a 180 day extension from November 6, 1975.

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AFTER AGENDA ITEM - CENTREVILLE ASSEMBLY OF GOD, S-194-75.

By receipt of a letter dated October 30, 1975, the applicant requested an extension to their Special Use Permit. They had not been able to begin construction of the church because of a delay in finishing the site plan by the survey engineer and the processing of the same by the County Office.

It was the Board's decision that their request be granted for a 180 day extension from December 18, 1975.

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AFTER AGENDA ITEM - NOVEMBER 6, 1975.
THE TIMBERS ASSOCIATION, S-146-75, Granted November 6, 1974.

By receipt of a letter dated November 3, 1975, Stephen L. Best, attorney for the applicant, requested an extension to the Special Use Permit. The applicant had not been able to obtain a financing commitment.

It was the Board's decision that the request be granted and the applicant be granted a 180 day extension from November 6, 1975.

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CHANGE IN PERMITTEE OF SPECIAL USE PERMIT

The Board was in receipt of a memo from the Zoning Administrator inquiring whether or not the Board felt that the Special Use Permit granted in 1969 to Joseph Provenzana could be transferred to Drs. Kessler and Pohl.

The Board discussed this question briefly and concluded that Drs. Kessler and Pohl would have to apply for a Special Use Permit. The Board pointed out that their action March 11, 1969, was to approve the applicant's use of the property for the offices of himself, that this constituted a granting to Dr. Provenzano of a permit for only one doctor and that changes or additions of the type brought about by Drs. Kessler and Pohl were matters for further consideration by the Board of Zoning Appeals.

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NOVEMBER 19, 1975
REQUESTS FOR OUT OF TURN HEARINGS FOR

(1) CHILD CARE PROPERTIES APPLICATION FOR DAY CARE CENTER, 9600 Blake Lane, S-248-75 and
(2) CHILD CARE PROPERTIES APPLICATION FOR DAY CARE CENTER, 6561 Spring Valley Drive, S-249-75, and
(3) ALBERT COHEN, V-250-75, 2926-2966 Telestar Court

These three requests were based on the fact that the financing for these projects would expire the latter part of December.

The Board granted these requests for an out of turn hearing for December 17, 1975.

(4) GOOD SHEPHERD CATHOLIC CHURCH, S-251-75, Granted April 17, 1974. They were held up in the beginning of construction because of the sewer moritorium. They now have a site plan that is ready for approval, but their Special Use Permit expired as of October 17, 1975. They did not realize the Site Plan would not be approved until after the deadline date. Now it cannot be approved because the Special Use Permit has expired. They have applied for a new Special Use Permit and would like it heard as soon as possible in order that the Site Plan can be approved and they can begin construction.

The Board granted the out of turn hearing for December 17, 1975.

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AFTER AGENDA ITEM - NOVEMBER 6, 1975 - GREAT FALLS BOARDING KENNEL.

The Board recently granted a Special Use Permit to continue the operation of this kennel. There was one letter in the file stating that the kennel was very noisy. The Chairman requested the Zoning Inspector to check this out and report back.

Zoning Inspector Maize checked this out with his noise analysis equipment and found the applicant to be within the County standards as far as noise levels are concerned. His report is in the file giving all the details of the inspection.

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Page 445, November 6, 1975

APPROVAL OF MINUTES

Mr. Runyon moved that the minutes of the Board's meeting of October 7, 1975 be approved as submitted.

Mr. Kelley seconded the motion and the motion passed 5 to 0.

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Mr. Kelley moved that the minutes of the Board's meeting of October 14, 1975 be approved with minor corrections.

Mr. Barnes seconded the motion and the motion passed 5 to 0.

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Jane C. Kelsey
By Jane C. Kelsey
Clerk to the Board of Zoning Appeals

Submitted to the Board of Zoning Appeals on November 19, 1975 .

Submitted to the other Boards, Commission and County Departments on December 3, 1975 .

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED December 2, 1975
DATE

The Regular Meeting of the Board of Zoning Appeals was Held in the Board Room of the Massey Building on November 12, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes; Tyler Swetnam; and Charles Runyon.

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

10:00 a.m. - MRS. ROBERT COLVILLE appl. under Section 30-6.5 of the Zoning Ord. to appeal Zoning Administrator's interpretation of Section 30-7.2.6.1.11 of the Zoning Ordinance, requirement of Special Use Permit for church, chapels, etc., 3704 Whispering Lane, 60-4((13))269, (11,895 sq.ft.) Mason District, (R-17), V-208-75.

Mr. Gilbert R. Knowlton, Zoning Administrator, presented his position to the Board. He stated that this appeal came about because of a series of complaints from the neighborhood dealing with the traffic that was generated by some activity that was going on at a residence in the area. The Zoning Inspector inspected the subject property three times and each time, he found religious services going on in the home there. These services appeared to be weekly observances of some kind consisting of a planned program and other things similar to activities carried on in a church. The Zoning Inspector issued a violation notice for the operation of a church in a residential zone without a Special Use Permit. The first complaint was on April 3, 1975. The first inspection was on that date. The following Monday the violation notice was issued. There was an inspection made on June 10 and June 27. The complaints were predominately concerning the number of vehicles that were parking in the streets. The inspector did note some blocking of driveways there. There were many cars parked on the street.

After the violation notice had been issued, Mr. Knowlton said that Mrs. Colville came into his office to discuss this,at which time she was unable to satisfy the staff from what she was able to tell the staff that the activity in that building at 3704 Whispering Lane was not a church. Therefore the staff felt that an appeal before this Board for an interpretation was in order. The violation notice was not withdrawn.

Mr. Robert Kohlhaas, attorney for the appellant, stated that he felt the Zoning Administrator's problem is the definition of a church and if the Zoning Administrator does not know what a church is, his client should not have been cited with a violation for using her residence as a church. The home is not being used as a church. There is a great distinction between a formal church and what is considered a bible study group, or a home prayer group. The appellant is requesting the Board to give an interpretation of the Zoning Ordinance. The violation should never have been issued.

Mr. Kohlhaas also objected to the procedures for this appeal.

Mr. Kohlhaas stated that the violation notice read "...for using or allowing to be used property zoned residential for the purpose of conducting religious services without the benefit of a Special Use Permit for holding organized religious services". In the discussion with Mr. Knowlton, he felt that probably because of the vagueness of the Ordinance that he was not in a position to give a ruling. That position itself certainly supports his position that if the Ordinance is that vague, there is no way Mrs. Colville could be cited for a violation of an Ordinance that nobody knows what the exact definition should be. The Zoning Ordinance does not indicate that it was to be applied so as to require that a Use Permit be obtained by persons who want to associate periodically in a residential district for informal prayer group gatherings. The Zoning violation that was issued does not state with any particularity any legal or factual basis that the Ordinance applies to the conduct of those meetings. It does not state any noise or traffic congestion that might have been caused by these meetings. If the Zoning Ordinance is so construed by the Zoning Administrator as to apply to the facts of Mrs. Colville's case, then such application is void because it prohibits the free exercise of religion and variegates with the First and Fourteenth Amendment of the Constitution of the United States. The vagueness of the Ordinance is the part where it cites "...similar places of worship." That term should not apply to private home prayer groups, but to other places that are similar to organized churches, chapels and synogogues. To support his client's position, at the time of the hearing on the adoption of the Ordinance putting churches under a Special Use Permit, Mr. Mike Whitman asked the Chairman of the Board of Supervisors if the proposed Ordinance would pertain to bible study in homes. The Chairman asked Mr. Langhorn Keith, then the County Attorney, for an interpretation. Mr. Keith said that meetings

in private homes would not be covered by this Ordinance. Therefore, the whole legislative intent was that it was not to affect meetings in private homes.

Mr. Kohlhaas submitted to the Board a copy of a letter and affadavit that Mrs. Colville received, dated October 31, 1975, from Robert F. Horan, Jr., Commonwealth Attorney. The affadavit Mr. Horan had filed under oath in the Federal Court in Alexandria. Mr. Horan stated that in the nine years that he had been a criminal prosecutor, there had never been a prosecution for prayer worship, bible worship, or any other form of religious gathering in a single family home, and that he had no intention of pursuing such a prosecution inasmuch as it was his legal opinion that the County Ordinances do not apply. In addition, Mr. Horan also stated that he did not think the Ordinance applied to prayer services such as Mrs. Colville holds in her home.

Mr. Smith explained that the Zoning Administrator is charged with the responsibility of carrying out the Zoning Ordinance, as adopted by the legislative body of this County. He does this in view of complaints, as he did in this case, from adjoining aggrieved property owners. Apparently, someone in this community felt that the traffic hazard created by these regular weekly meetings was not in the best interest of the general health and welfare of the community.

Mr. Kohlhaas stated that that was not what the violation said and that is not why he and all the people in the audience were present. The notice of violation does not state with any particularity any degree of traffic congestion, noise or other disruption caused by the cited meetings and does not state any legal and factual basis for the conclusion that the Ordinance applied to the conduct of these meetings.

Mr. Kohlhaas stated that Mrs. Colville or anyone else who might have a social gathering or anything of that sort should not block someone's driveway. A lot of cars around on the street that some neighborhood people may not like is not sufficient reason for stopping these meetings. As a matter of fact, under the Federal Constitution the mere inconvenience or annoyance to other citizens is not sufficient reason for preventing the freedom of religion. There are specific court cases on this, he stated.

Mr. Smith stated that this is not just a matter of inconvenience, but the safety and the general health and welfare of the people in that community. That is what the Zoning Ordinance was designed to protect. No one is trying to restrict religious meetings.

Mr. Kohlhaas stated that the County must have certain definite guidelines for this then. He stated that he did not think the Zoning Administrator or the Zoning Inspector in the field or anybody else in the County government should have the arbitrary right in determining whether there is an infraction of a rule for which there are no definite standards.

Mr. Smith stated that the Board would like to hear what use Mrs. Colville is actually making of the property and what this use is.

Mr. Kohlhaas stated that these meetings are on a regular basis, but he did not think the regularity of the meetings has anything to do with either the violation cited or the traffic problems. Mrs. Colville is the owner of The Vine and The Fig Tree which is a religious book store at the Willston Shopping Center at 7 Corners. Because of her personal sentiments and her commitment in life to her belief, she also holds her home open for private prayer groups. These private prayer groups consist of friends of hers who are interested in this belief also. They feel that they would get much more out of these meetings in somebody's home than they would in a church. Mrs. Colville has been offered churches to use in the past for this purpose, but this is not part of an organized church. Under the Constitution, she is entitled to use her own home for private purposes. She should not be forced into using other. Mr. Kohlhaas stated that it is the freedom of religion that is on trial before this Board.

Mr. Smith disagreed with that statement. He stated that the use of residential property is the question.

Mr. Kohlhaas stated that this is a non-denominational prayer group and is ecumenical in its formation with the individuals involved. There is no

minister, no administrative body, and no organization. It is strictly a private prayer group invited by Mrs. Colville to come to her home. It may be that some people will come as guests of invited guests. This group is comprised of women from Northern Virginia and they do not have any formal or ritual type of service. They have none of the things that are normally considered to be a church and what the Black's Law Dictionary, or Websters Dictionary considers a church. If the strictest interpretation of the interpretation of the Ordinance would be to make the Ordinance apply, it would be giving regulations precedence over common sense, both legally and morally. There are grave Constitutional issues involved, such as the right of free assembly, freedom of communication, and separation of church and state. The Ordinance would also be discriminatory in that it only applies to religious groups, but not bridge clubs and other social gatherings. There are certain social aspects to this particular type of gathering. It is social in the sense that they bring pot-luck lunches and join in that type of activity as neighborhood women. It is certainly completely divorced from any indication that it is a normal or an organized church, either by description or in use. They do not have rules and regulations to go by. They meet on Thursday morning from 10:00 a.m. to 12:00 Noon and then break for lunch and everybody goes home afterward. There is no money collected to offset any cost of using this home. There are times when they may have a specific speaker and if the women so desire to leave a contribution to that speaker, then they could. The estimate for the number of people that would attend these meetings would be from 25 up to 50 people.

In answer to Mr. Smith's question, Mr. Kohlhaas stated that the structure had not been inspected to see if the County would rule it safe for this purpose, but Mrs. Colville has been having these meetings for 6 or 7 years. She has lived at this location for about 10 years.

There were several speakers in support of Mrs. Colville's appeal. They were: Lenn Orman, 4807 West Braddock Road, Apartment 201; Les Bailey, 1200 Chestnut Grove Square, Apartment 302, Reston, Virginia; Bennie Harris, 6317 Kapela Avenue, Pastor of the Metropolitan Christian Center; Mrs. Robinson, 5054 North 57th Street, Arlington; Wayne Thompson, 4129 Buckman Road, Alexandria; Elizabeth Reeves, 8213 Briarcreek Drive, Annandale; Vera D. Fraler, Rogers Drive, Falls Church; William Wittman, 3625 Dove Court, Alexandria, Virginia.

Mrs. Moser, 3705 Whispering Lane, across the street from the property, spoke regarding the parking. She stated that it is a problem and a nuisance, but it hasn't been something that they haven't been able to live with. She pointed out that Whispering Lane is a steep hill and when cars are parked on the opposite side of the road from the driveway, the road is not wide enough to back out easily. She stated that she did not object to Mrs. Colville's group because they do worship Jesus. However, she stated that she felt this might open pandora's box in Fairfax County because everybody does not worship Jesus. Other people's religion is just as important to them as Mrs. Colville's is to her. There are people who worship poison snakes, etc. You can't write a law that says one has to worship only the Lord Jesus. She stated that she is against a law that says that anybody can have any type of religious meeting in their home at any time.

Mr. Flinn, Assistant County Attorney, in answer to some of the questions the speakers raised, stated that the County has never stated that this Ordinance is dealing with prayer group meetings. This Board is here to determine whether the activity that is taking pace on the Colville property is a church, or not. If it is not, then it does not come within the confines of this Ordinance. If it is, the Board will have to consider the traffic impact on the surrounding community to determine whether or not the Special Use Permit should or should not be issued. The decision the Board of Zoning Appeals is faced with is a factual one. It is unable to come up with a single criteria that will enable one to determine if this is a church. There is no single criteria. This decision will depend upon more than one fact, but a number of facts.

Mrs. Colville testified on her own behalf giving the details of the Zoning Inspector's visit and the issuance of the violation notice. She explained her meetings as Mr. Kohlhaas had explained earlier.

The Board recessed to go into executive session to discuss legal matters.

The Board reconvened after ten minutes.

The hearing began at 10:15 a.m. and ended at 11:50 p.m.

In application No. V-208-75, application by Mrs. Robert Colville, under Section 30-6.5 of the Zoning Ordinance, to appeal the Zoning Administrator's interpretation of Section 30-7.2.6.1.11 of the Ordinance requirement for Special Use Permits for churches, chapels, etc., on property located at 3704 Whispering Lane, Mason District, also known as tax map 60-4((13))269, 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 November, 1975, and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 11,895 square feet.
4. That on April 17, 1975, the Zoning Administrator issued a Notice of Violation finding that the subject property was being used as a church within the meaning of Section 30-7.2.6.1.11.
5. That Section 30-7.2.6.1.11 of the Zoning Ordinance has been consistently applied to churches and similar places of worship as opposed to prayer group meetings in private residences, and
6. That the County Attorney's opinion on December 4, 1972, the date the subject ordinance was adopted, states that the ordinance would not apply to religious meetings in private homes, and
7. That the express wording of Section 30-7.2.6.1.11, supports this view.

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

1. That the facts presented to this Board at the public hearing on November 12, 1975 demonstrate that the activity in question on the property of this appellant is a prayer group meeting taking place in a private residence, and not a church within the meaning of Section 30-7.2.6.1.11.

NOW, THEREFORE BE IT RESOLVED, that the decision of the Zoning Administrator be reversed.

Mr. Barnes seconded the motion.

The motion passed unanimously, 5 to 0.

10:20 a.m. - PETER A. KARCHER & HARVEY COUNCIL LEE appl. under Section 30-6.6.5.4 of the Zoning Ordinance to permit 51' radio antenna to remain closer to side and rear property line than allowed by the Ord. (39' from side, 28' from rear; 51' from all property lines required), 9750 Bruton Place, 38-1((22))89, V-209-75.

Mr. Lee represented the applicants before the Board. Notices to property owners were in order. Mr. Lee stated that Mr. Karcher, the owner of this property, agrees with this application. Mr. Lee stated that he has a lease for this property. It is a year to year lease.

His justification for the variance was his [illegible] of the irregular shape of the lot. He stated that he placed the antenna at this location because it would be less noticeable at this location. The shape of the lot is such that an antenna of this height could not be installed within the Fairfax County setback requirement. The three owners of contiguous property on which this antenna could possibly fall have agreed to the proposed antenna installation. He submitted a signed agreement to this effect.

Mr. Lee stated that he can crank the antenna down to 23', but he could not rotate it at this height.
In answer to Mr. Kelley's question, Mr. Lee stated that this antenna is used to develop technical proficiency and also for his personal interest. He also provides a service to underdeveloped countries, ships at sea and supplements existing communications in times of natural disasters, or war.

Mr. Kelley stated that this is 1/4 acre zoning. These antennas could cause an adverse impact on the surrounding residential area.

Mr. Lee stated that this antenna in no way interfers with the neighbors.

In answer to Mr. Kelley's question, he stated that this is not connected with his job at all.

Mr. Runyon stated that he has listened to the facts in the case and the applicant has not established a firm hardship under the Zoning Ordinance. He stated that he understands that the applicant does not want to cut the trees in the back of the property and he agreed that that would be bad. However, the Ordinance doesn't list that as a hardship. In addition, even if he put the antenna in the back, he would still need a variance even though it would not be as great.

Mr. Runyon stated that the Staff report indicates that if the applicant brought the antenna down to 45' he would not need a variance.

Mr. Smith stated that he thought it would have to be brought down to 23', or whatever the height of the antenna is, the setback must be the same.

Mr. Runyon stated that he would find it difficult to support the application. The applicant does not have a hardship as defined in the Ordinance.

Mr. Kelley stated that he agreed with Mr. Runyon. He stated that there has been no hardship established here.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application V-209-75 by Peter A. Karcher and Harvey Council Lee under Section 30-6.6.5.4 of the Zoning Ordinance to permit 51' radio antenna to remain closer to side and rear property lines than allowed by the Zoning Ordinance,(39' from side, 28' from rear, 51' from all property lines required), 9750 Bruton Place, 38-1((12))89, 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 held on the 12th day of November, 1975, and

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

1. That the owner of the subject property is Arthur P. Jr. and Shirley A. Karcher. Harvey Council Lee is the lessee.
2. That the present zoning is R-12.5Cluster.
3. That the area of the lot is 17,449 square feet.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 is hereby denied.

Mr. Barnes seconded the motion. The motion passed 5 to 0.

10:35 a.m. - RAYMOND J. McQUAID appl. under Section 30-6.6.5.4 of the Zoning Ord. to permit 6' fence to remain in front setback area, (4' maximum in front setback), Sunnyside Subd., V-210-75.

Mr. McQuaid presented notices to property owners which were in order.

Mr. McQuaid stated that they were notified this summer that the height of the fence on the north side of their property exceeds the height limits prescribed in section 30-3.5.6.1 of the Code. The fence was installed sometime prior to the purchase of the property in April of 1974. The fence as now constructed does not pose a safety or environmental eyesore to the neighborhood. In addition, verbal contact with all contiguous neighbors indicate that they would prefer the fence to remain at its present height.

A Petition supporting the application was presented to the Board.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application V-210-75 by Raymond J. McQuaid under Section 30-6.6.5.4 of the Zoning Ordinance to permit 6' fence to remain in front setback area, 1633 Great Falls Street, 30-3((7))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 held on November 12, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Raymond J. and Joan McQuaid.
2. That the present zoning is R-12.5.
3. That the area of the lot is 21,821 square feet.
4. That the sight distance of the driveway is not impaired by the fence.

AND, WHEREAS, the Board 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 fence prior to the ownership of the applicant, 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. Swetnam seconded the motion.

The motion passed 5 to 0.

10:50 a.m. - WILLIAM M. COWHERD appl. under Section 30-6.6 of the Zoning Ordinance to permit construction of swimming pool closer to side and rear property lines than allowed by the Zoning Ordinance (11' from side, 12' required; 12' from rear, 25' required), 8501 Varsity Court, 59-3((16))36, V-211-75.

Mr. Cowherd presented notices which were in order. He stated that there is no alternative location on his lot for this pool. The square footage of this lot is comparable with the other lots. However, the configuration of this lot is very irregular. The lot backs up to Pleasant Valley Cemetary.

Ann Strange, representative from the pool company, testified that they cannot cut down on the size of this pool because the vinyl panels come in specific sizes and this is the smallest size.

There was no one to speak in favor or in oppostion to this application.

452

RESOLUTION

In application V-211-75 by William M. Cowherd under Section 30-6.6 of the Zoning Ordinance to permit construction of pool closer to side and rear property lines than allowed by the Ordinance (11' from side, 12' required; 12' from rear, 25' required), 8501 Varsity Court, 59-3((16))36, County of Fairfax, Virginia, Mr. Swetnam moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public 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 November 12, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 12,299 square feet.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 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 application 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, a residential use permit and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Kelley had left the meeting earlier.

11:05 a.m. - BOBBY JOE GOLLAWAY appl. under Section 30-6.6 of the Zoning Ord. to permit construction of addition to dwelling closer to side property line than allowed by the Ord. (8.5' from side, 10' required), 2051 Pimmit Drive, V-212-75.

Hearing began at 2:30 p.m.
Mr. Gollaway presented notices which were in order. The main point of his justification was the odd shaped lot.

There was no one to speak in favor or in opposition to the application.

Mr. Gollaway stated that the architecture and materials would be compatible with the existing dwelling and this addition would not adversely impact the surrounding residential community.

