August 31, 1948

A Special meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Courthouse on Tuesday, August 31, 1948, with the following members present: Mr. Brookfield, Mr. Piggott, Mr. Mooreland, Major Elgin, and Mr. Stockton, Planning Engineer and Zoning Administrator. Mr. Cooper Dawson, Chairman was absent. Mr. Brookfield, vice Chairman conducted the meeting.

The case of A. M. Bowling was brought up informally. The Baptist church near Franconia wishes to build a small open vestibule on the front of the church. The church sets approximately 52 feet from the street right-of-way and the vestibule will be about 5' wide- making a 47' setback instead of 50'. Mr. Bowling said they wished to put the addition on now as they had a carpenter working on the church at this time and didn't know when they could get him back to work again. The floor of the vestibule will be concrete and one side will be open. Mr. Stockton said that the Ordinance allowed a projection into the yard if not over 10 feet and if it is not completely enclosed. Since this projection comes within the requirements he saw no reason why the Board should question it. A building permit is all that is necessary.

The first case on the Agenda was that of the Arlington-Fairfax Broadcasting Company, Station WEAM, represented by Senator Clarke, petitioning to erect four 200 foot towers on the Francis Crimmins property, Providence District. Mr. Clarke said that he thought this was a good location for a broadcasting station as the Navy already had broadcasting towers near and there was also a power line on this property, there were no homes near enough to be damaged. All the necessary preliminary technicalities have been cleared with the radio commission and in order not to delay such a long time, which would mean considerable loss to the Company, the Arlington-Fairfax Broadcasting Company had asked for this special meeting. Mr. Clarke said that there would be no interference with radio reception from these towers as the Company would put in a special installation to take care of that. There was no opposition to this application. Major Elgin moved that it be granted. Mr. Mooreland seconded. It was carried.

The case of Mrs. Helen Jones petitioning for permission to operate a kindergarten and primary grades in her present dwelling on the east side of an outlet road to #644, B. C. Gunnell property, Mt. Vernon District. Mrs. Jones said that they planned to incorporate and call the school "Bush Hill School, Incorporated." They would pick up the children each day in a station wagon - give them a hot lunch and keep them all day. The school building is 1.2 miles from Franconia Road. Senator Clarke said that he knew Mrs. Jones and her husband

and that they had been interested in operating schools of this kind for several years. Mr. Jones had been connected with Congressional School in Alexandria. Mr. Clarke suggested that this was a particularly good location for a school, the building itself is three fourths of a mile from any other dwelling. The Chairman asked if there were any objections to this application. There were none. Mr. Piggott moved that the application be granted. Mr. Mooreland seconded. It was carried.

Mr. Gabar of Tyler Park Corporation asked to appear informally before the Board with his plan for development of the Economos Farm-Westbriar Subdivision. Originally the Tyler Corporation had applied for Urban zoning on this tract but it was denied by the Board of Supervisors. They wish now to develop a part of the tract in 1/2 acre lots, as a Rural Residence District. In order to make the subdivision more desirable they plan to put in sewers but due to setback requirements in a rural residence district and because of the topography of some of the lots it is prohibitive to put the houses within these setback lines and at the same time have the proper drain for a sewer. Also, some of the lots slope in such a way that if the front setback is observed the house could not be seen from the road. The development will be financed through FHA and their requirements are that all houses must be visible from the road. Mr. Gabar said that they were not asking for variances on all lots - just in certain locations where there is considerable slope to the ground. In fact Lots 14 through 23 exclusive of No. 20 are the only ones affected. The setbacks would range from 24 feet. Mr. Gabar said that the Tyler Corporation could not go ahead with their subdivision as FHA was holding up the financing until they had the assurance that these variances would be granted. He was not asking for anything more than a letter to FHA stating that they would be granted where needed. Mr. Mooreland said he did not think the Board should grant a blanket variance. Mr. Gabar said he would be very well satisfied if the Board would limit the variances to the lots he mentioned - 14 through 23 exclusive of No. 20. Mr. Mooreland moved that Mr. Stockton write a letter to FHA stating that the Board would grant variances on these particular lots - these variances to take care of proper sewer drainage, and topography of the ground - visibility of the houses from the streets - but to be sure that specific lots were mentioned. Mr. Piggott seconded the motion. It was carried. Mr. Gabar said in writing the letter to refer to "Map of Westbriar - Section I - dated 8/18/48."