453

RESOLUTION

In application V-212-75 by Bobby Joe Gollaway under Section 30-6.6 of the Zoning Ordinance to permit construction of addition to dwelling closer to side line than allowed by the Zoning Ordinance (8.5' from side) 2051 Pimmit Drive, 40-1((6))(B)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 by the Board held on November 12, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Bobby Joe and Betty J. Gollaway.
2. That the present zoning is R-10.
3. That the area of the lot is 11,264 sq. ft.

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

NOW, 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 architectural detail of the addition 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, a residential use permit and the like through the established procedures.

Mr. Swetnam seconded the motion.

The motion passed 4 to 0. Mr. Kelley had left the meeting earlier.

11:40 a.m. - BELLE HAVEN COUNTRY CLUB, INC. appl. under Sect. 30-7.2.6.1.1 of the Ord. to permit construction of cover for tennis court, 6023 Fort Hunt Road, 83-4((1))5, 6 & 13, S-207-75 OTH

Mr. John T. Hazel, attorney for the applicant, submitted notices to property owners which were in order.

Mr. Hazel stated that the Club has existing courts now and would like to erect a cover over two of those courts in order to allow the courts to be used year round.

Mr. Hazel submitted additional photographs showing the proposed structure and a Petition signed by all but two of the property owners across the street. He stated that he did not believe the bubble would be visible from Fort Hunt Road. It is on the courts that are furtherest from the road. The bubble will be erected in the next 30 days and will be taken down in May in order for the courts to be used as outdoor courts during the summer.

There was no one to speak in favor or in opposition to this application.

Mr. Hazel stated that he wanted to advise the Board that the parking on Fort Hunt Road continues to be a problem. The Club is endeavoring to finance the improvements to the parking lot and entrance that will do a great deal to alleviate all parking problems. However, they have not been able to commence

on schedule. The citizens who live across the road from the Club feel that it is Club members that are parking along Fort Hunt Road. He stated that he is not in a position to say if they are or not. He stated that he had advised the Board previously this year that the Club would ask their members not to park along Fort Hunt Road. The Club requested the Virginia Department of Highways to post "no parking" signs there. However, the Virginia Department of Highways in a letter to the Club stated that the people who were parking along Fort Hunt Road were commuters and declined to erect those signs. If the citizens wish to investigate further and if they determine that those are not commuters and wish to raise the question again with the Virginia Department of Highways, the Club will cooperate and will raise no objections to the "no parking" sign request. It is a problem that probably will be relieved when they do build the permanent facilities. Perhaps the Highway Department would consider placing "no parking" signs along the crest of the hill on Fort Hunt Road for at least eight or ten spaces. The Club would urge that this be done.

Mr. Smith stated that he had inspected the site at least twice since this question came up earlier this year. There were available parking spaces on the site on both occasions. There was parking along Fort Hunt Road both times. He felt the Highway Department should be approached again on this.

Mr. Hazel stated that the Special Use Permit the Club obtained last year for construction of the addition to the Club building and the additional parking facilities needs to be extended by this Board since they have not begun construction because of finances.

RESOLUTION

In application S-207-75 by Belle Haven Country Club, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit construction of cover for tennis court, 6023 Fort Hunt Road, 83-4((1))5, 6 & 13, 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 this Board held on November 12, 1975, and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 156.6952 acres.
4. That compliance with the Site Plan Ordinance is required.
5. That compliance with all applicable State and County Codes is required.
6. That the applicant operates a country club, pursuant to Special Use Permit S-161-70 granted September 22, 1970, and amended by S-145-75 granted December 4, 1974, to allow construction of an addition to the existing club house, on this property.
7. This application seeks to permit the addition of a seasonal enclosure of number 5 & 6 tennis courts on the existing facility.
8. The applicant indicates that construction has not begun on the building authorized by S-145-74, and since that granting will otherwise expire on December 4, 1975, the applicant would like to have an extension of time on S-145-74 included as part of this application.

AND, WHEREAS, the Board of Zoning Appeals has reached the following 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 granted with the following limitations:

1. That 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 has started or unless renewed by action of this Board prior to date of expiration.

Page 455, November 12, 1975
BELLE HAVEN COUNTRY CLUB, INC. (continued)

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 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. Any necessary landscaping or screening to be provided to the satisfaction of the Director of Environmental Management.
7. All applicable terms and conditions set forth in Special Use Permit S-145-75, granted December 4, 1975, shall remain in effect, excluding the start of construction, which is hereby extended 180 days from December 4, 1975.
8. All parking pertaining to this use shall be on site.

Mr. Swetnam seconded the motion.

The motion passed 4 to 0, Mr. Kelley had left the meeting earlier.

12:00 a.m. - TUCKAHOE RECREATION CLUB, INC., appl. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit change of hours to 8:00 a.m. to 10:00 p.m., 1814 Great Falls Street, 40-1 & 40-2((1))1 & 2, (7.19102 acres), S-191-75.

Mr. Ken Echols, General Manager for Tuckahoe Recreation Club, Inc.,submitted notices to property owners which were in order. He stated that the limitation of the Special Use Permit hours of operation from 9:00 a.m. to 9:00 p.m. were just recently realized. They have activities that start in the summer at 8:00 a.m., such as the swim team practice. They have installed $35,000 worth of tennis court lights and in the summer it doesn't get dark until 9:00 p.m. The American Red Cross has requested the use of their pool to teach water safety courses. They permit this at no cost to the American Red Cross. They wish to extend the hours of operation in order to fully utilize the existing facilities.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application S-191-75 by Tuckahoe Recreation Club, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit change of hours of operation for Club, 1814 Great Falls Street, 40-1 & 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 held on November 12, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 7.19102 acres.
4. That the property is presently operating under SUP S-261-73 granted March 27, 1974.

AND, WHEREAS, the Board has reached the following 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 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 SUP, shall require approval of this Board and 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. Hours of operation shall be from 8:00 a.m. to 10:00 p.m.
7. All other requirements of the existing Special Use Permit shall remain in effect.

Mr. Swetnam seconded the motion.

The motion passed 4 to 0. Mr. Kelley was absent.

November 12, 1975
DEFERRED CASE: MOUNT VERNON PARK ASSOCIATION, S-185-75, request to construct a new bath house, 8042 Fairfax Road, 102-2((1))4. (Deferred from October 14, 1975 at the request of the Board in order for the applicant to show proper parking with the proper setbacks. -- New plats are in the file showing the new parcel of land the applicant has purchased with additional parking spaces on that parcel.)

Mr. Harris, attorney for the applicant, stated that they would prefer not to place parking spaces on this new parcel of land. They had hoped to keep that land in its natural setting. They have never had any problems with parking. He stated that they would prefer to use the first plats that were submitted and keep the parking just as it has been for years.

Mr. Runyon stated that he had viewed the site and neither of these plats are acceptable. This is a nice remote site, well hidden from most of the community. Actually there is no parking on the site at all except for one small gravel area where they might be able to park about 50 cars. If they place parking where the second plat proposes to have it, it would ruin the site completely.

Mr. Lewis Ballew, 8109 Winfield Street, Alexandria, spoke stating that he is against this new plat showing this new parking plan.

Mr. James Hoyl, 8111 Winfield Street, next door to Mr. Ballew, spoke against the new plat and the proposed parking spaces.

Mrs. Wells, another property owner that is contiguous with the new parcel of land where the parking spaces are proposed on the second plat, spoke in opposition to that plan.

The Board discussed these parking requirements and needs of this Club at length. The Board then deferred this case until December 2, 1975 for new plat showing at least 50 parking spaces within the proper setback area and with the proper paving, or dustless surface in accordance with the Ordinance, and 150 other spaces that can be used for overflow parking, if needed. They are to delete the parking and also the other parcel of land known as Lot 18.

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ST. LUKE SERBIAN EASTERN ORTHODOX CHURCH OF WASHINGTON, D. C., S-86-75, appl. to permit construction of church and community hall and rectory on property located at 1000 Douglass Drive, 21-4((1))13, RE-1, 4.92 acres, (Deferred from May 21, 1975 for a new site plan showing the items indicated as suggestions by Preliminary Engineering. That site plan is now in the file. Preliminary Engineering has reviewed it and it is ready to be approved pending approval of this Board.)

The Board discussed the requirements as suggested by Preliminary Engineering.

Mr. Runyon stated that the Board had adequate information on which to make a decision. They have an existing right of way now of 30'. He stated that he would assume that they are willing to dedicate. He suggested that the Board add a condition that requires the applicant to dedicate a 5' easement should the County need a sidewalk. There is an existing bike path there now. There was a service drive requirement, but that no longer is required since Georgetown Pike has been determined to be a scenic byway.

RESOLUTION

In application S-86-75 by St. Luke Serbian Eastern Orthodox Church of Washington, D. C. under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of church, 1000 Douglas Drive, 21-4((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 requirements of all applicable State and County Codes and in accordance with the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on May 21, 1975 and continued to November 12, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 4.92 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following 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 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 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 5' easement along Georgetown Pike shall be provided for public street purposes in addition to the dedication to 30' from centerline of the road.

Mr. Swetnam seconded the motion. The motion passed 4 to 0. Mr. Kelley absent.

CENTREVILLE HOSPITAL MEDICAL CENTER, INC., S-228-71 - RE-EVALUATION HEARING (Deferred for a signed sewer tap agreement. A copy of that agreement is in the file. Preliminary Engineering indicates that they are now ready to sign off on the Site Plan just as soon as the Board makes a decision as to whether or not this Special Use Permit is valid.)

458

Mr. Smith stated that it seemed to him that the Re-Evaluation Hearing should be concluded and the Special Use Permit should be considered valid if the applicant has fulfilled the agreements as set forth in the documents of the sewer tap agreement with the Board of Supervisors, which has now been agreed to by both parties. The Board held the hearing to find out why it had taken so long to develop the site and if there was a bona fide Special Use Permit and if the applicant was diligently pursuing the construction of the Center.

Mr. Runyon moved that in the case of Centreville Hospital Medical Center, Inc. that the applicant has given satisfactory evidence that he is pursuing his Special Use Permit and the Special Use Permit is valid.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Kelley was absent.

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November 12, 1975
AFTER AGENDA ITEM: SHELL OIL COMPANY, S-168-74 and V-169-74, granted November 13, 1974.

Mr. Smith read a letter from Mr. Hansbarger, attorney for the applicant, requesting the Board grant an extension to the above cases since they have not been able to begin construction.

Mr. Barnes moved that the request be granted for a 180 day extension from November 13, 1975.

Mr. Swetnam seconded the motion. The motion passed 4 to 0. Mr. Kelley absent.

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November 12, 1975
AFTER AGENDA ITEM: KENA TEMPLE - The applicant wishes to remove some of the parking spaces across the Service Road which go into the buffer strip of the property. The original site plan approved 5500 square feet, but the building now is 3900 square feet. The original site plan shows 2500 members, but the amended site plan approved 1350 members. The original site plan calls for 467 spaces, but 481 spaces are shown which is 14 more than the required amount with the 5500 square foot building. They, therefore, ask for 52 parking spaces to be eliminated which will meet the requirement for 1350 members.

Mr. Runyon stated that their site plan does conform to the existing Ordinance with regard to parking. He stated that he had looked at the plan and this is the only change that he saw.

Mr. Smith stated that he questioned the reduction from 2500 members and wondered where those members went. He stated that a reduction was all right with him as long as they have 467 spaces.

There was no vote taken.

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November 12, 1975

GUNSTON BAPTIST CHURCH, S-84-75, Special Use Permit to permit temporary classrooms to be used on Sunday and Wednesday mornings.

Mr. Douglas Leigh, Zoning Inspector, advised the Board that this church had been under violation since February 19, 1975. The church had never obtained a non-residential use permit for the trailer the Board had permitted on the property for use as temporary classrooms. The church felt it was too expensive to bring the trailer into conformity with the Fairfax County Building Code. Mr. Leigh told the Board that the church was supposed to discontinue the use of the trailer and remove it from the property. However, the church has not done this.

Mr. Smith stated that the church does not have a Special Use Permit if they have not obtained the Non-Residential Use Permit.

Mr. Runyon stated that he felt the Board should address a letter to Gunston Baptist Church and advise them that their actions in this regard is jeopardizing any other church's future use of a temporary trailer. He stated that all the Board members are very attoned to the necessity of this type use for churches on a temporary basis. However, actions, or inactions in this case, might cause the Zoning Ordinance to be amended to disallow these trailers altogether.

The other Board members concurred in this.

Mr. Smith asked the Clerk to write a letter to the Gunston Baptist Church promptly advising them of the Board's feelings on this.

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COURT HOUSE COUNTRY CLUB -- S-255-73.

The Zoning Office was in receipt of a complaint on November 4, 1975 regarding the paving of the driveways at the club. Mr. Leigh, the inspector in this case, stated in his memo to the Board that an examination of the Special Use Permit reveals no mention of the Brookline Drive question. The variance applied for and heard July 9, 1975, in regard to fence height was denied. At that hearing, there was a discussion of the Brookline Drive question. However, there was no provision for it in the proposed variance condition. On November 10, 1975, the Zoning Administrator ruled that per the provisions of the Fairfax County Zoning Code, Section 30-3.10.5, Brookline Drive did not have to be paved.

The Board held this question open until there is a full Board present.

Mr. Smith stated that he had difficulty agreeing with Mr. Knowlton's interpretation based on the ordinance.

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The Board adjourned at 4:15 p.m.

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Jane C. Kelsey
By Jane C. Kelsey
Clerk to the Board of Zoning Appeals

Submitted to BZA on
December 10, 1975

Submitted to other Depts.,
Boards and Commission on

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED December 17, 1975
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, November 19, 1975, in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes and Charles Runyon.

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

10:00 a.m. - E. CLAYTON WILLIAMS, MARY LOU JAMISON & CAROLINE WESTHAEFFER, appl. under Section 30-7.2.6.1.3.4 of the Zoning Ordinance to permit school of special education, 25 pupils, Sunday through Saturday, 10:00 a.m. to 10:00 p.m., 7414 Leesburg Pike, 40-3((1))79, (1.8556 acres), Dranesville District, (R-17), S-214-75.

Mr. E. Clayton Williams, 7317 Stafford Road, Alexandria, Virginia, submitted notices to property owners of this hearing. Those notices were in order. He stated that they were presented with some information on Monday that they had not been previously given. This concerned the request that they dedicate and construct an access road and deceleration lane. This will cost around $10,000. They are not sure they will be able to go ahead with this project if this stipulation is imposed. He requested a deferral until he and his partners could study this problem.

Mr. Smith stated that he would have to overrule the request. This is a Staff requirement, not a requirement of this Board.

Mr. Kelley moved that the Board continue with the public hearing on this case because there are a lot of people in the room interested in this application.

Mr. Runyon seconded the motion.

The motion passed 4 to 0. Mr. Swetnam was absent.

Mr. Smith explained to Mr. Williams that this request that was made by the Office of Preliminary Engineering is a situation that exists in most all of the private schools. They must provide access to the property in a safe manner.

Mr. Williams stated that this school will not be injurious to the quality of life in this neighborhood. There are at least four other Special Use Permit uses within a mile of this property, he stated. There will be no particular problem with traffic since they are on a major highway. During the day there will be no more than 6 people on the property. During the evenings there will be group meetings of about 20 to 25 people. Some of the people come together. The age group is over 20. There will be no outside activities. There is natural foliage on the property which separates their facility from the other houses in the neighborhood. There are no proposed changes to the exterior of the house. It will remain residential in character. There will be small interior changes.

In answer to Mr. Smith's question, Mr. Williams stated that this will be a center for teaching transcendental meditation. The hours will be from 10:00 a.m. to 9:30 p.m.

In answer to Mr. Kelley's question, Mr. Williams stated that this is a non-profit organization. He and his partners are members of the International Meditation Society. They are acting as representatives of the corporation which has headquarters in California. They are registered with the State of Virginia, however.

Mr. Kelley stated [illegible] with regard to his statement that there were four other Special Use Permit Uses in the area, that he did not recollect such uses being granted.

Mr. Williams stated that two were schools, George Marshall and George Mason and a couple of churches.

Mr. Kelley stated that neither George Marshall or George Mason are under a Special Use Permit and if the churches were constructed prior to 1972, November, they would not be under Special Use Permit uses either.

Carolyn West, 3411 North George Mason Drive, Arlington, Virginia, one of the partners named in the application, spoke in support of the application expressing her feelings that this service that will be performed will be profound to the citizens of Fairfax County.

There was no one else to speak in support of this application.

Mr. James C. Allen, 7400 Leesburg Pike, next door to the subject property, spoke in opposition. He also represented Lemon Road Civic Association, Inc. He read a letter of opposition from that Association. The letter was made a part of the file. Their main points of opposition were based on the traffic impact to the residential community from this use, this commercial use becoming a wedge for future encroachment for commercial uses and the use being incompatible with the residential character of the area.

Mrs. Richards representing the McLean Task Force spoke in opposition. She read a letter from the Pimmit Hills Citizens Association signed by Mr. H. Joseph Turner, President. Their points of opposition covered the adverse impact of the traffic, the parking lot and the impact of this commercial use to the residential character of this neighborhood.

H. Dudley Paine, 1800 North Englewood Street, Arlington, friend of Mr. Allen's spoke in opposition. He stated that this school is now in operation without a Special Use Permit and has been in operation for some time. There have been as many as twenty cars there at one time in the evening. There are cars there during the day and night, seven days a week. He stated that he passed there Saturday morning of last week and there were seven cars there at 8:30 a.m. This is an international organization. He stated that he had heard about it on T.V. and felt this use is one of a growing organization.

In answer to Mr. Smith's question, Mr. Covington, Assistant Zoning Administrator, stated that he was aware that there was a school there at the present time. Originally they received a home professional occupancy letter whereby they could have 2 or 3 students at a time. He stated that he was under the impression that the person or persons who had received the occupancy letter had since moved. The present operators are in violation.

In answer to Mr. Smith's question, Mr. Williams stated that they are now operating. He stated that they were notified in August that they were in violation and they begin the paperwork necessary to apply for this Special Use Permit.

Mr. Dan Runyon, 7321 Reddfield Court, property owner behind the subject property, spoke in opposition. He stated that the proposed turn-around area comes within 15' of his property line. This turn-around area takes out most of the existing foliage. That turn-around area would be within 50' of his back door. For that reason, he stated that he is opposed to this use of this property. He stated that he is also opposed to that much parking on the site for the same reasons that were given earlier by the other speakers. He stated that this use is not in the best interests of the residential area and he felt that it would open the door to additional commercial uses. The engineering plan before the Board does not take into account the grade level of the property. It would take a considerable change to the property to put this amount of parking and paving on it. The runoff from this paving will cause additional drainage back toward his property.

Mr. Williams in rebuttal stated that this Special Use Permit would not cause the property to be rezoned. They do not want the property zoned commercial. From what they have been able to learn, this Special Use Permit would not lead toward commercial zoning. They will not be disruptive to the community. There will be no outside activities. The evening lectures only last until 9:00 or 9:30 p.m. The turn-around area in the rear could be changes so that it does not take out the natural foliage. They do not want the trees removed either. There are over a million people practicing TM in the world. This center would only provide a center for small lectures and "one to one" tutoring. They rent schools and libraries for larger lectures. They have operated at this address for about a year.

Mr. Runyon stated that it seems to him that the applicants would be better advised to put the parking in the front rather than the side or rear. He stated that he did not feel any Special Use Permit would open the door to commercial zoning in a neighborhood. It is a question of whether or not this use can be properly placed on the property and determining whether or not this use would have a detrimental effect on the surrounding community. He asked why they did not locate in an office building or store front.

Mr. Williams stated that they do need a fair amount of quiet to be able to conduct these classes. In the Alexandria office, they are zoned commercial, but the structure is a residence. They are using the two top floors.

462

Mr. Kelley stated that he had viewed the site and the traffic at that location is very hazardous. It is a very dangerous place to try to turn left. He stated that he made two trips into the property and almost was hit both times.

RESOLUTION

In application S-214-75 by E. Clayton Williams, Mary Lou Jamison and Caroline Westhaeffer under Section 30-7.2.6.1.3.4 of the Zoning Ordinance to permit school of special education, 25 pupils at any one time, Sunday through Saturday, 10:00 a.m. to 10:00 p.m., 7414 Leesburg Pike, 40-3((1))79, Dranesville 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 property owners and property owners across the street, and a public hearing by the Board of Zoning Appeals held on November 19, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Ronald E. and Susan Jerro.
2. That the present zoning is R-17.
3. That the area of the lot is 1.8556 acres.

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

Mr. Runyon stated that he was not prepared to vote one way or the other because he did not think the Board has thoroughly examined the parking and deceleration lane aspect of the case. He stated that he did not think the impact of this use is quite as heavy as, in some cases, has been stated. A Special Use Permit is a way to control these transitional type uses. He stated that Mr. Kelley is correct, the turning situation is difficulty. However, once the deceleration lane is put in, that would alleviate that problem. There is additional road work planned for that area. The Special Use Permit process has been shown in the past not to be a detriment to the residential character of a neighborhood. The traffic is a problem now. There are two residences on this property now which would generate almost the same amount of traffic as this proposed use.

Mr. Kelley stated that the Board has to deal with this problem today, not when Route 66 is completed in that area.

Mr. Smith stated that the question is not on the merits of the proposed use because it is generally considered to be a good organization, but the main factor is traffic, which is one of the things the Ordinance says the Board must consider. He stated that he felt there is some hazard involved here. It is a greater hazard than would normally be created by a residential use. It has been indicated that there would be 25 cars in and out of this property over a period of two hours in the evening, which would be 50 trips. This does create an impact.

The vote on Mr. Kelley's motion was 3 to 0 in favor of it. Mr. Runyon abstained. Mr. Swetnam was absent.

In answer to Mr. Williams' question as to how long they would have to find another location, Mr. Smith stated that the 30 days notice of violation was up. How long they could continue to operate there is up to the Zoning Administrator; however, he felt the operation should cease at once.

Mr. Covington agreed.

10:20 a.m. - FIRST BAPTIST CHURCH OF SPRINGFIELD, appl. under Sect. 30-7.2.6.1.11 of the Zoning Ord. to permit increase in parking facilities, 7300 Gary Street, S-215-75.

The hearing began at 11:15 a.m.

Mr. Fox, Chairman of the Parking Lot Committee for the church, represented the applicant. He presented notices to property owners which were in order. He stated that this additional parking lot is needed to alleviate a substantial share of the present parking on the public streets. They have five services on Sunday, 8:30 to 12:00 Noon and two servides in the evening.

Mr. Richard Whittenberger, 7311 Gary Street, whose property adjoins the church property, presented a petition to the Board in objection to this application. The petition contained the names and signatures of all the homeowners and occupants of the four streets that surround the church property. He stated that there are 130 signatures on the petition. Out of 95 homes immediately surrounding the church, there were only five in favor of the use. He and the petitioners felt this would lower their property values, pollute the environment and constitute a noise, traffic & safety hazard. Mr. David Riel, 7305 Gary Street, directly opposite the front door of the church, spoke in opposition. He stated that the parking on the street occurs even when the parking lot is not full. He suggested the church rearrange their schedule, which he felt would alleviate the problem.

Mrs. Dorothy Whittenberger, 7311 Gary Street, wife of the earlier speaker, spoke in opposition. She also spoke regarding the petition and the people who opposed this application. [illegible] similar to her husband's.

Mr. Smith reminded the speakers that the Zoning Ordinance for Fairfax County requires that all parking be on the site of the use. The applicant is trying to comply with the Ordinance. The parking of cars on the street in connection with the church use is illegal and will have to cease.

Sally Paskell, 5545 Rolling Road, member of the St. Christopher's Episcopal Church contiguous with this church, stated that this church had notified her church originally. They are not against the parking lot. They need it and her church wants them to have it. However, there is a hill on the property and it will be a good place for kids to ride their minibikes until there is a fence put up. They suggest this be done.

Mr. Richard Wells, property owner directly behind the church, spoke in opposition. He suggested the proposed lot be closed with a chain.

Mr. Fox spoke in rebuttal to the opposition. He stated that the grade level of the land where the parking lot is to go will be reduced. St. Christopher's Episcopal Church had requested that they set the parking lot back 10', which they could not do. They compromised and set the parking lot back 9' from the Episcopal Church property. He stated that he would have gone to that Church and showed them the revised plats, etc., but he had not been invited.

Mr. Runyon stated that the number of parking spaces that are shown is 117 proposed. He inquired of Mr. Fox if there is a need for that number. He stated that ~~five~~ ~~to ten~~ 10 percent of the lot will have to be landscaped. He asked if additional buffering could be given the property owners along the residential side of the church.

Mr. Fox stated that on Sunday of this past week, they had 75 cars parked on Monticello Blvd. and Gary Street. They have had 122 automobiles that they could identify as belonging to people who were attending their church that were parked on these two streets. There will have to be a retaining wall adjacent to Lot 4 on Gary Street because of the grade level of the land.

Mr. Runyon stated that they have made no provision for landscaping or screening on the plats before the Board. The impact of the parking lot to the residents immediately surrounding this subject property will be fairly large. He suggested they shift the spaces on the north side of the church in order to provide additional buffer.
Pastor E. E. Wheeless stated that they have 1500 members in their church.

Mr. Smith stated that in view of the number of members in this church, he was surprised that they do not need more parking spaces.

The hearing on this case ~~closed~~ at 12:10 P.M.

464

Mr. Smith stated that the County and the Board of Zoning Appeals has been under scrutiny by the Courts in recent weeks in this area of Special Use Permit as it pertains to churches as to whether the Board and the County is infringing on the First Amendment rights. He stated that it has never been the intent of the County, the Staff, Board of Supervisors, or the Board of Zoning Appeals to infringe on the First Amendment rights of the citizens of this County to worship. For that reason, when the Board hears these cases the basic criteria is pertaining to site plan requirements and zoning requirements and nothing more.

RESOLUTION

In application S-215-75 by First Baptist Church of Springfield under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit increase of parking lot 7300 Gary Street, 80-3((3))(39)3, Springfield District, 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 November, 1975.

WHEREAS, the Board made the following findings of fact:
1. That the owner of the subject property is Trustees of the First Baptist Church of Springfield, Virginia.
2. That the present zoning is R-12.5.
3. That the area of the lot is 3.3366 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following 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 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. Compliance with the Parking Lot - Landscaping Ordinance will be required and buffering and screening along the residential uses shall be provided. This buffering and screening shall be to the satisfaction of the Department of Environmental Management.

Mr. Kelley seconded the motion. The motion passed 4 to 0. Mr. Swetnam was absent.

The Board recessed from 12:10 p.m. to 12:15 p.m.

10:40 a.m. - PAUL D. AUSTIN, D.V.M. appl. under Sect. 30-7.2.10.5.2 of the Ord. to permit construction of addition to animal hospital (Granted 4-25-73 but expired), 7323 Little River Turnpike, 71-1((1))19, (8,700 sq.ft.) Annandale District, (C-G), S-217-75.

The hearing began at 12:10 p.m.

Mr. Charlie Shumate, attorney for the applicant, presented notices to property owners which were in order.

Mr. Shumate stated that Dr. Austin operates a veterinary hospital at this location. He was granted a Special Use Permit for this operation on August 6, 1968. On April 25, 1973, he was granted an amendment to that original permit to build an addition to the existing building. The Board granted an extension to that permit because Dr. Austin had not been able to begin construction within the year. That permit expired. Dr. Austin is now in a position to begin construction and is again requesting an amendment to the existing Special Use Permit. This addition will be a one-story brick addition compatible with the existing structure. This application conforms in all aspects to the previous request.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application S-217-75 by Paul D. Austin, D.V.M. under Section 30-7.2.10.5.2 of the Zoning Ordinance to permit an addition to an existing animal hospital 7323 Little River Turnpike, 71-1((1))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 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 property owners and property owners across the street from the subject property, and a public hearing by the Board held on November 19, 1975, and

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

1. That the owner of the subject property is Paul D. Austin.
2. That the present zoning is C-G.
3. That the area of the lot is 8,700 sq. ft.
4. That the site is presently operating under S.U.P. S-890-68 granted August 6, 1968.

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

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 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 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 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 shall be from 8:00 a.m. to 7:00 p.m., Monday

through Friday and 8:00 a.m. to 3:00 p.m. on Saturday.

7. All other provisions of the previous Special Use Permit shall remain in effect.

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

The hearing ended at 12:30 p.m.

11:00 a.m. - CROWN CENTRAL PETROLEUM CORP. appl. under Section 30-7.2.10.3.1 and 30-7.2.10.3.5 of the Zoning Ord. to permit gasoline dispensing station and auto laundry, NE intersection of Edsall Road and Mitchell Street, 80-2((3))23 & pt. of 22, (34,239 sq.ft.) Annandale District, (C-N), (previously granted to Bell, 12-15-70), S-218-75.

The hearing began at 12:30 p.m.

Mr. Charlie Shumate, attorney for the applicant, submitted notices to property owners which were in order.

Mr. Shumate stated that he had learned that there is some opposition to this case. He stated that he had not had the opportunity to meet with these people and he felt they might be misadvised concerning this request. He stated that he would be happy to meet with them and explain to them the nature of this application, the type of construction to be used, materials,etc.

Norma Wilson, 6732 Voswick Drive, Springfield, representing the Edsall Park Citizens Association, stated that they do understand the application and their association has taken a stand and she did not believe a deferral would change anything.

William Turpin, 5248 Mitchell Street, five houses down from this subject property, from the Indian Springs Civic Association, stated that deferral of this case is not in the best interest of his group because those items mentioned by Crown's representative are not the primary ones they object to. They would like to speak further on the other concerns relating to this proposed station.

Mr. Scarborough, 5533 Backlick Road, member of the Gasoline Retailers Association, stated that there is no need for a deferral because they are aware of the type of building and structure Crown proposes.

Dave Lowry, 6458 Edsall Road, spoke in opposition to the deferral.

Robert E. Herr, 6550 Edsall Road, located on the northwest corner of Edsall Road and Mitchell Street, owner of the Exxon station across the street from the subject location, spoke in opposition to the deferral.

Mr. Smith stated that for the record the Board only has four members present. and Mr. Runyon has informed the Board that he will not be able to vote on this case.

Mr. Covington, Assistant Zoning Administrator, stated that Mr. Swetnam is in the hospital with his back and could possibly be there for two weeks.

Mr. Barnes moved that this case be deferred for a full voting Board.

Mr. Kelley seconded the motion. He stated that he felt it would not be fair to have this hearing without a full voting Board.

Mr. Runyon apologized to the Board because he could not vote on this case since he has worked with Crown in the past. He stated that he is on the Board because he represents the engineering community and occasionally he finds that he works on one of these projects that comes before this Board.

Mr. Smith stated that there would have to be an affirmative decision by the three members in order to resolve the issue.

The motion passed unanimously 3 to 0. Mr. Runyon abstained. The case was set for January 8, 1976, at 10:00 a.m, if there is a full Board at that time.

Mr. Shumate stated that if any of the citizens have questions, he would be happy to talk with him. He gave his phone number, 591-8500.

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11:20 a.m. - LARRY O. HEINER, D.D.S. appl. under Section 30-7.2.6.1.14 of the Zoning Ord. to permit dental office in home, 3904 Picardy Court, 110-4((7))3, (21,040 sq.ft.), Mt. Vernon District, (RE-0.5), S-220-75.

Mr. Genuario, builder of the house where Dr. Heiner wishes to put his dentist office and reside, testified for Dr. Heiner and presented notices to the property owners which were in order.

Mr. Genuario stated that Dr. Heiner's office hours will be from 8:00 a.m. to 5:00 p.m., five days a week. Dr. Heiner and his family will live in this house. They have provided enough parking spaces for about six cars just in front of the two car garage and to the end of the driveway. Dr. Heiner will have one assistant.

Mr. Smith stated that the plats that are before the Board are not sufficient. The parking spaces have not been delineated and he questioned if there was enough room within the proper setback to have six parking spaces.

Mr. Kelley moved that the case be deferred until the applicant can get correct plats showing the parking spaces delineated. There should be enough parking spaces for any number of people who will be on the property at any one time.

Mr. Barnes seconded the motion.

The motion passed 4 to 0.

Mr. Genuario argued that Dr. Heiner has two spaces in the garage where he can park his two cars. That leaves 5 spaces for his assistant and patients. They plan to have about 24 patients per day, or 3 per hour. He stated that there is a letter in the file from one of the property owners across the street stating that they have no objection to this use.

Mr. Smith stated that 24 patients is a lot of patients in a residential area.

The case was set for December 2, 1975, at 11:30 a.m.

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11:40 a.m. - ROBERT O. WELANDER appl. under Section 30-6.6 of the Zoning Ordinance to permit construction of pool closer to side and rear property lines than allowed by the Ord., (side:11' total of 23.8', 10' total of 30' required; rear: 22', 25' required), V-223-75.

Mr. Welander submitted notices which were in order. His main justification was the odd configuration of the lot. There were also two Fairfax County easements on the property, a storm sewer easement and sanitary sewer easement.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application V-223-75 by Robert O. Welander under Section 30-6.6 of the Zoning Ordinance to permit construction of pool closer to side property line than allowed by the Zoning Ordinance (side: 11' total of 23.8' requested, 10' total of 30' required; rear: 22' requested, 25' required), 8806 Four Seasons Court, Wessynton Subd., 110-2((14))140, 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 property owners and property owners across the street from the subject property, and a public hearing by the Board held on November 19, 1975, and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5 Cluster.
3. That the area of the lot is 19,386 square feet.
4. That a sanitary sewer easement and storm sewer easement is located to the side and rear of this lot.

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

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 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, a residential use permit and the like through the established procedures.

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

12:00 Noon - KEY TO LIFE ASSEMBLY OF GOD appl. under Section 30-7.2.6.1.11 of the Zoning Ord. to permit church, S-234-75 OTH.

Rev.James Wolf, Pastor of the church, submitted notices to property owners which were in order.

Rev. Wolf stated that they have been meeting in the existing structure that is on this property since 1973. They obtained a Special Use Permit on November 21, 1973 which was granted for two years. They would like to continue to use the existing structure until they can complete their proposed building. The proposed church would contain 198 seats. They are proposing to provide 43 parking spaces. When the new church is complete, they would remove the old structure. They hope to begin construction within 4 or 5 months. The new church will be constructed of brick.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application S-234-75 by Key To Life Assembly of God under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit church to be constructed and existing house to be used in the interim, on property located at 1018 Balls Hill Road, 21-3((1))51 & 52, 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 Board 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 property owners across the street from the subject property, and a public hearing by the Board of Zoning Appeals held on November 19, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the subject property is owned by Trustees of Key to Life Assembly of God.
2. That the present zoning is RE-1 & RE-0.5.
3. That the area of the lot is 3.274 acres.
4. That the church is presently operating under SUP S-185-73 in an existing structure on the property.

AND, WHEREAS, the Board of Zoning Appeals has reached the following 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 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) 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. 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. All other provisions of the existing SUP shall remain in effect.
7. The existing house is to be used as the church until the new building is constructed.
8. Landscaping and screening shall be provided, to the satisfaction of the County of Fairfax's Department of Environmental Management.

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

RHODA RIMBOCK, S-200-75, Request to permit change of ownership for beauty shop, Fairmont Gardens Apartments, RM-2, appl. under Section 30-2.2.2 Col. 2, RM-2 Uses, 4212 Wadsworth Court.

Mr. Ernest P. Jones, co-partner with Ms. Rimbock, his step-daughter, represented her before the Board. She was unable to attend the hearing due to illness.

Notices to property owners were in order.

Mr. Jones stated that Ms. Rimbock would continue to operate this beauty shop as the previous owner has operated it in the past.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application S-200-75 by Rhoda B. Rimbock, under Section 30-2.2.2, Col 2 RM-2, to permit change of Permittee for beauty shop, 4212 Wadsworth Court, Fairmont Garden Apartments, 71-1((3))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 by the Board held on November 6, 1975 and continued to December 19, 1975 for proper notices.

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

1. That the owner of the subject property is the Fairmont Associates.
2. That the present zoning is RM-2.
3. That the area of the lot is 21.0546 acres.
4. That compliance with all applicable State and County Codes is required.
5. That a beauty shop has been operating in this apartment complex pursuant to Special Use Permit S-15-72 granted March 15, 1972 to Christine L. Jurca and Joyce B. Koval. This application seeks to amend S-15-72 to make the current applicant the permittee.

NOW, 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 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 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.

They were:
Hours of operation shall be from 9:00 a.m. to 3:30 p.m., 5 days per week and 10:30 a.m. to 6:30 p.m. on Thursdays only.
There shall be no signs.

Mr. Barnes seconded the motion. The motion passed 3 to 0. Mr. Kelley abstained. Mr. Swetnam was absent.

GEORGE K. OSS, V-201-75, to permit addition to house closer to side property line than allowed by the Ordinance (within 4'), 5207 Ferndale Street, 71-3((4))(36)2, V-201-75 (Deferred from 11-6-75 for the applicant to consider a reduction in the amount of the variance request).

Mr. Smith read a letter from Mr. Oss dated November 11, 1975 setting forth the reasons why he felt he should be granted the variance as originally requested without a reduction. (Letter in file).

Mr. Kelley stated that he did not feel the applicant had made a strenuous effort to reduce this variance. He stated that he felt the applicant is overbuilding on this lot.

RESOLUTION

In application V-201-75 by George K. Oss under Section 30-6.6 of the Zoning Ordinance to permit construction of an addition to house closer to side property line than allowed by the Zoning Ordinance (4' from side, 12' required), 5207 Ferndale Street, 71-3((4))(36)2, 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 held on November 6, 1975 and

Page 471, November 19, 1975
OSS (continued)

deferred to November 19, 1975 for decision, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 14,041 square feet.

AND, WHEREAS, the Board has reached the following conclusions of law:
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. Swetnam was absent.

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* GUNSTON BAPTIST CHURCH (See bottom of page)
STATEMENT FOR THE RECORD ON COLVILLE CASE FROM NOVEMBER 12, 1975.

Mr. Runyon stated that for the record, he wanted to say with regard to the first item on the Agenda last week, the Colville case, that he would like to amplify his vote regarding the prayer meeting in the home. He stated that at the time he didn't say anything because of the frame of mind that he was in. However, at this time, he wished to make a brief and to the point statement.

Mr. Runyon's statement was to say to the Zoning Inspectors and Zoning Administrator that in his vote, he, in no way, felt that they had done an improper act nor had they done anything more than bring to a head a question regarding where to draw the line between a church and a meeting. The statements made by the members of the audience implying that the Board did not know what the question was, merely served to point out more directly the fact that the Board was in fact trying,for the record, to place certain information in the record in order to clarify for the Staff what was a church and what, in the Board's estimation, would be merely a meeting. He stated that he wanted to commend the Staff for their diligent pursuit of this application for one thing and for having the nerve to take the stand knowing that the question had to be resolved. He stated that he did, somewhat, personally, resent the implication that the Board of Supervisors in some instances referred the case to the Board of Zoning Appeals insisting that it was a Board of Zoning Appeals matter. The whole question of churches and Special Use Permits was reduced to a Use Permit level by the Board of Supervisors and it was then left up to this Board to then interpret the Ordinance. So to say that the Board of Zoning Appeals and the Zoning Office was at fault was an overstatement. He stated that he felt the Board of Zoning Appeals is pursuing the Special Use Permits in a timely fashion and the staff is doing a good job of chasing after them -- witness the last case of the Gunston Baptist Church, the trailer is moved. The Staff should be commended and certainly not feel that any "slap of the wrist" type action was taken, but merely a resolution of a rather important question.

Mr. Kelley stated that at that time there was a lot of conversation regarding parking on the street from that use. He stated that he did not feel it was the duty of the Zoning Administrator to cite violations for this. This is the duty of the Police Department. The Board or the Zoning Office has no control over the public streets.

Mr. Covington stated that he agreed unless the Board has granted a Special Use Permit which causes the need for extra parking facilities and all parking for the use under Special Use Permit must be on the site.

Mr. Smith stated that land use questions must be referred to the Zoning Administrator. He stated that he felt the Zoning Administrator acted properly in that case because of the size and intensity of that land use. He stated that he questions whether it is a proper use when you have 25 or more people meeting in a residential area. If the Board had ruled that the Colville's were actually a church they would have had to provide off street parking.

// GUNSTON BAPTIST CHURCH -- The Board at its meeting November 12, 1975, requested a letter be written to the church regarding the trailer that they have on the site in violation of the Zoning Ordinance and Building Codes. That letter was written and is in the file. The Zoning Inspector reported that the trailer has now been removed and therefore, the violation is cleared.

472

REQUEST FOR INTERPRETATION

Mr. Gilbert R. Knowlton, Zoning Administrator, came before the Board with a request for guidance to help him determine whether or not a particular restaurant should be allowed within the Highway Corridor District. The criteria that has been used in the past is whether or not the restaurant's primary food sales is from the drive-in or window sales or whether it is primarily from the sit-down sales. If the drive-in or window sales exceed 50 percent, the restaurant is not allowed in the Highway Corridor District. He stated that there always is some question as to which side the reataurant falls on. The particular restaurant in question is called Windy's which would like to locate on the east side of Route 1 in the Hybla Valley area. Windy's has a counter for the pick-up of food; however, the interior of the restaurant has the same features as a regular sit-down type restaurant. The restaurant also has a certain amount of sales through a drive-up window. In trying to ascertain whether they do or do not exceed 50 percent food sales through the window and counter, they asked the Company to give some statistics for several of their other restaurants in the eastern United States that are located in a similar situation as the proposed restaurant in Fairfax County. They received information that the sales at the Buford Highway (US 23) in Atlanta was 40.1 percent; Peachtree Street, N.E., in Atlanta, 37.9 percent; North Ridgewood Highway (US 1) Daytona Beach, Florida, 42.5 percent; Telegraph Road, Detroit, Michigan, 40.0 percent; and Kingston Pike, Knoxville, Tennessee, 34.0 percent. This study indicates that the sales for food consumption is less than the primary part of their business for the drive-in sales and therefore, they should be considered other than a drive-in restaurant. He asked for the comments of the Board.

Mr. Smith stated that he felt that the Board of Zoning Appeals should not get involved in this as long as the Zoning Administrator felt that he had met the intent of the Zoning Ordinance as defined by the Board of Supervisors.

Mr. Knowlton asked the Board if it had any objection to his interpretation.

Mr. Covington stated that Mr. Knowlton did not have his concurrence. He stated that this restaurant has as a primary feature, the attraction to people who eat in their car.

Mr. Knowlton stated that the Ordinance says, "primary use of the establishment".

Mr. Runyon stated that he was surprised that any of these uses are allowed in the Highway Corridor District. He stated that he thought it was McDonald's and restaurants like that that the Board of Supervisors was concerned with when they adopted this Ordinance. He stated that all of the uses in Fairfax County are automobile oriented. That is why he felt Metro will not work.

Mr. Smith stated that if Metro had to pay its own way, it wouldn't work. It will work, because the taxpayers are paying for it.

Mr. Runyon stated that he was glad to hear that some of these uses are permitted and that it is a question of how it is developed.

Mr. Knowlton stated that his question is more general than this specific location. He stated that he is asking for an interpretation of some specific words that are found in the Highway Corridor District Ordinance where it says, "(1) gasoline service stations, (2) automobile laundries, (3) drive-in restaurants" which they do not define but he stated that he does pick up a definition in another section which says "...automobile service stations, automobile laundries and drive-in restaurants that are designed primarily for serving of food or drink for consumption in cars or off premises." That is where the 50 percent or greater comes in.

Mr. Barnes inquired what the outlook would be if it becomes primarily a drive-in restaurant later on.