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Mr. Gabar showed another portion of this Section where they would probably have to ask for variances on the number of square feet in the lots. Six acres surrounded by curved streets are divided into 12 lots but there is a slight variation in the lot size because of the topography. Some lots are a little less than the 1/2 acre required and some are over. In laying out the lots this was necessary in order to retain the proper frontage, and to cut the lots into reasonably regular shapes. Mr. Stockton said that since this portion of the Subdivision - this 6 acres - had sufficient ground to cover the Zoning Ordinance requirements of 1/2 acre per lot he felt that the Board had the authority to grant the variance in the size of individual lots, if there was a specific reason for the request. In fact it had been discussed in revising the Zoning Ordinance to make allowance for just this sort of thing, to give the developer some leeway in planning his subdivision. Mr. Mooreland said he thought the developer should make one less lot rather than ask for a blanket variance on sizes. If the developer allowed more ground he could no doubt cut the lots into good shapes and have the full 1/2 acre for each lot. He did not think the Board had the authority to tell the developer he could violate the Ordinance. He Suggested that the Board would take care of variances as they were needed - if they were needed. Mr. Gabar said that it was not practical for the developer to continually lose lots in planning a subdivision that they had tried to plan with reasonable economy as well as practicability. Mr. Sanders, planner for Mr. Gabar, said that FHA insisted upon lots that were not too irregular in shape and that he had planned this portion of the subdivision with a great deal of care. He felt that zoning was highly important and that its purpose was to keep development on a high level - but that most zoning ordinances had a flexibility clause for the development of large tracts. Because the Fairfax ordinance does not have this kind of a clause he thought it perfectly proper that these variances should be granted. Both Mr. Brookfield and Mr. Mooreland expressed the opinion that by agreeing to grant the variances they would be going against the Ordinance and exceeding their authority. Mr. Mooreland moved that Mr. Stockton- in writing the letter to FHA granting the variances on Lots 14 through 23, excluding No. 20, to take care of sewage and necessary setbacks- should be sure not to commit the Board on the 6 acre plot discussed. Mr. Piggott seconded the motion. It was carried unanimously.
Mr. Mooreland moved that they adjourn until the next regular meeting, September 21. Mr. Piggott seconded the motion. It was carried.

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S. Gordon Dawson
Chairman

September 21, 1948

A regular meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Courthouse on Tuesday, September 21, 1948, with the following members present: Mr. Cooper Dawson, Chairman, Mr. Brookfield, Mr. Piggott, Mr. Mooreland, Major Elgin, and Mr. Stockton, Planning Engineer and Zoning Administrator.

The case of Mr. A. D. Jerkins for permission to erect a dwelling nearer the rear line of the lot than permitted by the Zoning Ordinance, which was deferred from the last regular meeting because no one was present to discuss the application, was placed at the bottom of the list as no one was present to support the application.