Mr. Knowlton stated that he has to have some assurances that what he is approving is not a drive-in restaurant, and if it changes, it is a change in use.

Mr. Covington stated that when he worked for the ABC Board, they went to the restaurants and counted the number of dinners served.

Mr. Runyon stated that he felt Mr. Knowlton's interpretation on this is correct now that he has read that section of the Ordinance.

Mr. Smith stated that with this interpretation, he did not know what type of restaurant could be excluded.

Mr. Runyon stated that perhaps the concept has changed. A lot of the restaurants are changing from drive-in and carry-out types to family type restaurants. He stated that he would like to see the Board take the position that Mr. Knowlton's position is correct since this restaurant chain has shown that less than fifty (50) percent of their food sales is from the drive-in sales.

Mr. Kelley agreed that he felt Mr. Knowlton was right.

Mr. Barnes stated that he also felt Mr. Knowlton was right.

Mr. Swetnam was absent.

Mr. Smith stated that Mr. Knowlton has the agreement of the majority of the Board members. He stated that he felt it would be a good idea to run this by the Board of Supervisors because just as soon as this is built someone is going to question it. This restaurant is coming in with a drive-in window feature.

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APPROVAL OF MINUTES

Mr. Kelley moved that the minutes for October 28, 1975 be approved as corrected.

Mr. Runyon seconded the motion.

The motion passed unanimously.

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The hearing adjourned at 4:00 p.m.

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Jane C. Kelsey
BY JANE C. KELSEY, CLERK TO THE
BOARD OF ZONING APPEALS

SUBMITTED TO THE BOARD OF ZONING APPEALS
ON December 17, 1975

SUBMITTED TO OTHER DEPTS., BOARDS AND
COMMISSIONS ON January 23, 1976

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED _____
DATE

The Regular Meeting of the Board of Zoning Appeals was held in the Board Room of the Massey Building on Tuesday, December 2, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes; Tyler Swetnam; and Charles Runyon.

The meeting was opened with a prayer by Mr. Barnes.
The meeting began at 10:10 a.m.
10:00 - PLEASURELAND TRAVEL CENTER, INC. S-221-75 and V-222-75. (Had been withdrawn and rescheduled for January 14, 1975).
10:30 - HENRY COUNTS, JR., appl. under Section 30-6.6 of the Zoning Ordinance to permit construction of enclosed porch closer to rear property line than allowed by the Ordinance, (13.6' of rear, 25' required), V-224-75.

Mr. Counts submitted notices to the Board which were in order.

Mr. Counts' main justification was the shape of the lot and also the house was constructed at an angle on the lot. The proposed porch would not be seen by any neighbors from their houses. The proposed porch is 16' wide and 20' deep. The bottom of the porch would be brick similar to the brick on the house; and the aluminum siding on the upper portion will be identical to the aluminum siding on the house. The rest will be thermopane glass. The porch will be used only as a porch and additional play space for the children and will not be used for bedrooms or living space.

Mr. Kelley asked if he didn't realize when he purchased this house that he would have a problem if he wanted to enclose the porch.

Mr. Counts stated that he had incorrectly assumed that he would be able to build the porch without any great difficulty. He [illegible] purchased the house 14 months ago. He stated that he [illegible] when he purchased the house that he would need additional space.

Mr. Smith stated that this variance is almost 50 percent of the required setback.

Mr. Counts stated that to build a porch any smaller would not be adequate for the children.

There was no one to speak in favor or in opposition to the application.

In answer to Mr. Runyon's question as to why he could not make the porch wider out to the right of the house, Mr. Counts stated that he would run into two large pine trees that are 30 years old and the cost of removing them would be substantial and to build on the other side would put the porch right in the neighbor's window.

Mr. Runyon stated that he felt the porch was being located in the right place but it is a large variance request.

RESOLUTION

In application V-224-75 by Henry Counts, Jr. under Section 30-6.6 of the Zoning Ordinance to permit construction of porch within 13.6' of rear property line (25' required), 7130 Old Dominion Drive, 30-1((1))81, 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 held on December 2, 1975, 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-12.5.
3. That the area of the lot is 12,536 square feet.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
That the applicant has satisfied the Board that the following physical con-

ditions 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 building.

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

1. This approval is granted for the location and the specific structure or structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. Architectural detail shall conform to that of the existing structure.
4. The rear setback shall be 17.0 feet.

FURTHERMORE, the applicant should be aware that this granting does not constitute exemption from the various requirements of this County. The applicant shall be responsible for fulfilling his obligation to obtain building permits, a residential use permit and the like through the established procedures.

Mr. Kelley seconded the motion. The motion passed 5 to 0.

Mr. Runyon stated that having looked at this, he felt that the same area for the porch could be obtained by extending the sideline back and not have to go as deep in the rear yard as requested. The house is already built closer to the pine trees than the proposed porch would be.

Mr. Smith stated that he felt this is a reasonable solution to the problem. Even a 16' x 16' porch is rather substantial even if he has to keep the distance from the trees. The Board is limited in its jurisdiction as to the extent it can grant a variance.

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10:40 a.m. - MR. & MRS. HAMILTON CAROTHERS, appl. under Section 30-6.6 of the Zoning Ordinance to permit addition closer to front and side property lines than allowed by the Zoning Ordinance, (30' from front, 45' required; 16' from side, 17' required), 7312 Rebecca Drive, 93-3((4)) 171, (18,415 sq.ft.), Mt. Vernon District, (R-17), V-225-75.

The hearing began at 10:53 a.m.

Mr. Carothers submitted notices to property owners which were in order.

Mr. Carothers main justification for this proposed addition was the extreme slope of the lot. He stated that the lot drops one entire floor from the front to the back of the house. He has an 18' retaining wall on the property. The only flat land on the lot is where the existing deck is. He wants to replace the deck with this room which will be used for the dining room for his family. He had assumed that all he would have to do would be to enclose the deck, but he learned that the act of enclosing it would require a variance. The house was constructed before there were zoning restrictions, and the deck probably has been there for 20 years. The house was not set square on the lot so that the corner of this proposed addition is creating the problem. It is not the whole side of the deck that needs the variance. At the time he purchased the property in early August of this year, he had no knowledge that there would be a zoning issue involved. The deck was already there. Because of the landscaping that is on the property, one will not be able to see this addition at all. The existing house is 41' from the front property line.

Mr. Smith stated that by today's Code, the requirement is 45' for the house.

Mr. Carothers stated that he might be able to squeeze 2' off the corner of the proposed addition.

There was no one to speak in favor or in opposition to the application.

----------RESOLUTION----------

In application V-225-75 by Mr. and Mrs. Hamilton Carothers under Section 30-6.6 of the Zoning Ordinance to permit addition closer to front property line than allowed by the Ordinance (within 30') 7312 Rebecca Drive, 93-3((4)) 171, 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 property owners and property owners across the street, and a public hearing held by the Board on December 2, 1975, and

WHEREAS, the Board 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.
3. That the area of the lot is 18,415 sq.ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 building.

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.
4. The front setback shall be 32 feet.

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, a residential use permit and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

10:50 a.m. - FOX HUNT SWIM CLUB, INC. appl. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit installation of lights on existing tennis courts, end of Spaniel Road, Orange Hunt Estates, Section 7, S-226-75

Began at 11:08 a.m.

Mr. Tom West, representing the applicant, submitted notices to property owners which were in order.

Mr. West stated that they propose to light two existing tennis courts which have been in existence for four years. They propose to use Devoe low mounted linear source lighting. These lights are on 15' posts running parallel along each side of the courts. The lights are directed to the courts, not the residential area. This is much different from the tall poles that are used in some lighting systems. The lights are set at 45 degree angles with the lights directed to the courts.

A brochure showing the type lights they planned to use was in the file.

Mr. West stated that there are woods and also some low shrubs between the courts and the residences nearby.

Page 477, December 2, 1975
FOX HUNT SWIM CLUB, INC. (continued)

Mr. Gregory Harnie, 6944 Spaniel Road, spoke in favor of the application. He stated that it cost $200,000 to build these recreational facilities and they have very limited use of the courts since it gets dark so early in the winter months. These lights will enable them to get full use from the courts and will allow the people who work to use the courts too.

Mr. Smith stated that there is a limitation on the hours of operation.

Mr. Harnie stated that he knew there was for the swimming pool.

Mr. Smith stated that the hours of operation include the entire facility. It is a condition of the Special Use Permit. The hours are from 9:00 a.m. to 9:00 p.m. There is no application before the Board for a change in those hours.

Mr. James Kelley, Lot 188, the closest lot to the tennis courts, spoke in opposition. He submitted photographs that were taken from the foundation of his house showing the existing courts. His house is under construction. He purchased the house in September and was aware of the tennis courts and also aware that they were not lighted. He stated that he feels this proposed lighting will cause him grief and an invasion of his privacy.

Mr. Kelley stated that surely he was aware of these courts and this recreation facility at the time he purchased the property and even though there might not have been lights on the courts at that time, it is usually because of the lack of funds and it is always a possibility in the future.

Mr. Barnes agreed that Mr. Kelley should have been aware of these circumstances at the time he purchased his house. He felt the hours should remain as they are now.
Mr. Swetnam stated that he agreed that the hours of operation should not change.

Mr. Smith stated that the applicants will have to abide by the Noise Ordinance and by the limitations of their Special Use Permit. If they do not, the neighbors should notify the Zoning Office.

Mr. Kelley stated that the Board has encouraged these types of tennis court lights.

There was no one else to speak on this case.

RESOLUTION

In application S-226-75 by Fox Hunt Swim Club, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit installation of lights on existing tennis courts, end of Spaniel Road, Orange Hunt Estates, Section 7, 88-4((2))D, Springfield 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 held on December 2, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17 Cluster.
3. That the area of the lot is 3.0774 acres.
4. That compliance with the Site Plan Ordinance is required.
5. That compliance with all applicable State and County Codes is required.
6. That the applicant operates a community swim and tennis club, pursuant to Special Use Permit S-110-72, granted July 12, 1972.

AND, WHEREAS, the Board has reached the following 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 the same

478

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 terms and conditions set forth in Special Use Permit S-110-72 shall remain in effect.

They were:

-- Maximum number of memberships shall be 350 which shall be residents within a two (2) mile radius of the pool itself.
-- The hours of operation shall be from 9:00 a.m. to 9:00 p.m.
-- There shall be a minimum of 90 parking spaces provided and a minimum of 30 parking spaces for bicycles.
-- The entire area shall be enclosed with a chain link fence as approved by the Director of Environmental Management.
-- Landscaping, planting and screening shall be as approved by the Director of Environmental Management.
-- All lights and noise shall be directed onto site and must be confined to said site.
-- Should the members desire an after hours party, permission must first be granted by the Zoning Administrator and shall be limited to 6 per year.

7. All necessary landscaping and/or screening shall be provided and this shall be to the satisfaction of the Director of Environmental Management.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

11:00 a.m. - STEVE R. ELI appl. under Section 30-6.5 of the Zoning Ordinance to appeal Zoning Administrator's decision not to allow palm reading as a permitted use in a C-O zone, 6700 Arlington Blvd., 50-4((13)) (2)14, City Park Homes Subd., (7,200 sq.ft.), Annandale District, (C-O), V-213-75.

Mr. Donald Stevens, attorney for the applicant, 4084 University Drive, represented Mr. Eli before the Board. Notices to property owners were submitted to the Chairman and were in order.

Mr. Stevens stated that the subject property is in a C-O (Commercial Office) zone. One of the permitted uses in that zone is business and professional offices. This property was previously used by a tax consultant. He did not live there. There is a small neighborhood shopping center nearby. There are four or five houses similar to this house in this City Park Subdivision which were constructed 25 years ago. One of these houses has been used for an office and storage area for a construction company. There is at least one real estate office in this subdivision along Arlington Boulevard. There is a plant store. It is Mr. Eli's position that the requested use of palm reading in a portion of this house will have much less effect on the appearance of the outside of these premises than any of these other uses, such as the real estate office and certain the storage yard. There are a

larger number of employees for those uses than this use. A lawyer's office for instance would generate much more traffic than this use. The only employee for this use will be Miss Eli. Her business is no different than other personal service businesses--doctors, consultants, etc. Business is defined as any trade or occupation in which one engages for personal support or gain. Miss Eli practices palm reading as her means of support. It is not up to this Board or any other Board to determine if this is a good office use or bad office use. If it is such a use that is contemplated by the Zoning Ordinance to support the person engaged in that business, then it is permitted in the C-O district. Nobody puts a gun at the head of a person who goes to Miss Eli to get their palm read. She sometimes calls herself a cheap psychiatrist since she does more listening than anything else. Mr. Eli has made considerable improvements to this property and this property is now a positive addition to the neighborhood.

In answer to Mr. Smith's questions, Mr. Stevens stated that Miss Eli's training is from her mother. Palm reading expertise is handed down from generation to generation. They are gypsies. He stated that as far as he knew, all palm readers are gypsies. They are citizens of the United States. This business does require a business license from the State and County. This has not been obtained because the business license cannot be issued until the non-residential use permit has been issued and the Zoning Administrator would not issue it. The Elis purchased the property in this C-O zone on the advice of counsel. Mr. Stevens stated that he told Mr. Eli that he thought this was a permitted use in that C-O district. They continued to operate there because it is their position that it is a permitted use by right in this zone. The Zoning Administrator, Mr. Knowlton, responded to his initial inquiry and that letter is in the file on this case. His response indicated that he was not certain whether it would be allowed or not.

Mr. Smith stated that that didn't give Mr. Eli permission to operate this business and to put up a sign. There is a free standing sign and there is also a sign in the window indicating that Miss Eli is an advisor.

Mr. Stevens stated that this sign is a preexisting sign. They changed the name on the existing sign pole.

Mr. Kelley stated that that doesn't give them the right to use it. He stated that he did not think Exxon could automatically use Amoco's sign should Exxon take over Amoco's gas station. He stated that he didn't believe that the sign should go up until the sign permit has been issued. He stated that they had no right to put that sign up or to change the name on it. He asked Mr. Stevens, "Are you saying that it goes with the land use?"

Mr. Stevens: "In my view, it does."

Mr. Smith: "To change that sign they have to get a new sign permit number."

Mr. Stevens stated that he was well aware that any modifications required a permit.

Mr. Covington stated that apparently Mr. Stevens has changed his position on this sign. He was on the Sign Code Committee and knows that the former sign was a non-conforming sign and any change in the sign would negate the sign and wouldn't be permitted.

Mr. Covington stated that they also need an occupancy permit.

Mr. Stevens stated that this is why they are before this Board.

Mr. Smith stated that, "You are operating without first obtaining a State business license or meeting the County requirement for an occupancy permit. This has no bearing on the interpretation but it gives the Board some insight into how Mr. and Mrs. Eli treat the laws of the County."

Mr. Stevens stated that Mr. and Mrs. Eli have done everything they could possibly do to obtain the business license. They have requested it both verbally and in writing. There is nothing in the Ordinance that says that as a prerequisite to obtaining a business license one must obtain a non-residential use permit. The Zoning Administrator even indicated that he was not certain it was not a permitted use and welcomed this appeal from the Board in order to get an interpretation.

Mr. Smith stated that Mr. Stevens related this use to that of doctors and lawyers who do require certain professional training before they can open an office.

Mr. Stevens stated that that is correct but there are other kinds of such uses made by people that are not commonly known as professionals.

Mr. Smith asked for a clarification regarding the fact that the sign reads "advisor", and asked what the difference is between a palm reader and fortune teller.

Mrs. Eli, mother of Miss Julie, the palmreader, stated that she did not know of any difference between a palm reader and a fortune teller. The only way she could explain the word "advisor" is when a person comes in to have their palm read, she might ask the question, "Do you think I should apply for this particular job?" This is a job that the client is interested in and the palm reader would answer the question. She stated that she bases this advice on what she sees in the palm of the individual. There is no training for palm reading. It is a gift that is given from God to all her people, she stated.

A lady in the audience came forward to dispute this. She stated that she is opposed and she felt these people are teaching falsehoods.

Mr. Smith stated that there is a letter of opposition in the file from Mr. Stanley W. Laird, 6716 Arlington Blvd., stating that he owns lots 9, 10, 27 and 30 in City Park Homes and he felt the Board should uphold the Zoning Administrator's decision.

Mr. Smith asked the Clerk to place in the record, verbatim, the memo from the Zoning Administrator to the Board of Zoning Appeals dated December 2, 1975, subject, appeal of decision regarding fortune-tellers, palm readers, etc. — through

"I do not pretend to know the business of fortune-telling, palm reading, crystal gazing, or similar activities. I do know that these do constitute uses of land and buildings, and that they are not listed among the uses permitted within any of the zoning districts. They do not seem to fall within any of the broad headings of uses listed in the Zoning Ordinance. Indeed, they constitute an activity so unique as to be separately treated in both State and County revenue legislation.

It is recognized that when a land use comes along which is not treated within the Zoning Ordinance there are two possible ways of applying zoning categories to it: (1) the applicant may apply through the Office of the County Executive for an appropriate amendment to the Ordinance, or (2) the use may be considered as permitted (if not otherwise disallowed) under Column 1 of the I-G District which permits "All uses not otherwise prohibited by law...". In this case, the applicant has chosen a third method by appealing the interpretation of the existing Ordinance words.

The history of this case is one in which the business was established on land zoned for commercial office, a violation notice was issued, and the B.Z.A. application was instituted appealing the interpretation which resulted in the violation notice. If this appeal is supported by the B.Z.A., then these establishments would be permitted in all zones which permit offices (COL, CO, COH, CN, CD, CG, II, IS, IP, IL, and IG). If the B.Z.A. determines them to be professional offices, then they would be permitted by Special Permit as a "Home Professional Office" in most of the residential districts. I personally cannot believe that the authors of our Codes had this in mind.

It is the interpretation of your Zoning Administrator that the business of a fortune-teller, palm reader, crystal gazer and similar land uses are not a professional office, a business office, a retain establishment, or any of the specific uses listed in the Zoning Ordinance, and therefore, are only permitted in the I-G zoning District, where they are permitted as a use by right."

Mr. Smith stated that Mr. Knowlton could not be present for this hearing because he is in Court.

Mr. Swetnam moved that the decision of the Zoning Administrator be upheld and his letter of December 2, 1975 be incorporated in the minutes of this meeting.

Mr. Kelley seconded the motion. The motion passed 4 to 0. Mr. Barnes abstained.

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11:20 - RESTON READING CENTER, INC. appl. under Section 30-7.2.6.1.3.4 of the Zoning Ordinance to permit reading center, 2151 Chain Bridge Road, S-228-75.

Mr. Pete Cerick, attorney for the applicant, 714 Pine Street, Herndon, represented the applicant before the Board. Notices to property owners were in order.

Mr. Cerick stated that this property is owned by Mr. and Mrs. Hines. Mrs. Hines is the President of this corporation.

Mr. Smith stated that there will have to be a lease in the file.

Mr. Cerick stated that he would supply the lease for the file.

Mr. Cerick stated that this school falls within the category of school of special education. The primary use of the property is for individual testing and tutoring for children with reading and/or learning problems. This is the only full service reading clinic in Northern Virginia. The tutoring is done on a one to one basis in the homes of the tutors. This will not be a day care center or a private school. The only exterior change that will be made to this property will be the parking lot as indicated on the plan. They do intend to hook up to public water and sewer.

Mr. Cerick stated that this school would not change the residential character of this neighborhood. They will be happy to screen the parking area from the next door neighbor. The property owner to the right would like to have a fence. He requested that the requirement for the site plan be waived. He stated that the Staff indicates that a 22' travel lane would be required. He stated that his clients do not feel this would be necessary for the slight use that will be made of this property. This would be quite burdensome financially.

Mr. Smith stated that this question is not before this Board. This Board has no authority to waive the Site Plan requirements. He stated that he felt the property should be screened from the adjacent residences. The Board usually follows the suggestions of Preliminary Engineering for Special Permit Uses such as this.

Mr. Cerick stated that no more than 5 children would be on the premises in any one day. The Director and/or Assistant Director will work in the building daily from approximately 9:00 a.m. to 4:00 p.m.

Mr. Frank Tipton, 1030 Maple Avenue, East, across the street from the subject property, spoke to say that he was not necessarily in opposition, but he is concerned about the future of this property, its possible expansion or failure.

Mr. Smith explained that a Special Use Permit is restricted to the specific number of children that the Board might specify. The Permit is granted to the applicant only. If the applicant fails to continue with this use, the use will revert back to a residential use. The applicant will be restricted also by the plat that is in the file.

Mr. Tipton stated that in view of these facts, he would have no objection.

Mr. Milton Robertson, 2141 Chain Bridge Road, Lot 22, spoke on behalf of Mr. Horace Payne, Lot 20 and Mr. Waters, Lot 19, in opposition to this application. He spoke to the concerns they have about the increased dust from the traffic, the screening and fencing for this use and the drainage problems that already exist on this property without the additional paving that will have to be done for the driveway and parking areas.

Ms. Rita Cole, 1987 Horseshoe Drive, spoke concerning the drainage problems.

Mr. Smith explained that the drainage problems is something that is handled under the Site Plan.

Mr. Anofreo, 1026 E. Maple Avenue, stated that he was not completely in opposition now that he understands the restrictions.

Mrs. Hines explained that even if this center should expand, it does not create a greater use for the main center because the tutoring is done by the tutors in their homes or in the homes of the children. They sometimes go to the schools. They will not use the facility evenings and weekends.

Mr. Horace Payne, Lot 20, contiguous with the subject property, spoke to say that he did not want a stockade fence.

Mr. Smith told him that this is something he will have to work out with the Site Plan Office. The normal requirement is for a stockade fence to prevent any lights from cars in the parking lot from shining in the residence's windows.

Mr. Payne stated that he would not be opposed to this use based on the evidence that has been presented if they would consider putting up a fence, such as a chain link fence to keep the cars off his property.

There was no one else to speak either in favor or in opposition to this application.

Mr. Runyon stated that based on the evidence presented, he believed the questions have been answered and he also believed that this application conforms to the requirements of the Zoning Ordinance.

RESOLUTION

In application S-228-75 by RESTON READING CENTER under Section 30-7.2.6.1.3.4 of the Zoning Ordinance to permit reading center in existing building, 2151 Chain Bridge Road, 39-1((3))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 held on December 2, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Howard M. and Bonnie B. Hines.
2. That the present zoning is RE-1.
3. That the area of the lot is 42,860 sq.ft.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following 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 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. Number of children shall not exceed five (5) per day.
7. The hours of operation shall be from 9:00 a.m. to 4:00 p.m., Monday through Friday.

Page 483, December 2, 1975
RESTON READING CENTER, INC. (continued)

8. Landscaping and screening is required and shall be to the satisfaction of the Department of Environmental Management.

Mr. Swetnam seconded the motion.

The motion carried 5 to 0.

Mr. Smith stated that before this Special Use Permit would be valid, the applicant needs to provide for the file a copy of the lease between the property owner and the applicant.

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The Board adjourned for lunch at 1:03 to return at 2:15 p.m.

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12:00 Noon - RE-EVALUATION HEARING ON SPECIAL USE PERMIT FOR RIDING STABLE, S-182-75, BERNARD C. COX, 3801 Skyview Lane, 58-4((1))54, 8 acres, Providence District, (RE-1), Granted November 14, 1973. (Deferred from October 7, 1975 to give attorney for applicant additional time to prepare answers to questions raised by the surrounding property owners and Zoning Inspectors and deferred again on November 6, 1975 because of confusion as to whether or not the case would again be deferred.)

Mr. Blaine Friedlander, attorney for the Permittee, 10370 Main Street, Fairfax, Virginia, submitted a statement to the Board. He stated that he had read the Code and found that it allows a non-conforming use as a matter of right. Mr. Cox purchased this property in 1964. It was a horse farm.

Mr. Smith stated that this does not make the operation that Mr. Cox has now non-conforming. Mr. Cox could stable horses as long as he owns them and keeps them for his own use without a Special Use Permit.

Mr. Friedlander stated that there have been no complaints about the stable operation being in violation. He stated that he did not know why Mr. Cox was required to get a Special Use Permit since the use was preexisting. Mr. Cox made application for a riding stable. He had been issued violations by Mr. Koneczny, the Zoning Inspector. If the use of renting horses has been continued since the 30's, then it is a preexisting use, Mr. Friedlander stated. Mr. Koneczny felt that if Mr. Cox would apply for a Special Use Permit, it would solve the problems. Instead, it has made the problems worse. In April, Mr. Cox began filling in flood plain and was issued a violation. That has now been cleared. The second violation was for storing amusement equipment on the premises. That violation has now been cleared. The main problem is a dispute with the neighbors and the purpose of the complaints by the neighbors is to deprive Mr. Cox of the use of his land. Mr. Cox was there before the neighbors were there. Mr. Woodburn, one of the complainers, stated in his letter of complaint that Mr. Cox had a stable and repair shop in 1967 when Mr. Woodburn moved into his home.

Mr. Smith stated that Mr. Cox had no right to have a riding stable and a repair shop.

Mr. Friedlander stated that he did not know this because this has always been a working farm.

Mr. Smith asked if this work shop or repair shop was farm related or if it has something to do with the mechanical rides that Mr. Cox was issued a violation for storing. He stated that the main question is regarding the transportation of mechanical devices and the storing of mechanical devices in connection with his amusement business that is prohibited under his Special Use Permit and is not allowed in a residential area.

Mr. Friedlander stated that on September 25, 1974 or in that vicinity, the Board considered the question of allowing Mr. Cox to pick up animals from his farm and transport them someplace else. The Board said, according to the minutes, that this is not covered under the Special Use Permit. This was in answer to a question Mr. Koneczny raised. The minutes did not reflect the actual question Mr. Koneczny raised. He stated that he had read the minutes that were on file with the Board. He stated that as he understood those minutes, the Board was separating the riding stable operation from

the other activities. The only other activities are the taking of the horses in and out of the property by truck and the amusement equipment is behind the trucks. He stated that Mr. Cox is not storing amusement equipment on the property that he knows of.

In answer to Mr. Smith's question if Mr. Cox has stored any other mechanical devices on the premises, Mr. Cox answered "No".

Mr. Jack Ash, Zoning Inspector, testified that on November 26, 1975 at approximately 10:35 am, he inspected the premises and at 10:45 a.m., he issued Mr. Cox a written notice of violation of his Special Use Permit for storing twenty amusement machines on the property. These were pin ball machines and jukeboxes.

Mr. Smith stated that he is not only in violation of the Special Use Permit but he is in violation of the residential zoning catagory that he is in.

Mr. Ash stated that Mr. Cox explained that he was an antique collector. However, most of the machines were not that old.

In answer to Mr. Smith's question, Mr. Friedlander stated that he had not seen the violation notice because it had not been supplied to him. He stated that he could not, therefore, comment on it. However, a man is presumed to be innocent until he is proven guilty.

Mr. Woodburn, 3804 Skyview Lane, testified regarding the violations that Mr. Cox had had and the problems the neighbors have had with the noise, the horses trampling their yards, the amusement equipment that has been kept on the property. He stated that there are eight people present in opposition to this use who can also testify to these violations. He read the Board a portion of an ad from the Washington Post advertising the sale of pin ball machines and jukebox machines and the ad gave the telephone number as 323-1521. He stated that that telephone number was Mr. Cox's number at the time that ad was in the paper on November 9, 1975.

After consultation with his client, and Mr. Friedlander stated that Mr. Cox put the ad in the newspaper, that is Mr. Cox's telephone number. However, he stated that he had no idea if the machines advertised were the same machines Mr. Ash saw when he issued the violation notice.

Mr. Woodburn stated that he and his neighbors have observed trucks delivering cartons to Mr. Cox's residence. Mr. Woodburn stated that he did not complain about Mr. Cox's use of the property when he first moved in. However, when the use continued to expand so that it changed the residential character of the neighborhood, he did complain. He read the portion of the Ordinance relating to Standards for Special Use Permit Uses in Residential Zones.

Mrs. Janie Smith, 3811 Skyview Lane, stated that she had no objection to the riding stable. However, she did object to the damage the horses do to her property and the danger this use is to the children in the neighborhood. She stated that the transporting of horses in and out of the property causes a traffic hazard in their neighborhood and the storing of amusement rides causes a hazard to the children of the neighborhood. She stated that in July, 1974 she lost her son. When she found him, he was on one of Mr. Cox's Merry-Go-Rounds. On October 17, 1975 a driver of a truck (semi-trailer) stopped at her house and asked directions to Bernie's Amusements. The driver said he had a delivery to make. They delivered large packages to Mr. Cox's property.

Mr. Stanley LeRoy, 3820 Skyview Lane, submitted photographs showing hoof marks on his lawn. He stated that these horses belonged to Mr. Cox. He saw them come out of a van at 6:30 a.m. and they were being led across the front yard. Then they went down the street toward Mr. Cox's farm and disappeared from view.

After consultation with his client, Mr. Friedlander stated that he was not pleased to advise the Board that Mr. Cox has on occasions had these entertainment devices on his premises. He has had them there because it is his hobby and on occasion he has sold them from the premises. This, he stated, is not an admission of guilt, but a statement of facts in order that the Board will have all the details. Mr. Cox has been told by him and Mr. Cox has agreed that these machines will be off the property immediately. He stated that with regard to the charge that the drivers of the trucks speed down this street, there might be some distortion in the testimony.

Page 485, December 2, 1975
COX (continued)

In answer to Mr. Smith's question, Mr. Friedlander stated that Mr. Cox is attempting to fill in an area on his property in order to provide adequate off-street parking. This will alleviate the muddy condition of the parking lot and perhaps encourage the employees to park there.

Mr. Smith stated that the parking lot should have been provided with a dustless surface prior to beginning the operation. This is a requirement of the Zoning Ordinance.

Mr. Friedlander questioned the Board's authority to hear this as a Re-Evaluation hearing.

Mr. Smith stated that the conditions of the Special Use Permit have been violated and one of the specific conditions states that "any additional structures, changes in use or additional uses shall require approval of this Board." On the question of non-conforming use, Mr. Smith stated that he was fully prepared to state that Mr. Cox does not have a non-conforming use in Fairfax County at that location. He has only lived there since 1964. Mr. Smith stated that he was sure this is the position the Zoning Administrator has taken in the past. If he had a non-conforming use as outlined and defined in the Zoning Ordinance, Mr. Cox would not have been required to obtain a Special Use Permit.

Mr. Friedlander stated in reference to the off-street parking requirements that Mr. Cox had requested all of his employees to park on his property and not along the street. However, Mr. Cox does not have control over the visitors to the site.

Mr. Smith stated that if the visitors want to be arbitrary, then they are jeopardizing the use itself. If the visitors do not park where Mr. Cox requests them to park, then Mr. Cox should deny them the use of the property.

Mr. Friedlander stated that Mr. Cox will do his utmost to comply and he will do his utmost to see that the Ordinance is complied with.

Mr. Smith asked Mr. Ash to continue to check this property and see what happens as far as the statements as to compliance with the Special Use Permit and Zoning Ordinance. This Special Use Permit has another year to run and the Board is very concerned, but unless Mr. Cox can abide by the conditions of that permit, the Board will have no alternative but to ask him to come in and show cause why the permit should not be revoked.

One of the members of the audience came forward and presented photographs showing the amusement rides that were on the property at the time he took the photographs.

Mr. Smith and Mr. Kelley stated that the Board is trying to be fair, but Mr. Cox is going to have to comply with the Zoning Ordinance and Use Permit. Mr. Smith stated that the Board allowed Mr. Cox to bring amusement rides in as long as they were on the trucks that pick up the horses. If this is an impact on the residential neighborhood, the Board will have to reconsider this. Mr. Friedlander has agreed that the violations will be cleared and if it doesn't work and the people feel that he is not complying in all respects, they should so indicate and the Board will have no alternative but to have a revocation hearing. It may be that the Board will have to restrict these vehicles coming in and out of the property.

Mr. Covington stated that he had a great deal of respect for Mr. Friedlander but Mr. Friedlander had not gone back far enough in searching the records on this case. The Zoning Office's records will show that Mr. Cox operated a similar operation on Annandale Road. The Zoning Office caused Mr. Cox to cease that operation. It wasn't until the complaints started coming in that the Zoning Office was aware of the present operation on Skyview Lane. He stated that one of the reasons he wanted to bring this fact out is because Mr. Friedlander stated that these problems that Mr. Cox has is caused by a dispute in the neighborhood. The citizens of the previous neighborhood took the same attitude toward Mr. Cox's operation. He stated that he wanted to make sure that the Board knew what Mr. Cox knew what the laws of Fairfax County were when he moved to the Skyview Lane address in 1964. He had been made aware of those laws by the Zoning Office.

Mr. Smith stated that the record will be left open on this case. There will be no additional testimony taken, but the Board will accept new information in writing prior to the decision on this case. He suggested the case be deferred for 30 days.
Mr. Swetnam moved that the hearing be held open for 30 days, no additional testimony to be taken, additional information in writing would be accepted. Mr. Barnes seconded the motion and the motion passed 5 to 0.
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DEFERRED CASE:
MT. VERNON PARK ASSOCIATION, INC., appl. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit construction of bathhouse to replace existing bathhouse which no longer meets County requirements, 8042 Fairfax Road, S-185-75; (Deferred from October 14, 1975; October 28, 1975; and November 12, 1975 for new plats showing revised parking layout to show a deletion of Lot 18, 50 parking spaces with a dustless surface and 150 other spaces that can be used for overflow parking that do not have to be paved.)

486

Mr. John Harris representing the applicant, stated that he had not had an opportunity to meet the people who live nearby who are interested in this case, but he had given them a copy of the plan.

Mr. Ballew, 8109 Winfield Street, and Mrs. Wells, two of the contiguous property owners, came forward to look at the plats and suggest the location where a chain or gate could be best placed to help keep teenagers from driving their cars in and having parties after hours.

It was suggested that the association put up a "no trespassing" sign on the property.

RESOLUTION

In application S-185-75 by Mount Vernon Community Park & Playground Assoc. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit construction of a new bath house and parking area on property located at 8042 Fairfax Road, 102-2((1))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 held on October 14, 1975 and deferred to subsequent dates for additional information and new plats, this decision being made on the 2nd day of December, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 8.311 acres.
4. That the site is presently operating under SUP S-25-71 granted 3-9-71.

AND, WHEREAS, the Board has reached the following 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 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 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

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.
7. The parking areas indicated as paved shall be paved. The parking shown as "grass" shall be for overflow parking only and not for continual parking.
8. A 6' fence and gate shall be provided along Layfatte Drive from the ditch thence turning the corner and running back to the ditch as shown on the plat signed by the Chairman.

Mr. Swetnam seconded the motion.

The motion passed 5 to 0.

DEFERRED CASE: December 2, 1975
LARRY O. HEINER, D.D.S. appl. under Section 30-7.2.6.1.14 of the Ord. to permit dental office in home, 3904 Picardy Court, 110-4((7))3, S-220-75. (Deferred from November 19, 1975 for new plats showing exact number of parking spaces within the proper setback area to take care of all patients and employees who might be on the property at any one time.)

Mr. Charles Shumate, attorney for the applicant, stated that he had submitted new plats showing the requested parking spaces. Dr. Heiner will have no more than two scheduled patients per hour. He envisions he and his assistant parking in the garage. His wife will occupy space number 7 for her car and there will be 4 additional parking spaces to accomodate the patients. He only needs two spaces each hour. There is sufficient space on the property for these parking spaces.

Mr. Runyon inquired if there is a need for as much turn-around space as is shown on the plats. He stated that there is a communication from the lady that is purchasing the property across the street from the subject property and she is concerned about the amount of paving that might be done to this property that would detract from the residential character of the neighborhood.

Mr. Smith stated that he was concerned about whether or not the applicant is providing enough parking. If he is and some of the turn-around space can be removed, it might be worth a try.

RESOLUTION

In application S-220-75 by Larry O. Heiner, D.D.S. under Section 30-7.2.6.1.14 of the Zoning Ordinance to permit dental office in the home, 3904 Picardy Court, 110-4((7))3, 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 this Board held on November 19, 1975 and deferred to December 2, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is L.V. Genuario Assoc., Inc. The applicant is the contract purchaser.
2. That the present zoning is RE0.5.
3. That the area of the lot is 21,040 sq.ft.

AND, WHEREAS, the Board has reached the following 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 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

488

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 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. This permit shall run for three (3) years with the Zoning Administrator being empowered to extend the permit for two additional years if no complaints have been raised and if the request for extension is received 30 days prior to expiration.

7. The parking area shown on the plat may be modified to a smaller area to provide "stacked" parking for two (2) vehicles.

Mr. Swetnam seconded the motion.

The motion passed 5 to 0.

AFTER AGENDA ITEMS - DECEMBER 2, 1975

JAMES II AUTO SALES, S-33-75; Violation of Special Use Permit

Mr. Jack Ash, Zoning Inspector, reported that he had continuously found the Permittee in violation for having more than the specific number of ten (10) cars as per the Special Use Permit condition. He stated that he made an inspection just yesterday, December 1, 1975, and found 16 cars. It is hard for the Permittee to meet the setback requirements of the Ordinance because he fronts on two streets.

Mr. Smith stated that Mr. Boone had recognized this when he applied for the Special Use Permit and when he came before the Board at the hearing.

Mr. Ash stated that the Non-Residential Use Permit has been issued.

Mr. Barnes moved that the Board send Mr. Boone a letter that this violation is to be cleared immediately and kept in conformity with the existing Special Use Permit and the Zoning Ordinance or the Board will have no alternative but to cite the Permittee for revocation for continual disregard for the conditions set forth in the Special Use Permit.

Mr. Kelley seconded the motion.

Mr. Smith suggested that the Zoning Inspector make another inspection next Tuesday, December 16, 1975.

Mr. Swetnam requested the Zoning Inspectors to be specific about the number of cars the Permittee has in cases such as this. If the inspection is done on a specific day, then the report should indicate the specific number of cars that the Permittee had on that day. He also suggested that the Inspector take pictures and start building up a case.

Mr. Covington stated that each inspector does not have a camera.

Mr. Smith stated that it seemed to him that if the County expects the inspectors, particularly the nine Zoning Inspectors to enforce the laws of Fairfax County, they should be furnished with a camera. He asked Mr. Covington if he could furnish them with cameras to have at all times.

Mr. Kelley stated that he agreed with Mr. Swetnam's statement.

Mr. Ash stated that he does take pictures for a court case.

Mr. Smith stated that the Board needs the same type of information that the

Page 489, December 2, 1975
JAMES BOONE AUTO SALES (continued)

Court needs, so that the decision that the Board makes will be upheld if it goes to Court.

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DECEMBER 2, 1975 - AFTER AGENDA ITEM
COUNTRY CLUB OF FAIRFAX, S-255-73

The Board considered a request from Stephen L. Best, attorney for the Country Club of Fairfax, to have a rehearing on the request of the Club for a variance to allow a 6' fence along Brookline Drive. They have had several recent incidents of vandalism where people have driven their cars through the golf greens.

Mr. Smith stated that if the Club had put up a 4' fence on the 4' bank, they could have possibly alleviated the problem. More than 45 days have gone by without the Board taking action to rehear the case. It will now take a resolution by the Board to reopen the case for reconsideration.

Mr. Runyon stated that the gates might have been left open and the cars came in that way.

Mr. Covington stated that the gates haven't even been constructed.

Mr. Smith stated that he felt the Club is trying to place the responsibility on the Board when the responsibility lies with the Club itself.

Mr. Swetnam moved that the request be denied.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Kelley abstained.

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The Board was in receipt of a memo from Doug Leigh, Zoning Inspector, regarding the dustless surface requirement and whether or not the Country Club of Fairfax would be required to have a dustless surface on the access road to the Club from Brookline Drive.

Mr. Smith stated that perhaps the Board should wait until next summer and take a look at the road if the dust conditions create a hazardous condition.

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KENA TEMPLE (Clarification on parking). The applicant had requested that they be allowed to reduce parking spaces by 52. At the Board's previous meeting, Mr. Runyon agreed that this would be permissible as long as they complied with the Site Plan requirements. Mr. Smith stated that he felt they should have 467. There was no vote. The Site Plan requirements are not specific on the number of parking spaces for this particular use. The only requirement is that the Board of Zoning Appeals sets the number of parking spaces. Assuming that Kena Temple will have 1350 seats, since that is the number of members that is indicated on the plats, the Site Plan requirement, if this was a theatre for instance, would be only 270. By the Board's "rule of thumb" (1 parking space for every three members) the requirement would be 450. Since there is a considerable difference between the two figures, the Board decided that they could reduce the number of spaces as long as the total does not go below 428. The Board asked Mr. Runyon to check the plats and make the final determination.

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APPROVAL OF MINUTES

Mr. Kelley moved that the minutes for November 6, 1975, be approved with minor corrections.

Mr. Runyon seconded the motion.

The motion passed 5 to 0.

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The minutes for October 22, 1975, had not yet been read by all the members.

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490

The Board meeting adjourned at 4:53 P.M.

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By

Jane C. Kelsey

Jane C. Kelsey, Clerk
to the Board of Zoning Appeals

Submitted to the Board of Zoning Appeals on Jan. 8, 1976.

Submitted to other Depts., Boards, and Commissions January 15, 1976.

Daniel Smith

DANIEL SMITH, CHAIRMAN

APPROVED January 14, 1976
DATE

The Regular Meeting of the Board of Zoning Appeals for Fairfax County was held in the Board Room of the Massey Building on Wednesday, December 10, 1975. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes; Tyler Swetnam; and Charles Runyon.

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

10:00 - PETER KIMBALL & ELIZABETH MANDIS WHITEHILL appl. under Section 30-6.6 of the Zoning Ordinance to permit screened porch to be constructed closer to rear property line than allowed by Ord., (16.5' from rear) 25' required), 6801 Trefor Court, 89-1((9))158, (10,648 sq.ft.), Springfield District, (R-12.5 Cluster), V-229-75.

Notices to property owners were in order.

The main justification was the shape of the lot. Mr. Kimball stated that the house is situated in the center of the lot and the distance between the rear of the house and the property line is short because of the pie shape of the lot. There now exists an elevated deck on the rear of the house which was constructed at the same time as the house. The deck measures 13' wide and 13' deep. They propose to lengthen the deck to 30' long and not to change the depth. This will be screened in and will measure 13' deep by 30' wide upon completion. They have lived at this location for 2 1/2 years. One of the other houses in the subdivision has about the same irregular shape, but the other two lots that are beside theirs has a deeper back yard. These are all 1/4 acre lots, but most of the lots have a large enough back yard so that they do not need a variance.

Mr. Smith stated that the applicant must have one of the smaller lots in the subdivision. He stated that there couldn't be too many lots of that size or the builder could not have met the average requirement for lot size.

There was no one to speak in favor or in opposition to the application

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RESOLUTION

In application V-229-75 by Peter K.and Elizabeth M. Whitehill under Section 30-6.6 of the Zoning Ordinance to permit screened porch to be constructed closer to rear property line than allowed by the Zoning Ordinance (16.5' from rear, 25' required), 6801 Trefor Court, 89-1((9))158, Springfield 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 held on December 10, 1975, and

WHEREAS, the Board 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 Cluster.
3. That the area of the lot is 10,648 sq. ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 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 expiration.

FURTHERMORE, the applicant should be aware that this granting does not constitute exemption from the requirements of this County and he shall be responsible for fulfilling his obligation to obtain building permits and the like through the established procedures.
Mr. Barnes seconded the motion. The motion passed 4 to 0. Mr. Runyon had not yet arrived.

10:15 - THOMAS JOHN MILLS, JR. appl. under Section 30-6.6 of the Zoning Ord. to permit construction of screened porch and open deck closer to rear property line than allowed by the Ordinance (18.8' from rear (porch) and 14' from rear (deck)), V-230-75.

Mr. Mills submitted notices to property owners which were in order. He also submitted a Petition from five neighbors in support of this application.

Mr. Mills' main justification were the positioning of the house on the lot, the unusual shape of the lot and the limited amount of usable space on the lot due to the VEPCO easement running down one side of the lot. The existing metal stairway is unsafe in wet or icy weather and this deck will correct that hazardous situation, Mr. Mills added.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application V-230-75 by Thomas John Mills, Jr. under Section 30-6.6 of the Zoning Ordinance to permit construction of screened porch and open deck closer to rear property line than allowed by the Zoning Ordinance (18.8' from rear (porch) and 14' from rear (deck), 25' required), 1726 Burning Tree Drive, 29-3((11))162, County of Fairfax, Virginia, Mr. Swetnam moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board on the 10th of December, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject is the applicant.
2. That the present zoning is R-12.5 Cluster.
3. That the area of the lot is 10,777 square feet.

AND, WHEREAS, the Board has reached the following conclusions of law:
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) location of the house on the lot,
(c) VEPCO easement along one side of the house.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:
1. This approval is granted for the location and the specific structure or structures indicated on the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to 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, a residential use permit and the like through the established procedures.

* 3. That the construction be compatible with the present building.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Runyon had not yet arrived.

The Board recessed from 10:30 to 11:00 a.m. for an executive session to discuss several matters with the Staff.

10:30 - B. P. OIL, INC., an Ohio Corp., appl. under Section 30-7.2.10.3.1 of the Zoning Ordinance to permit construction of Gas and Go station (no garage service), on Old Keene Mill Road, near Backlick Road, 80-4((1))pt. of 5, Springfield Plaza Shopping Center, (27,636 sq.ft.), Springfield Dist., (C-D), S-231,75.

Lee Fifer, 4085 University Drive, Fairfax, attorney for the applicant, submitted notices to property owners which were in order. He stated that he had notified all contiguous property owners and property owners across the street, 25 in all.

Mr. Fifer read Section 30-6.7.1.1 to the Board stating that any use for which special permits are required and which complies with the specific requirements of this chapter shall be deemed to be a permitted use in the district in which it is permitted, subject only to conformity of the aforesaid standards.

Mr. Fifer stated that he felt this is a use by right subject to the meeting of reasonable conditions. If the Board finds that the conditions have been met, the Code directs that the Board shall grant the Special Use Permit. He then read Section 30-7.1.2 of the Zoning Ordinance regarding the standards for Special Permit uses. He stated that he felt this application meets those standards. He asked Mr. Peterson, a traffic expert, to testify regarding the traffic this use will create and the traffic on the roads surrounding this location. He stated that Mr. Peterson will address the traffic standards and the harmony of this use to the commercial and industrial district, taking into account what is presently surrounding this site. This use will be similar to what is there now. There is a Scott's station on the other side of the road. It is also similar to a number of other uses in that area and is not out of character with the neighborhood. He stated that the second general standard for Special Use Permit uses is that the site layout location and nature be such that the use will not hender the appropriate development or impair the value. He submitted letters from the contiguous property owners surrounding this site stating that they have no objection to this use. None of these owners have any interest in this property or this application to the best of his knowledge, he stated. The property is under contract to purchase from Garfield Associates.

Mr. Fifer then spoke to the planning aspect of this use. He stated that one of the major problems with the Staff Report is that the people who do the planning don't own the land. The applicant feels this is a good use and that it is consistent with the outlines and purposes of the plans for that area. There are no nearby dwellings that would be affected by the noise and/or lights from this station. He again referred to the standards set forth in Section 30-3.1.1 regarding the location of the pump islands and stated that the applicant meets this requirement. He read a portion of Section 30-7.1.1 and 30-3.1.3 describing the Board of Zoning Appeals limitations. He stated that he felt the main consideration of this Board is to determine whether this use will be detrimental to the character of the neighborhood or if it will be in harmony with the purposes of the comprehensive plan of land use.

Mr. Smith stated that if Mr. Fifer feels this use is in harmony with the existing development then how many service stations are necessary in a specific area and when is there too many in a specific area. He stated that he was not questioning need, but he was talking about the number of similar businesses in a particular area. This relates to land use.

Mr. Fifer stated that he did not feel this is a proper consideration. This would be the only service station for three miles on this side of Keene Mill Road until you get to Rolling Road. This station would be the most convenient for people coming off of I-95. There are a number of service stations in this area. This is the only B.P. station in this area. There is one in West Springfield, but there is no location on Keene Mill Road.

Mr. Stephen Petersen, traffic expert, testified that this use will not create a traffic problem or traffic hazard to the traveling public. This use will not create additional traffic, but will derive its business from the traffic that is already on this road.

Mr. Smith felt that the more turns that there is in and out of a business during the peak flow of traffic does enhance the opportunity for accidents.

Mr. Fifer testified that this station will have 28 filling positions. Scott's Gas has 14 filling positions.

494

Mr. Jack Herrity, member of the Board of Supervisors representing the Springfield District, resident within a couple of miles of this area at 6703 Fortree Court, spoke in opposition to this application based on the traffic hazard that this use will create. The backup of traffic into the intersection of Keene Mill Road and Backlick would also be a problem. This is a six lane divided highway and this will create two additional curbcuts. The comprehensive plan's intent was to promote development in such a way so as to utilize the existing access to Keene Mill Road so that the traffic will not create any additional hazards and will benefit the health, safety and welfare for the people who have to use this corridor every day. This is the second most dangerous location in Fairfax County. When the traffic stops for a car that might go into this station, the traffic would then block the intersection. There is no place else for the traffic to go. When the restaurant nearby went in, no additional curb cuts were made. This use will also create additional movements across Keene Mill Road by people wishing to go east on Keene Mill Road. These people will come out of the station on Amherst Street and cross Kenne Mill Road at that location. He stated that he felt this use is inconsistent with the comprehensive plan for Fairfax County. Traffic from the Scott's Gas station across the street backs up west and if you have the same problem on the other side of the street, there is no place for that traffic to go but into the interseciton.

In answer to Mr. Runyon's question, Mr. Herrity stated that in speaking of the comprehensive plan he was referring to the prior master plan for that area of the county which is the only legally adopted plan. He stated that he was aware that the Area IV plan places this area in a study area, but the existing comprehensive plan calls for consolidation and states that this land should be developed in a unified way. He stated that he wasn't saying that the owners of this property should not be allowed to develop their land, but that they should develop consistent with the master plan and consistent with good traffic safety and good traffic circulation. He suggested that the Board visit this site during the rush hour in the morning or afternoon and see how the traffic backs up from the Scott station across the street. He stated that there are plans in the works now for a by-pass through that area. He explained the plan to the Board. He stated that there is no question but that the entire Garfield parcel could be developed in a unitary way without any more curb cuts.

Robert J. Richardson, 8410 Old Ford Drive, representative from the West Springfield Citizens Association, spoke in objection to this application. He stated that his objections were similar to Mr. Herrity's. He stated that he felt one of the things that makes this location so dangerous is people come out of the shopping center and make left turns across Keene Mill Road.

Mr. Harrell, 6428 Brenford Drive, from the Northern Virginia Gasoline Retailers Association, spoke in opposition to this application. He stated that there are twelve gasoline station within a four block radius of this particular site. He stated that this applicant is represented in the Springfield area on Rolling Road which is one and one-half miles on the right hand side of Keene Mill Road going west.

Mr. Fifer in rebuttal stated that there is anticipated six employees for this station during peak periods. They anticipate that they could serve 50 to 60 vehicles per hour. In answer to Mr. Smith's question, he stated that the canopy over the pump islands will be a plastic canopy with BP shields on parts of the canopy. These shields will be yellow. The canopy inserts will glow. This is a lighted canopy. He continued his rebuttal after the Staff Report.

Mr. Knowlton, Zoning Administrator, went over the Staff Report. He stated that this is zoned C-D which is a zoning category designated as a commercially designed shopping center. Less than 1/2 of the total portion of the Garfield tract is now in permanent use and this application appears to be a piece meal development without coordinated plans. This is contrary to the title of the zoning category in which it is located. He directed the Board's attention to Section 30-7.1.1 of the Zoning Ordinance which talks about the comprehensive plan in relation to a Special Use Permit. A tremendous amount of study went into these plans in order that they be adopted into policy, he stated.

Mr. David W. Stroh, Chief, Comprehensive Plans Branch, stated that the author of the memo to the Board from Comprehensive Planning was Charlie Lewis, Area Plan Manager. He was not able to be present to speak to the Board. He stated that there is a plan in the works at the present time for a loop road as referred to by Mr. Herrity and a possible continuation of Amherst Street as a dedicated public Street to Keene Mill Road.

Mr. Stroh stated that a low-investment, interim nature, semi-public use of this site would be supported by the plan. Possible interim uses would include such things as outdoor activities such as parks, flower stalls and other horticultural activities, seasonal displays, etc. and indoor activities of appropriate character which could use temporary, modular structures. He stated that at such time as adequate long-range transportation improvements affecting the property are completed or firmly programmed, land in the northwest quadrant can be reevaluated for permanent land use recommendations.

Mr. Bob Moore, Associate Planner, Office of Comprehensive Planning, spoke to the question Mr. Runyon had concerning the extension of Amherst Street.

In answer to Mr.Runyon's question, Mr. Stroh stated that the currently adopted and effective plan for this area of the County is the Area IV plan . The Area IV plan identifies this area as an unresolved issue area.

In answer to Mr. Runyon's question as to how long these property owners have to wait to know what the plans are for this area, Mr. Stroh stated that the circulation proposals are being studied now by the Department of Highways and Transportation. He stated that the Area IV plan does not preclude the use of this property, but the use should be clearly interim in nature.

Mr. Runyon asked if the Planning Staff felt there is a demand for this low-investment, interim use, such as is listed in the plan -- flower stalls, etc.

Mr. Stroh stated that the Planning Staff is not making a judgment as to whether it is needed, but the plan does not intend to deprive the landowner of the reasonable use of his property.

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Mr. Knowlton stated that the Staff is trying to present to the Board several facts. This is a 40 acre plus tract to which this parcel is shown as the beginning a piece meal development. This is contrary to the adopted comprehensive plan and contrary to the intent and purposes of the C-D zone which is a designed commercial shopping center zone. The standards for Special Use Permit uses consider various relationships to vehicular traffic; and, the studies that are presently going on which relate to traffic are very important to this type application. The Planning Commission did hear the application and recommended denial of this application for various reasons which are contained in the Planning Commission's lengthy report. He stated that certainly the Board has heard enough evidence to recognize the traffic conditions that exist in that particular area and to bring about additional high intense spot uses that require additional curb cuts would create additional traffic hazards.

Mr. Fifer stated that the traffic expert that testified previously says that this use will not cause hazardous conditions. This site could accomodate all 50 cars on the site itself and not back the traffic up on Keene Mill Road as suggested by Mr. Herrity and the other speakers. They have designed the site in order that they might dedicate in case the County wanted to enlarge Amherst Street. He stated that he asked the Department of Highways for a copy of the plan that has been mentioned. He showed the Board what he received. He stated that it is a sketchy plan that he could do himself and this justifies his position that this land could sit around vacant for another several years. The C-D district does allow this use with a Special Use Permit and other similar uses without first requiring that they be in a designed shopping center. This Board is not being asked to judge what will be put on the remaining acreage of the Garfield tract and this development on this portion does not dictate what will go on the remaining acreage. This is a much less intense use than many of the other uses that are permitted by right in a C-D district. This use will not generate additional traffic as attested to by the traffic expert, Mr. Petersen. This site is not consolidated with the remainder of the Garfield tract, he stated.

Mr. Smith stated that he disagreed with Mr. Fifer's statement regarding traffic. He stated that there are people who travel quite a distance because of the low cost this Gas and Go type operation can offer.

Mr. Fifer stated that this application is in accord with the commercial zone that was reflected on the prior Springfield Plan.

Mr. Kelley stated that he agreed with the Chairman, that this use will generate some traffic. What is wrong is this particular spot for this particular use. He stated that he had visited this site just this morning. He stated that he felt the County is right in taking the position it has on this case. He thanked Mr. Fifer for reminding the Board of the Board's duties and the standards on which the Board determines whether or not to grant these

*Mr. Swetnam asked Mr. Stroh if they (County)haven't in fact taken a man's total use of the property and given him back some low uses that suit you (County Planning Staff) and not him. Mr. Stroh stated that he did not think so.

Special Use Permits.

Mr. Smith read the recommendation from the Planning Commission to deny this application and asked that that recommendation be made a part of the record.

Mr. Runyon moved that this case be deferred until December 17, 1975 in order for the Board to absorb all the information received today, particularly with regard to the comprehensive plan.

Mr. Barnes seconded the motion.

Mr. Runyon stated that this would be for decision only. He stated that he had been to the site during the morning and evening rush hour, but there is some technical data that he has not reviewed.

Mr. Smith stated that he felt the comprehensive plan is a factor in this decision, but he also felt that there are other factors that are very important such as the relationship of vehicles moving in and out of these uses as it pertains to the present conditions.

The motion to defer passed 5 to 0.

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10:50 - JAMES A. GETSON, appl. under Section 30-6.6.5.4 of the Zoning Ord. to permit shed to remain closer to side and rear property lines than allowed by the Ordinance (1.5' from side, 10' required; 5' from rear, 20' required), 2138 Monaghan Drive, 16-1((11))116, V-232-75.
(The hearing started at 2:30 P.M.)
Patricia Getson represented the applicant. She submitted notices which were in order.

Mrs. Getson stated that she and her husband contacted the builder and the builder gave them permission to build this shed. They were told thereafter that they had to get a building permit, but when they applied, they were refused because they were too close to the line. The shed is 10.8'x16.8'.

Mr. Swetnam stated that it appears that the Getsons might have been mislead by the letter from the builder. He asked Mrs. Getson to read the letter into the record.

Mrs. Getson read a letter from the Architectural Control Committee of the Lake Homes Association signed by Chris Antigone, Chairman, dated October 25, 1974. This letter stated that that committee had considered their request to change the fence and put a storage shed in the rear yard. The committee found the request satisfactory subject to several conditions regarding shrubbery, color of the fence and shed.

In answer to Mr.Swetnam's question, Mrs. Getson stated that she and her husband had lived in Fairfax County prior to purchasing this home, but they lived in an apartment and were not familiar with all the rules and regulations that Fairfax County has.

Mr. Barnes stated that the builder, A & A Homes, gave the people the wrong impression and they should be so advised.

Mr. Kelley stated that he was convinced that this is an honest mistake. There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application V-232-75 by James A. Getson under Section 30-6.6.5.4 of the Zoning Ordinance to permit shed to remain closer to side and rear property lines than allowed by the Zoning Ordinance, (1.5' from side, 10' required; 5' from rear line, 20' required), 2138 Monaghan Drive, 16-1((11))116, 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 December 10, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RT-10.
3. That the area of the lot is 2,310 sq.ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
1. That the Board has found that non-complaince was the result of an error in the location of the building subsequent to the issuance of a building permit, and
2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

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

1. This approval is granted for the location and the specific structure 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 responsible for fulfilling his obligation to obtain building permits, a residential use permit and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

11:05 - PAR CONSTRUCTION CORP. & LT. COL. & MRS. MOY O. CHIN appl. under Section 30-6.6.5.4 of the Zoning Ordinance to permit porch to remain within 18.5' of rear property line, 25' required, 8700 Triumph Court, 102-3((19))8, V-233-75.

Mr. Gary Rappaport submitted notices which were in order. He stated that he is Vice-President of Par Construction. Par Construction constructed twenty-three homes. Seven were built by the plans for this house. The engineer told them that they could construct this model on all the lots. Since this particular lot was on the top of the cul-de-sac, the rear portion was more shallow than the rest of the lots and the porch that was constructed was in violation to the Zoning Ordinance. They did not know this until after the porch was constructed.

Mr. Rappaport stated that since that time, he took the suggestion of the Board at the earlier hearing on the other two houses that were in violation, and every time they build a porch or extend a garage, they get written confirmation that they can build the garage or that porch on that lot from Ross and France, their engineers. Par Construction is taking full responsibility for this error.

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application V-233-75 by Par Construction Corp. and Lt.Col. and Mrs. Moy O. Chin under Section 30-6.6.5.4 of the Zoning Ordinance to permit porch to remain closer to rear property line than allowed by the Ordinance (18.5' of rear line), 8700 Triumph Court, 102-3((19))8, County of Fairfax, Mr. Swetnam moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public 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 December 10, 1975, and

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

498

1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 13,272 sq.ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
1. That the Board has found that non-compliance was the result of an error in the location of the building subsequent to the issuance of a building permit, and,
2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:
1. This approval is granted for the location and the specific structure 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 responsible for fulfilling his obligation to obtain building permits, a Residential Use Permit and the like through the established procedures.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

11:20 - LOUIS F. & JANET M. PATCH appl. under Section 30-6.6 of the Zoning Ordinance to permit enclosure of carport closer to side property line than allowed by the Ordinance, (16.52' from side, 20' required), 4127 Bruning Court, 58-3((7))(A)21, V-235-75.

Mr. Patch presented his notices to property owners which were in order.

Mr. Patch wasn't sure what his justification for this variance was under the Ordinance.

Mr. Swetnam stated that there is a well located on the property that might prevent Mr. Patch from locating a carport at that side of the house.

Mr. Runyon stated that the frontage for this RE-1 subdivision is 150'. He asked Mr. Patch what the frontage for his lot is.

Mr. Patch stated that it is 100'.

In answer to Mr. Runyon's question, if this presented a hardship under the Ordinance, Mr. Patch stated, "Yes".

There was no one to speak in favor or in opposition to this application.

RESOLUTION

In application V-235-75 by Louis F. and Janet M. Patch under Section 30-6.6 of the Zoning Ordinance to permit enclosure of carport such that a 16.5' side yard results on property located at 4127 Bruning Court, 58-3((7))(A) 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 held on December 10, 1975, and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 22,175 square feet.

Page 499, December 10, 1975
PATCH (continued)

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/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.

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, a residential use permit and the like through the established procedures.

Mr. Swetnam seconded the motion.

The motion passed 4 to 0. Mr. Kelley abstained.

11:35 - KOK-SEAH LEE, M.D., P.C., appl. under Section 30-7.2.6.1.14 of the Zoning Ordinance to permit home professional office for doctor, 2208 Sherwood Hall Lane, 102-1((26))43, (18,175 sq.ft.), Mt. Vernon Dist., Kirkside Subd., (R-17), S-237-75.

Mr. Frank Carter, attorney for the applicant, 4031 University Drive, Fairfax, Virginia, submitted notices to property owners which were in order.

Mr. Carter requested that the Board defer this case to a date certain because Dr. Lee had to go out of the country and could not be present today. He stated that he was notified on November 11 that this hearing would be today. On November 19, he was advised by the Doctor that he could not be present. He stated that at that time he got in touch with the Staff to see whether this case could be deferred at staff level. The Clerk had already sent out the advertising notification and there was nothing else to do but go forward to this hearing today. The Clerk also felt that notices should be sent out. He stated that he had noted on the letters that he had sent out to the property owners that he was going to ask for deferral. He stated that he had not had the opportunity to go over with Dr. Lee all of the details concerning this operation.

Mr. Smith stated that this hearing has been scheduled, the advertising has been done and the people are present for this hearing. Normally, the Board does not defer these cases when there is a representative or agent present.

Several members of the audience came forward to speak against a deferral. There were eight in the audience in opposition to the deferral.

Mr. Kelley moved that the Board continue with the hearing today.

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

Mr. Carter stated that this is an application for a medical office in the home. This particular property is near the new location of the Fairfax County Hospital. He stated that he is advised that there are other home professional offices in this area along Sherwood Hall Lane. He stated that he didn't know if these offices are under Special Use Permit or if they went in by right. Dr. Lee does intend to move into this home and make it his permanent residence. Prior to the time that Dr. Lee purchased the home, his wife made inquiry to the County and received an O.K. from the Zoning Office. He presented to the Board a card that said "OK FOR BPOL, Occupancy Applied For, Use Complies with Zoning Regulations, by JLMM, Mar. 18, 1975". That card was necessary for the business privilege license. That is why he went ahead with the purchase of this house. Now he can't use it for his office. In answer to Mr. Smith's question, Mr. Carter stated that there is no lease agreement in the file. The applicant is a corporation and the property is

owned by two officers of the corporation. He stated that as far as he knew there were only two members of this corporation. Dr. Lee's wife is the only other officer.

Mr. Carter stated that it is his position that Dr. Lee applied for the Occupancy Permit prior to the amendment to the Zoning Ordinance requiring a Special Use Permit for a doctor's office in his home.

Mr. Carter stated that Dr. Lee only proposes to have two employees. One of these employees will be his wife and the other an Administrative Assistant. The office hours will not be in excess of 5 hours per day, 3 times a week. All hours will be within the 8:00 a.m. to 8:00 p.m. range as contemplated by the Ordinance. This will not be an intense use of the property and will not generate a lot of traffic or noise. The number of patients will not exceed 5 per day. There will only be one patient at a time seen by Dr. Lee. The plats show the parking which is on the site and will be adequate for the use.

Mr. Covington said that the Zoning Ordinance says that the Board shall be concerned with the protection of the character of the neighborhood and be sure that the use will not create an impact on the residential neighborhood.

Mr. Smith stated that there has been an impact already if there are 4 or 5 dentists and doctors there. He stated that he assumed that this had some bearing on the amendment to the Zoning Ordinance.

Mr. Ned Moroney, Vice-President of the Sherwood Estates Citizens Association, residing at 7847 Midday Lane, submitted a Petition to the Board with 160 names requesting the Board deny this application based on several things:

(1) impact to the residential neighborhood by way of
  (a) traffic
  (b) change in residential character,
  (c) overdevelopment of the land area, and
  (d) a violation of the spirit and intent of the Zoning Ordinance.

Mr. Moroney submitted a prepared statement signed by R. L. Vittrup, President of the Sherwood Estates Citizens Association, David F. Barbour, Vice-President of the Hollin Meadows Elementary School P.T.A and the Sherwood Hall-Tumbling Brook Civic Association.

Marilyn Ardery, 2209 Sherwood Hall Lane, spoke in opposition. She stated that the house in question has now been rented to someone else who has now moved in and is occupying the premises. She also stated that the other doctors that are now operating out of these homes in this residential area have caused a change in the residential character. There are cars parked all over the street, taxis, ambulances, delivery trucks and laundry trucks. The staffers that work for these doctors and dentists are inconsiderate with their cars. The appearance of the neighborhood is changing from one with green grass to one with blacktop.

Hulda Russell, 1205 Cedardale Lane, spoke in opposition to this application. She spoke about the change in the residential character and the growing commercialism in this area.

Mr. William B. Kern, 7624 Midday Lane, spoke in opposition. He stated that the corner of this street at Sherwood Hall Lane and Kirkside Drive is the only decent entrance to this subdivision. He submitted pictures showing the parking problems that exist along that street caused by these doctors offices. He stated that he had verified the cars as being from the doctors' offices.

Mr. Frances Dam,7723 Kirkside Drive, contiguous property owner, spoke in opposition.

Mr. Carter stated that this is a Special Use Permit application that is before the Board, not a rezoning. He stated that he felt special consideration should be given this applicant because he had applied before he purchased the house and now that he has purchased the house, he cannot use it as he was told he could. Most of Dr. Lee's work will be done at the hospital. The parking spaces that are shown on the plats are the maximum that he might need at any time. If the Board feels there should be less, they will be glad to cut the number down.

Mr. Runyon stated that the parking setback may meet the letter of the law,

but he did not think it meets the spirit of the law.

Mr. Carter stated that he could have had more people present in support of this application, but he knew that he was going to request deferral. He stated that if the Board would defer decision on this case, he would appreciate it.

Mr. Smith stated that the applicant has known about this hearing for some time. He entered into the record the numerous letters in opposition.

Mr. Kelley stated that he felt there is enough evidence on this case to show that this use is not in harmony with the standards for Special Use Permit uses in a residential zone.

Mr. Carter submitted for the record his statement that Dr. Atchison, one of the nearby property owners, is in favor of this application.

RESOLUTION

In application S-237-75 by Kok-Seah Lee, M.D., P.C. under Section 30-7.2.6.1.14 of the Zoning Ordinance to permit home professional office for doctor, 2208 Sherwood Hall Lane, 102-1((26))43, County of Fairfax, Mr. Kelley moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board held on December 10, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Kok-Seah & Bee-Ling Lee.
2. That the present zoning is R-17.
3. That the area of the lot is 18,175 sq.ft.

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. Runyon seconded the motion.

Mr. Runyon stated to Mr. Carter that he felt that for a person who said he wasn't prepared for a case, he certainly did all right, but the merits of the case just aren't there. He stated that that was his reason for voting No. Dr. Lee just doesn't have a site that would be the best site.

Mr. Smith stated that he agreed that Mr. Carter did an outstanding job on presenting this case.

The vote was 5 to 0 in support of the motion to deny.

AFTER AGENDA ITEM - DECEMBER 10, 1975

GREENBRIAR COMMUNITY CENTER, S-39-74 (Request for extension of hours of operation in order to more fully utilize the building. The uses planned are Boy Scouts, Jaycees, etc. The applicant needs the funds that would be obtained from renting the building for these community functions to pay the operating expenses of the building.)

The Board was in receipt of a letter explaining this request in detail. The Board also received a letter from several of the nearby property owners in objection to this extension. The neighbors do not object to extending the hours to 11:00 p.m. on a year's trial basis, but they do object to the 1:00 a.m. extension.
It was the Board's decision that a formal application for this change be made and scheduled as soon as possible.
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AFTER AGENDA ITEM:

OUT OF TURN HEARING REQUEST -- STUART MEDICAL ASSOCIATES, LTD. & WOODLAKE TOWERS, INC. for medical office under Section 30-2.2.2, Col. 2 RM-2M of the Zoning Ordinance. The applicant would like a hearing early in February. The normal scheduling is for February 3. An out-of-turn hearing would be January 28, 1975.

It was the Board's decision that the applicant be granted an out-of-turn hearing for January 28, 1975.

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KRISPY KREME - Request for out-of-turn hearing. The addition to the building is being required by the Health Department because of a lack of adequate public toilet facilities. They will be forced to close this location unless work on the new toilet facilities is started immediately. This was confirmed by a letter from Mr. Clevo Wheeling of the Consumer Services Section of the Division of Environmental Health, dated March 18, 1975.

The Board granted the out-of-turn hearing for January 22, 1975.

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WINDSOR PARK HOMEOWNERS ASSOCIATION, INC., S-207-74. Special Use Permit for swimming pool granted January 15, 1975.

Shortly after this was granted one of the homeowners nearby wrote the Board stating that the pool as the Board granted was not where it was on the layout of the subdivision that was shown to the prospective buyers of the houses in this subdivision. The Board sent the homeowner's request to the Permittee as a suggestion and said that if the location of the pool was changed, the Board should be sent some revised plats.

The revised plats and the letter requesting the change were considered by the Board. The Board substituted the revised plats in the file as the approved plats.

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JAMES H. BOONE, S-33-75. Last week the Zoning Inspector reported that Mr. Boone was continually violating his Special Use Permit by having more than ten vehicles on display at any one time. The Board directed that a letter be sent to Mr. Boone telling him to clear the violation or the Board would have no alternative but to revoke his Special Use Permit.

The Zoning Inspector, Mr. Ash, reported that the violation had been cleared. The applicant had only ten vehicles as of his inspection December 9, 1975.

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MINUTES FOR OCTOBER 22, 1975 APPROVED.
The minutes for October 22, 1975 were approved by a motion by Mr. Kelley, seconded by Mr. Runyon and passed unanimously.

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The meeting adjourned at 4:35 P.M.

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Jane C. Kelsey
By Jane C. Kelsey
Clerk to the Board of Zoning Appeals

Submitted to the BZA on
Jan. 8, 1976
DATE

Submitted to other Departments,
Board of Supervisors and Planning
Commission on January 23, 1976

Daniel Smith
DANIEL SMITH, CHAIRMAN

Approved January 22, 1976
DATE

The Regular Meeting of the Board of Zoning Appeals met on Wednesday, December 17, 1975 in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; Loy Kelley, Vice-Chairman; George Barnes; Tyler Swetnam; and Charles Runyon.

503

10:00 - JOHN & ATHENA JOANNOU & M. & B. CONSTRUCTION CO., INC., appl. under Section 30-6.6.5.4 of the Zoning Ordinance to permit existing porch to remain closer to front property line than allowed by the Ord., (43.4 feet from front, 50' required), 2206 Lydia Place, 37-2((13))27, (40,338 sq.ft.), Centreville District, (RE-1), V-238-75.

Mr. A. R. Minchew represented the applicants. He presented notices to the Board which were in order.

Mr. Minchew stated that this house was staked by the surveyor for an alternate elevation without the front porch. Later during construction, the porch was added by the builder to enhance the house. The assumption was that the front setback was 30 feet as in a cluster development. This porch does not harm the adjoining property nor does it interfere with any adjoining property. The lot has an odd shape that makes it very shallow from the front to back.

Mr. Minchew in answer to Mr. Smith's question stated that the County approved this house and gave an occupancy permit on it. The house has been occupied for over two years by the couple who purchased it from him. He stated that he originally had constructed the house for himself. He stated that this is the first mistake such as this that his firm has made since they begin building houses years ago.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application V-238-75 by John & Athena Joannou & M & B Construction Co., Inc. under Section 30-6.6.5.4 of the Zoning Ordinance to permit existing porch to remain closer to front property line than allowed by the Ordinance, (43.4' from front, 50' required), 2206 Lydia Place, 37-2((13))27, 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 held on December 17, 1975, and

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

1. That the owner of the property is John & Athena Joannou.
2. That the present zoning is RE-1.
3. That the area of the lot is 40,338 sq.ft.
4. That the request is for a variance of 6.6 feet.

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

1. That the Board has found that non-compliance was the result of an error in the location of the building subsequent to the issuance of the 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. Barnes seconded the motion.

The motion passed 5 to 0.

10:15 - SPRINGFIELD CHRISTIAN CHURCH appl. under Sect. 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of church addition, 5407 Backlick Road, 80-2((1))4, (147,559.5 sq.ft.), Annandale Dist., (RE-0.5), S-239-75.

Rev. Arthur Bishop, Pastor of the Church, represented the applicant. He submitted notices to the Board which were in order.

Rev. Bishop stated that this addition is for the offices and one large classroom. This addition will accomodate the staff in one central location.

The staff report indicated that the seating capacity of the sanctuary is indicated as 250, which would require a minimum of 50 parking spaces. There are 133 existing parking spaces, a number which is nonconforming as to the specific requirements regarding setback of parking spaces for Group VI special permit.

Rev. Bishop stated that they have enough parking spaces already to meet their needs.

There was no one to speak in favor or in opposition to the application.

RESOLUTION

In application S-239-75 by Springfield Christian Church under Section 30-7.2 6.1.11 of the Zoning Ordinance to permit construction of church addition, 5407 Backlick Road, 80-2((1))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 held on December 17, 1975.

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 RE-0.5.
3. That the area of the lot is 147,559.5 sq.ft.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board 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 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.

Mr. Swetnam seconded the motion. The motion passed 5 to 0.

10:30 - AMOCO OIL CO. appl. under Section 30-7.2.10.3.1 of the Zoning Ord. to permit canopy addition over existing gas pumps, 6630 Richmond Highway, 93-1((1))part of 1A, (22,500 sq.ft.), Lee District, (C-D), S-240-75.

Mr. Lawrence Hayward, attorney for the applicant, 1 North Charles Street, Baltimore, Maryland, represented AMOCO before the Board. He submitted notices to property owners which were in order. He also submitted letters from the adjoining property owners stating that they are in favor of the canopy location.

Mr. Hayward stated that there has been a change in the marketing concept whereby the service stations are installing self-service facilities. They have done this at this particular station on the pump islands on South Gate Drive. They feel they can better serve the public if they have a canopy over the pump islands to protect the customers from the weather. This canopy will extend to 14.9' to the right-of-way line.

Mr. Covington read the section of the Ordinance, 30-3.3.1 relating to canopies and stated that this canopy will require a variance in order to be located within 14.9' of the right-of-way line. If there was a travel lane on South Gate Drive there would be no problem, but there isn't.

Mr. Hayward stated that they could not cut the canopy down any at all or it would not be effective in keeping the customers dry.

Mr. Smith stated that this would take a formal application for a variance.

Mr. Kelley stated that he would like to know what he is granting and there is no rendering in the file.

Mr. Hayward stated that he would have that rendering by the time they come back in with the variance request.

Mr. Smith stated that the Board will reschedule this case and the variance for the 28th of January, 1976.

Mr. Covington stated that he had a problem with American Oil stations putting up excessive signs and he would like to take the opportunity at this time of asking American Oil to see that they are taken down.

Mr. Smith stated that he had seen a lot of this throughout the County by all stations.

Mr. Hayward stated that this is being done by the people who lease the stations from AMOCO. It is not being down by AMOCO. He stated that AMOCO can't make them put up any signs other than the identification sign, nor can they set any prices for the independent stations leased by independent businessmen.

Mr. Smith asked if the Special Use Permit for the stations in question were issued to the dealer's name.

Mr. Covington stated that at the particular location he has in mind, it is issued to AMOCO.

Mr. Smith told Mr. Hayward that if the Special Use Permit is issued to AMOCO, then AMOCO will have to enforce the laws. He stated that he felt Mr. Covington is trying to get AMOCO to take care of it so he doesn't have to take the dealer and AMOCO to Court. There is an awful lot of these violations throughout the County. The only sign that is necessary and mandatory by the County Ordinance is the price sign on the pumps.

Mr. Hayward stated that if Mr. Covington would address a letter to him regarding this problem and the addresses of the stations involved, he would try to take some action within the company.

This case was deferred until January 28, 1976, for the variance application which would also be heard on January 28, 1976.

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10:45 - DON SIDER & COLIN DEVELOPMENT CORP., V-241-75.
10:55 - EDMUND VAN GILDER & COLIN DEVELOPMENT CORP., V-242-75.
11:05 - SAUL A. JACOBS & COLIN DEVELOPMENT CORP., V-243-75.

Mr. Smith read a letter from the agent of the applicants for these cases requesting that these cases be deferred because there was a mixup at his offices and the required notices did not get sent out according to the State requirements.

There was no one in the audience interested in this case.

The Board deferred these cases until February 10, 1976, for a full hearing.

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11:15 - CHILD CARE PROPERTIES, INC. & KINDER CARE LEARNING CENTER, INC. appl. under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit construction of child care facility for 120 students, 9600 Blake Lane, 48-3((1))45, (35,953 sq.ft.), Providence District, (RT-10), S-248-75, OTH,

Mr. Don Morrow represented the applicant. He submitted notices to property owners to the Board which were in order.

Mr. Morrow stated that the applicants are now operating 140 educational day care centers in Dallas, Texas, St. Louis, Mo., Richmond, Virginia, Norfolk, Virginia, and a few other major cities in the South. They plan to begin centers in the Washington - Baltimore area soon. He stated that his job has been to provide research for the need for day care centers in these two areas. Kinder Care is similar to a quasi-Montessori operation. The operation is different from a normal day care operation. Day care operations are very unsophisticated in the Northern Virginia area he has found from his studies. Northern Virginia does not have day care facilities where the facility is built and the staff is geared primarily for education in addition to day care. He presented the Board with Exhibit No. 1 which was an analysis of his research on this subject in this area. He also showed photographs of other day care facilities that are available within a two mile radius of the proposed site. The land costs are so high in this area that the day care center rates are around $32.50 per week whereas they are $25.00 or $27.00 in other places. They have chosen this location because it is convenient to working mothers in that area. There are apartments across the street and numerous townhouse developments on Blake Lane. Within a 1 1/2 mile radius of this site, there are approximately 30,000 people. There are only three day care centers with a capacity of 196. Twenty-five percent of the mothers who have children in the age group of 2 to 5 are working mothers. This figure was taken from a study that was done in Montgomery County, Maryland.

Mr. Morrow stated that the proposed building will be 92' x 55'. The piece of land on which they propose to place this building is larger than the size they normally use. The State laws govern the interior space requirements and in this particular instance they have substantially more area than they normally have. They plan to have 8 staff members. This center will operate five days a week. They have a small wading pool shown on the plan where swimming lessons are given. Two-thirds of the children will be dropped off at this facility by their parents between the hours of 7:30 and 9:00 a.m. and picked up between the hours of 4:30 and 5:30 p.m. The remainder are picked up by the center's staff at neighborhood elementary schools after school to remain at the center until their parents pick them up when they get off work. They have two mini-busses for this purpose.

In answer to Mr. Runyon's question, Mr. Morrow stated that he feels this application does meet the criteria established by Fairfax County and the State for private schools.

In answer to Mr. Kelley's question, Mr. Morrow stated that they are in a position to dedicate 40' from the center of the right-of-way of Blake Lane for road improvements.

Mr. Kelley stated that that dedication would cut off about 6,000 square feet of the lot area.

Mr. Morrow stated that that would still leave them with enough outside play space. The State requires 100 square feet per child that would be on the playground at any one time. He stated that that is ridiculous, it should be

200 square feet.

Mr. Morrow stated that this use will create about 60 to 80 trips during the morning session and about the same in the afternoon session. He compared this to about 60 to 80 housing units. He estimated that most of these cars would be using Blake Lane anyway to go to work.

Mr. Kelley stated that there could not be 40, 60 or 80 housing units constructed on 35,000 sq. ft. of land. This is about eight times as much traffic as would be generated if this land were developed in the zoning category that it is in, RT-10. He stated that he had visited the site just yesterday and the traffic was backed up from Lee Highway all the way back to this property. There were two accidents at that location just this morning.

Mr. Covington stated that this is not a primary highway.

Mr. Smith stated that it then does not meet the criteria of the Ordinance.

Mr. Morrow suggested that a traffic light could be placed on Blake Lane with its intersection with Kingbridge which would eliminate some of the traffic problems.

Mr. Kelley stated that he wasn't a traffic expert, but he did not agree that this would solve the problems.

Mr. Dale E. Bellovich, President of the Linden Square Homes Association, contiguous property owner, spoke in opposition to this application. His main reasons for objection for both himself, as a contiguous property owner, and the Association were:

(1) The building would be 17 feet away from the property line on their property. They will be exposed to constant noise both from children and from the excess additional vehicular traffic which is projected. This center is not in harmony with the general purpose and intent of the zoning regulations and will adversely affect the use of neighboring properties.
(2) The intensity of the operation and its layout and relation to the streets giving access to it shall be such that vehicular traffic to and from the use and the assembly of persons in connection with it will be hazardous and inconvenient to the predominant residential character of the neighborhood. It will also conflict with the normal traffic in the residential streets. The exit from this property is planned to be from Lindenbrook Street which is a small street leading into their small subdivision of about 80 townhouses. This will create such a back-up onto Blake Lane that the traffic problem will become unbearable. Within about 50 feet from this intersection is a pickup for school children from their development. The potential danger to these children caused by increasing the traffic flow is tremendous.
(3) Due to the location and size of the proposed building and the purpose for which it is intended, the value of the properties in Linden Square will be impaired.

Mr. Douglas Edger, a resident on Lindenbrook Street, with 102' of property contiguous with the subject property, spoke in opposition for the same reasons Mr. Bellovich mentioned.

Mr. Robert E. Lee, 9685 Lindenbrook Street, across from Mr. Edger, closest property owner to the playground, spoke in opposition for the same reasons previously mentioned. In addition, he stated that he is a full time student going to school at night and sleeping during the day. This use will certainly affect the peace and quiet of their neighborhood which will adversely affect him and his family. He stated that he is being transferred in May and will have to sell his home. If there is construction going on, he will have no choice but to tell prospective purchasers about the school. He has been told by realtors that he will loose one-half his prospective purchasers.
The applicant has also said they would have 8 staff members. If they have a one to ten ratio, they would have to have 12 staff members. There is only parking for 8 staffers.

Mr. Robert Milton, 9525 Barcellona Court, spoke for himself, Mr. Richard Bruce 9515 Barcollona Court, and the Mission Square Homeowners Association, the contiguous subdivision on the other side of the subject site, in opposition to this application. He objected for the same reasons as previously mentioned and stated that all the factors would also affect adversely the Mission Square residents. He added that even though the County's Site Plan Dept. is supposed to assure that there will be no additional runoff when uses such as

these are instituted, this site will be predominantly blacktopped and it will be difficult if not impossible to have all on-site water retention. This is the highest land in the area and all the run-off comes down on the homes in Mission Square. Most of these homes already have wet basements. The earth is red clay which has no absorption capacity. He stated that the back of his yard never dries out. Add the traffic of 240 little feet and the property at the highest point will be completely mud, that small area that is not blacktopped, and this mud will be washed down on the property of the Mission Square residents every time it rains. He stated that the Mission Square Homeowners Association, also known as the Blakeview Homeowners Association, is on record as being in opposition to this use for the same reasons as Mr. Bellovich and the other speakers mentioned. The architectural plans that have been submitted by the applicant are very impressive on paper with the beautiful landscaping and the tall willowly trees. However, the County's requirement for landscaping does not call for tall willowly trees of that size and he doubted whether the applicant would go to the expense of putting in more landscaping than what is required of them. He also stated that he works in Washington, D. C. on Pennsylvania Avenue and he felt it would be safer to try to jay-walk across Pennsylvania Avenue than to try to cross Blake Lane. He asked the Board to deny this application.

Mr. Smith stated that the Board must take into consideration the size of the structure in relation to the residential property line and the traffic problems. He stated that the question of need is not a primary factor in this Board's deliberations. The basic factor for this Board's consideration is the impact on the community.

Mr. Don Morrow spoke in rebuttal to the opposition. He stated that they are investing one-fourth million dollars in this property and proposed building and they would not be doing that if they felt there wasn't a need. They anticipate that the large majority of the people using the facilities will live in the immediate community. They have no applications yet, but they are basing this opinion on their experience.

Mr. Smith stated that he did not think this school would get that many children from the immediate vacinity.

Mr. Morrow stated that it has been their experience that a day care center does not devalue the properties surrounding it. He stated that they are putting a day care center in Reston and there are townhouses all around the site.

Mr. Smith stated that the people who buy the homes are aware of the use in that case.

Mr. Morrow stated that the only time the facility would be filled to capacity would be after school hours for 1 to 3rd graders.

Mr. Smith stated that if they have children coming and going all the time, they might very well have 150 students in and out per day.

Mr. Kelley stated that he had visited this site and looked at it from both sides of the road. He stated that he felt that the people who purchased homes surrounding this site are entitled to consideration. The traffic on this street, Blake Lane, is terrible. This use will make it worse. This building is also too large for the piece of ground.

RESOLUTION

In application S-248-75 by Child Care Properties, Inc. and Kinder Care Learning Center, Inc. under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit construction of child care facility for 120 students, 7:30 a.m. to 6:00 p.m., 9600 Blake Lane, Providence District, 48-3((1))45, 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 this Board held on December 17, 1975.

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

1. That the owner of the property is Doerstler Development Corp.

2. That the present zoning is RT-10.
3. That the area of the lot is 35,953 sq.ft.

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. He stated that he was seconding the motion because it will have a very adverse impact on the surrounding neighborhood. He stated that he knew for a fact that the traffic is extremely bad already without this additional use.

Mr. Runyon stated that he felt the traffic aspect is important, but it is not as big a determining factor as the size of the site. He stated that it seems that this site has two problems. (1) It is too small for the building in area, and (2) the configuration of the piece of property puts the building in a position where it really affects the adjoining properties a little more than if it were a rectangular site.

Mr. Smith stated that he agreed that the size of the building and the size and configuration of the lot has brought the building too close to the residential property lines. The traffic situation is very hazardous and anything other than the residential category for which this property is zoned that would create additional traffic would make the traffic more hazardous.

Mr. Kelley stated that he felt the denial of this application would not deprive the owner of the reasonable use of his land. He could still get about six townhouses on this land under this zoning category.

The vote was 5 to 0 to deny the application.

11:35 - CHILD CARE PROPERTIES, INC. & KINDER CARE LEARNING CENTER, INC. appl. under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit construction of child care facility for 120 students, 7:30 a.m. to 6:00 p.m., 6561 Spring Valley Drive, 71-4((1))51, (35,822 sq.ft.) Annandale District, (RE-0.5), S-249-75, OTH.

Mr. Don Morrow represented the applicant. Notices to property owners were in order.

Mr. Morrow stated that this property is under contract from a developer, Matthew Schwartz, who is developing the land around it into one-half acre home sites. The developer is well aware of the use that is proposed to be a day care center and is not bothered by the marketing aspect. In this particular case, the screening is much better than that on Blake Lane because the rear property line has a lot of trees that will not be disturbed. This use will be served by Braddock Road which is a four lane, divided median with no backup on Braddock Road itself. The County has requested the developer to plan an access road parellel to Braddock. It is not shown on the plan before the Board. This would allow for a full circulation of traffic and only one curb-cut from Braddock Road.

In answer to Mr. Smith's question, Mr. Morrow stated that the actual owner of this property is Trustees of the Presbyterian Church and they have signed a contract of sale with Matthew Schwartz who in turn has signed a contract with Child Care Properties, Inc. The applicant tried to purchase from the church, but the church did not want to sell off a portion without the remainder being sold at the same time.

There was no one to speak in favor of this application.

Mr. Ted Smith, 6551 Spring Valley Drive, spoke in opposition. His main points of justification for his opposition were (1) traffic would be increased on Spring Valley Drive making it more hazardous for the residents of the community who have to use this road, (2) there is no need for this school or day care center, (3) this use will adversely affect the property values in their area.

Mr. Ted Smith stated that he went down to Montgomery, Ala. and visited five of their sites. The care that was taken of these sites was not to the degree that Fairfax County would require. Mr. Morrow spoke of this day care facility being an educational facility as well. He stated that their schools were planned with education being a primary factor. Mr. Smith stated that in the schools that he visited the staffers were only earning the minimum wage and were considered domestic help. Mr. Smith stated that in view of this he would question Mr. Morrow's statement calling this a learning center. Mr. Smith stated that he was told by the Executive Vice-President of this corporation that if this school was not wanted in a particular neighborhood, it would not go in. Their neighborhood does not want or need this school or day care facility whichever it might be. Local residents purchased homes in this area with the understanding that the empty lot, purchased by the Presbyterian Church as residential land, would remain residential one-half acre lots.

Mr. Ted Smith stated that on behalf of the residents of the Spring Valley Forest and Indian Springs-Clearfield Civic Associations he would request that this application be denied for the safety and well being of their strictly residential community. He submitted a copy of his statement to the Board.

Mr. William Brannon, 5108 Colbrook Place, spoke in opposition to the application for the reasons that Mr. Smith, the previous speaker, had mentioned.

Mr. Elliott Pemberton, 6586 Braddock Road, spoke in opposition. He stated that he lives across Braddock Road at the intersection of Braddock and Spring Valley Drive. He spoke about the dangerous intersection this is and the additional problems this school will cause with regard to the traffic and hazards of this intersection.

Mr. Roland Klaus, Lot 54, directly across the street, told the Board that he had not been formally notified of this hearing.

Mr. Smith stated that the Board had proceeded with the hearing, but he would note that for the record.

Mr. Norman Laird, 6598 Braddock Road, on the hill directly across Braddock Road overlooking the property in question, spoke to say that he wholehearted agreed with the views of the previous speakers. He stated that as a past President of the Braddock Acres Civic Association and as a resident of the area for a number of years he had been in contact with the Highway Department concerning the traffic hazards on Braddock Road. The Highway Department agreed to put a caution light at the intersection of Braddock and Clifton Street at the location of a bad curve. The Highway Department also asked the Police Department for greater traffic control. He stated that he certainly did not want to see any more traffic added to an already congested area.

Mrs. Joe Carlberg, 6547 Spring Valley Drive, the second lot over from the subject site, spoke in opposition. She spoke to the requirement of the Board that the applicant present the qualifications of the teachers and staff of this type use. She stated that she had reviewed the file and this had not been done.

Mr. Smith stated that the Board has no control over that. The Board is more concerned with the impact this use will have on the community from the land use involved.

Mr. Gerald Keene, 6601 Spring Valley Drive, at the corner of Spring Valley Drive and Braddock Road directly across from the site in question, spoke in opposition based on the points that the earlier speakers raised. He questioned what would happen to the building if this business failed.

Mr. Smith stated that it could not be used for anything but a residential use without first obtaining a Special Use Permit for the specific uses that are allowed in a residential zone by Special Use Permit.

Mr. Robert Kidd, 6608 Spring Valley Drive, spoke in opposition based on the points raised by the previous speakers. He stated that he wanted to stress the point about the dangerous intersection of Spring Valley Drive and Braddock Road. He stated that most people in this community will not make a left turn coming out of Spring Valley Drive onto Braddock Road from either direction. This is one of the reasons for the low traffic count on Spring Valley Drive now. The traffic therefore on Clinton and Monroe is very heavy. They become through streets in the morning and evening. If this were a safe intersection, the traffic count on Spring Valley Drive would be about twice as heavy as what it is now. It is not safe to add additional traffic.

Mr. William Turpin, 5248 Mitchell Street, the street that connects the Route 95 access to the area where the school is proposed, spoke in opposition based on the points previously raised by the other speakers and stressed the importance of the traffic hazards that this additional use would cause to the residents that have to use these streets.

Mr. Don Morrow spoke in rebuttal stating that there is a definite need for this school is this area. Every site is reviewed by seven executive directors, 4 from Child Care Properties and 3 from Kinder Care. In answer to one of the speakers questions regarding what happens if this venture fails, this property is owned by Child Care Properties and is leased to Kinder Care for 30 years. This is an over-the-counter stock. Whether or not Kinder Care keeps operating, they must pay the rent. He stated that he felt they would be improving the traffic in the area because they are widening Spring Valley Drive to three lanes and providing curb and storm drainage. If there is an access road put in, it will substantially improve the traffic circulation. The access road will have to be installed because the County doesn't want any additional curb-cuts. This lot does meet the minimum lot size of 25,000 square feet which is what the State requires. This site is 10,000 square feet larger than the minimum.

Mr. Kelley stated that it amazes him that these people have chosen this site. One of the speakers pointed out that there are already caution lights that have been installed because of this hazardous intersection. In addition, the access drive and the curb, etc. does not show on the plats. The Board grants these permits based on the plats that are before it.

There were 43 people who stood to indicate their opposition to this application who indicated that they lived in this neighborhood.

Mr. Smith entered the letters that had been sent to the Board in opposition into the record. He also entered the 13 pages of signatures in opposition into the record.
Mr. Kelley stated that it is the Board's responsibility to determine whether or not this use is compatible with the zoning that is around the site.

Mr. Runyon stated that his grandfather developed most of the properties on which these people who spoke live. . . He stated that the time has finally arrived when it is not feasible to do most of these operations because of the land cost. He said that the opposition probably represents a lot of the reasons why land costs have risen like they are now in Fairfax County, but that is a political issue. The facts of the case point up that there is too much use for too little land. He advised Mr. Morrow that for guidance he would say that he would need to have a larger site with less impact factors in order to get approval.

RESOLUTION

In application S-249-75 by Child Care Properties, Inc. & Kinder Care Learning Center, Inc. under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit construction of child care facility for 120 students, 6561 Spring Valley Drive, 71-4((1))51, 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 held on December 17, 1975.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Trustees of the Presbyterian Church.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 35,822 sq.ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 5 to 0.

11:55 A.M. - ALBERT COHEN appl. under Section 30-6.6 of Ord. to permit construction of warehouse closer to ingress-egress easements than allowed by the Ordinance, 2926-2966 Telestar Court, 49-4((1))44, (83,722 sq.ft.) Providence Dist., (I-L), V-250-75, OTH.

Mr. Larry Roman, attorney for the applicant, 8320 Old Court House Road, Vienna, Virginia, presented notices to the property owners to the Board.

Mr. Smith stated that the notices were not in order because they had not been sent out until the 8th of December and that is not ten days. The Board has a letter from Mr. R. M. Wright bringing this to the Board's attention.

Mr. Smith stated that in view of this, the Board has no alternative but to defer this case for proper notices.

There were three people in the audience other than the applicant interested in this case. They were opposed to the deferral. They also indicated that they were in opposition to the application.

Mr. Roman stated that approximately three years ago, they filed a site plan on this site and Mr. Wright has done nothing but attempt in every mannor to hold up the project.

Mr. Smith stated that this is a State Code requirement.

Mr. Kelley moved that the Board defer this case for proper notices until February 10, 1975 at 10:00 a.m.

Mr. Barnes seconded the motion. The motion passed 4 to 0. Mr. Runyon was out of the room.

Mr. Smith stressed that these notices had to be out at least ten full 24 hour days in advance of this February 10 scheduling date. Mr. Smith told Mr. Roman that this would be his notification from the Board. He would receive no further notification from the Staff.

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12:10 - GOOD SHEPHERD CATHOLIC CHURCH appl. under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of additions to existing church and to permit temporary use of single family dwelling for church offices, corner of Mt. Vernon Hwy. and Surrey Drive, 110-2 ((1))22A & ((15))6, (11.278 acres), Mt. Vernon District, (RE-0.5 - 11.026 ac. & R-12.5 - .252 ac.), S-251-75, OTH.

(The hearing began at 2:50 p.m.)

Mr. Robert Kohyl, Chairman of the Building Committee for the Church, 8409 Crown Place, Alexandria, represented the applicant before the Board.

He submitted notices which were in order.

Mr. Kohyl stated that the purpose of this application is to request renewal of their Special Use Permit which was previously granted April 17, 1974 and to also request an amendment in order that they might use an adjacent single family residence for temporary use as the Church office. There will be no changes to the property where the Church office is to be. At the time the administrative offices are finished within the church building itself, they will either dispose of that house or use it as the rectory. This temporary use will be for no more than two years, probably no more than 18 months. The site plan has now been approved for the church addition and the bonding agreements have been sent to the Bishop for his approval.

Mrs. Ames, 8715 Mount Vernon Highway, directly across from the church, spoke regarding the drainage problems that she has had since this church was constructed. She stated that what used to be a beautiful garden is now a stream of water the width of the Board Room every time it rains. This stream erodes the soil and distributes litter all over the yard. She stated that she had complained to the County, written letters to her Supervisors, and had received an answer from the County Executive to the effect that nothing could be done. She felt that something should be done. She submitted her statement to the Board with the request that the Board at least look into this matter and deny any additional construction that would add to the problem.

Mr. David Gallagher, 116 North St. Asaph Street, Alexandria, architect for the church, stated that the site plan modifications have been reviewed and have now gone to bonding. The site engineer, Mr. Victor Ghent, has worked

closely with Public Works in handling the storm water for this site. There is no additional parking being provided. All of the parking for the entire master plan for the church was developed under the existing first phase of construction. As far as the roof drainage is concerned, a retaining system to defer the runoff of water has been installed to approximately a 3" rainfall over a period of 9 hours.

Mr. Smith asked what is being done about the existing conditions that the original construction of the church caused where it floods the neighbor's yard so badly that it cannot be used.

Mr. Gallagher stated that the area in question, Mrs. Ames' yard, is a natural swale for runoff for the large area around it.

Mr. Smith stated that Mrs. Ames's statement was that she did not have the problem prior to the Church being built. He stated that the water from the construction of the church and the parking lot should be contained on the church site. He stated that some thought should be given to the situation that now exists as to how to alleviate the problem.

Mr. Gallagher stated that it is the upstream development that has caused this increase in the flow of water which is causing the problem.

Mr. Smith stated that it seemed to him that a little more attention should be given to this. The Board is asked to permit additional construction that might make the problem worse and the Board should be concerned about this problem. There should be something done.

Mr. Swetnam stated that he felt the pipe should be continued down through Mrs. Ames's yard and taken past that property and join where the two streams are beyond her property.

Mr. Swetnam stated that Mr. Gallagher is the architect. The engineer should be present to answer these questions.

A spokesman for the church stated that this church was built ten years ago. At this point it is Public Works' problem.

The Board deferred this case until January 14, 1975, with the request that Public Works be asked to furnish the Board with information as to how the problem of flooding of Mrs. Ames's yard can be alleviated and also get a report from the Site Plan Office on this.

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DEFERRED CASE - B. P. OIL, INC., S-231-75, Old Keene Mill Road, near Backlick Road, 80-4((1))pt. of 5, C-D. (Deferred from December 10, 1975 for additional study by the Board members.)

Mr. Runyon stated that at the time of the public hearing he asked that this case be deferred in order for him to get some additional information. He stated that he had looked into this and as far as he is concerned, this is a borderline case from the Board's standpoint. He stated that he felt the C-D zoning is the one that really governs how the Board should address this. This site for this particular application actually detracts from the purpose of the C-D zone and the comprehensive plan. It is a difficult decision, but in this case a more complete plan is necessary in order to really thoroughly analyze the impact this site will have. He stated that he did not think this site will have a large bearing on the traffic at this point, but if the Master Plan as envisioned does create the traffic patterns that are shown, then this site could be better located within a complete plan as the C-D District requires. There should be a complete site plan for that area rather than piece meal. This is a very difficult item to address as a planner because it is difficult to assemble ground and then put together a comprehensive plan with so many variables as there are at this site. At this point, it is difficult for this Board to justify the criteria for Special Uses in the C District because of the Master Plan effect. He stated that he hoped that during the next few months this total quadrant can be addressed for the sake of people who have a large vested interest in these properties.

In answer to Mr. Smith's question, Mr. Runyon stated that this land has been under the same ownership for a period of years. He further stated that he felt the Planning Commission and the Staff has thoroughly gone into this case. He stated that he wanted to encourage the Staff to get the job done for the sake of the property owners and so the County might derive some tax revenues from this quadrant of land. The Planning Commission concerned themselves with the traffic and not enough with the Master Plan. The traffic issue alone would make it difficult for him to turn an application down, on that

issue alone, and that is not the reason in this case.

Mr. Smith stated that there should be an overall development plan in order to channel traffic in and out of the shopping areas and not one where we have separate businesses instituting several separate curb cuts. Having several separate curb cuts would impede traffic flow and would have a large impact as far as the additional traffic is concerned and would also be hazardous and would impede the flow of traffic in such a way that this would really be a hazardous intersection. The plan should bring the businesses away from the street and there should be a viable traffic pattern that will provide ease entrance and exit from the businesses associated with the land use.

Mr. Runyon stated that he agreed with Mr. Smith's statement. He stated that if this parcel was zoned C-N and this was the only parcel, it would be a different matter. This applicant is purchasing a piece of land from a larger tract which by zoning category is for a planned shopping development. This is the reason for the Master Plan, so that it would be all together and perhaps have one entrance and exit into this property.

Mr. Smith stated that if this is not done, it will kill the downtown area of Springfield.

Mr. Swetnam stated that he didn't feel the Board is justified in any way to say that this should be held up for further planning and study. He stated that the question was asked, how long has this owner had this land without anything being built on it, and he felt the question should be asked of the County, how long have the plans been studied for this area. He stated that they been studied since 1969 and it seemed to him that within that time they should have come up with something more precise than what the Staff said the other day, that the owner would be able to use this land for a flower shop. He stated that he did not feel those were good enough reasons to hold up this Special Use Permit.

Mr. Smith stated that it is the owner's responsibility to come in with a comprehensive plan for his land.

Mr. Swetnam stated that it has occurred to him that the planning staff may have lost sight of the fact that they are public servants just as this Board is and to keep everybody waiting on them seems to convince him of that attitude.

Mr. Smith stated that he felt what the planning staff is doing is asking the landowner to come in with a comprehensive plan of development.

RESOLUTION

In application S-231-75 by B. P. OIL, INC. under Section 30-7.2.10.3.1 of the Zoning Ordinance to permit construction of gas and go station, Old Keene Mill Road near Backlick Road, 80-4((1))pt. of 5, 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 held on December 10, 1975 and deferred to December 17, 1975 for decision.

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

1. That the owner of the subject property is Garfield Associates.
2. That the present zoning is C-D.
3. That the area of the lot is 27,636 sq.ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
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 in the Zoning Ordinance, and

NOW, THEREFORE, BE IT RESOLVED, that the application is hereby denied.

Mr. Kelley seconded the motion. The motion passed 3 to 2 with Messrs. Barnes and Swetnam voting No.

515

AFTER AGENDA ITEM -- BARCROFT INSTITUTE AMERICAN HEALTH SERVICES, INC.
Special Use Permit No. S-173-70, 51-3((1))9A.

The Board was in receipt of a letter from Stephen Broyles, McDade Sign Co., requesting the Board to include on the sign for this facility the name, Dominion Psychiatric Treatment Center Barcroft Institute. This was to be a free standing sign, 3'x4' with a total area of 12 sq.ft. The sign would be 15' back from the property line.

Mr. Smith stated that if this facility has changed its name, the Board hasn't been notified. The Board gave them permission earlier to have a sign, but not to that degree and not that name.

It was the Board's decision to deny this additional sign and request the applicant to furnish the Board with information regarding the change of name since the request for this additional sign read, "...Barcroft Institute has changed the name of their establishment to Dominion Psychiatric Treatment Center Barcroft Institute...". It may be necessary for the Permittee to come back to the Board for a change of ownership and/or operator of this facility that is under Special Use Permit from this Board. The Board should have copies of the Resolutions that brought about the change in corporate structure.

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AFTER AGENDA ITEM -- Interpretation on screening.

Mr. Phil Garman, Preliminary Engineering came before the Board for an interpretation on whether or not a brick wall would constitute a landscape plan for those uses where a landscape plan is required. He stated that it was the Staff and the Zoning Administrator's feeling that this question should be brought to this Board under Section 30-3.5.8. That section reads in part, "...Board of Zoning Appeals is authorized to grant a variance for any of the foregoing requirements as it pertains to screening...".

Mr. Smith stated that he felt this was taking that section a little out of context. He stated that he felt this would take a formal application for a variance and a public hearing if the Zoning Administrator felt the Board should make this interpretation. However, he questioned the need for the Board to make an interpretation in this case.

Mr. Garman stated that the citizens in this particular case wish to have a brick wall since there is a brick wall on the two adjacent properties. In answer to Mr. Smith's question, Mr. Garman stated that no one has questioned the Staff's power to make this decision. Mr. Knowlton has not made a ruling on this.

Mr. Smith stated that if this is not a variance from the Ordinance, it is something that the Staff can handle. In this particular case, it seems to be something that the Staff should determine.

Mr. Runyon stated that he felt the proper way to handle this is for the Staff make the decision and if a person feels it is incorrect, he can bring that decision of the Zoning Administrator to this Board on an appeal. He stated that otherwise, the Board would have to hold a public hearing everytime there is a decision such as this to be made.

Messrs. Smith and Barnes indicated concurrence.

Mr. Runyon stated that he felt the Ordinance means that Preliminary Engineering should have more latitude to work with the engineer in the project and with the adjoining property owners to work something out. The decision should be made as promptly as possible. Preliminary Engineering is more familiar with the individual problems than this Board.

Mr. Smith agreed and stated that as long as the wall or the landscape plan is compatible with the contiguous development there would be no problem.

Mr. Kelley agreed.

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516

APPROVAL OF MINUTES

Mr. Swetnam moved that the Minutes of November 12, 1975 be approved.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

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REQUEST FOR EXTENSION - COLLEGE TOWN ASSOCIATES, S-14-73

The Board was in receipt of a letter from Donald Stevens, attorney for College Town Associates, requesting the Board extend this Special Use Permit due to the fact that by the time the sewer moratorium ended, the Interim Development Ordinance had been adopted and therefore, the great majority of the delay in getting under construction was occasioned by factors imposed by the County, not the permit holder.

Mr. Runyon moved that they be given a one year extension from June 17, 1975. This would be the last extension that the Board would grant.

Mr. Kelley seconded the motion.

The motion passed 5 to 0.

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REQUEST FOR OUT OF TURN HEARING - BOONE, JAMES H. Special Use Permit and Variance, T/A James II Auto Sales.

Because of economic problems, Mr. Boone needs an amendment to his Special Use Permit and he also needs a variance in order to have more than the ten cars that the Board originally granted.

Mr. Kelley moved that this request be denied since the applicant said at the original hearing that he could live with ten cars.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

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LAKE BARCROFT RECREATION CENTER, INC.

The Board was in receipt of a copy of the executed bond as required under Lake Barcroft's Special Use Permit.

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The Chairman reminded the members of the Board that they must file with the Clerk of the Court for Fairfax County before January 1, 1976 in accordance with Section 2.1-353.1 of the Code of Virginia a disclosure of all real estate interests held by each Board member.

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The Board meeting adjourned at 4:00 P.M.

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Jane C. Kelsey

Jane C. Kelsey, Clerk to the Board of Zoning Appeals

Submitted to the Board of Zoning Appeals on January 8, 1976

to

Submitted/other Depts., Commission and Board of Supervisors on January 15, 1976

Daniel Smith

DANIEL SMITH, CHAIRMAN

APPROVED January 14, 1976
DATE