1. Lyle W. Warbis, for permission to enclose a porch with less than the required front setback, also erect a detached garage with less that the required sideyard setback on Lot 38, Tremont Gardens Subdivision, Falls Church District. Mrs. Warbis appeared before the Board. The porch, which is open, projects 4 feet into the front yard. The dwelling is set back 50 feet from the street right-of-way. By enclosing the porch the front setback is decreased to 46 feet. Mrs. Warbis also asked for a variance on a proposed garage which would be placed at the rear of the house with a 2 foot sideyard setback. Mr. Brookfield moved that the applicant be granted the right to enclose the porch and build the garage not less than 2' from the sideyard since there were no objections from neighbors. Major Elgin seconded the motion. It was carried.
2. Claude M. Wells, for permission to erect a sign larger than allowed by the Zoning Ordinance, located on the south side of the Lee Highway (613 South Washington Street), Falls Church District. The proposed sign which will be placed against the building is 13' x 33". The building conforms to setback requirements. Mr. Brookfield moved that the application be granted. Mr. Piggott seconded. It was carried.
3. Henry P. Winkeeper, for permission to erect a detached garage with less than the required sideyard setback on Lot 26, Block 4, Section I, Fair Haven Subdivision (32 Fair Haven Avenue) Mt. Vernon District. Mr.Dawson had seen the property. It was his opinion that Mr. Winkeeper proposed to place the garage in the only possible location on his lot because of a high bank immediately back of the house which threw the garage very close to the side line, and about 2-1/2 feet from his house. Major Elgin moved that the application be granted because of the topography of the ground. Mr. Brookfield seconed. It was carried.
4. Bruce M. Barackman, for permission to erect a car-port with less than the required sideyard setback on Lot 20, Providence Forest Subdivision, Providence District. Mr. Barackman proposed to build the carport

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23' x 12' with a sideyard setback of not less than 3'. He presented a letter from Mrs. Cornelius Miller stating that she was the neighbor most concerned with this addition and that she had no objection. Mr. Brookfield moved that the application be granted. Major Elgin Seconded the motion. It was carried.

5. Coress T. James, for permission to erect a car-port with less than the required sideyard setback on Lot 23, Block 6, Section 5, City Park Homes Subdivision, 639 Chestnut Avenue, Falls Church District. Mr. James asked permission to build a structure 10' x 16' which would come within 3' of the sideyard line instead of the 10' required. Mr. Brookfield moved that if there were no objections from neighbors the application be granted. Major Elgin seconded. There were no objections. The motion carried.

6. Kenneth L. Roberts, for permission to erect an addition to present dwelling with less than the required sideyard setback, also to erect an attached garage with less than the required sideyard setback, on Lot 5 Block 2, Section I, Fair Haven Subdivision, 26 Belle View Ave., Mt. Vernon District. Mr. Roberts asked permission to add a room to his dwelling - 12' x 24' which would come 5' from the sideyard line. In order to complete his home the plan of adding the dining room to the side would appear to be the most practical way of making the addition. If the Board wished, Mr. Roberts said he would build this room of fire proof construction. The Chairman asked Mr. Stockton to give an opinion on this addition. Mr. Stockton said that by granting such a request- with living quarters so close to the side line- it would do away with sideyard requirements and was definitely against the Ordinance. Both Mr. Dawson and Mr. Brookfield suggested a change in plans - with perhaps adding a room on the rear. The applicant did not think this practical but said that he had not thought of this and it might be that this could be worked out. It was suggested that this part of the application be deferred until the next meeting and in the meantime Mr. Roberts consider plans to construct the addition, on the rear of the house. The attached garage, which would come within 1 foot of the sideline, was not objectionable to the neighbor on that side. Mr. Brookfield moved that the request for the addition of the room be deferred until next meeting, pending Mr. Roberts' change in plans, and that the garage be allowed. Mr. Piggott seconded. It was carried.

7. John A. Buscher, for permission to erect an attached garage with less than the required sideyard setback on Lots 29 and 30, Fairhill on the Boulevard Subdivision. Falls Church District. Mr. Buscher proposed to

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build a cinder block garage 14 x 20' with a breezway leading from the house to the garage with a 29' setback from the side road. There were no objections from people in the neighborhood. Mr. Brookfield moved that the application be granted in accordance with the plat submitted. Major Elgin seconded the motion. It was carried.

8. Leonard W. Faucett, for permission to erect a detached garage with less than the required sideyard and rear yard setbacks, on Lot 1, Block 7, Section II, Fair Haven Subdivision, 78 Fort Drive, Mt. Vernon District. Mr. Faucett proposed to build a detached garage 14' x 24' which would have a side and rear setback of approximately 2' each. There was no objection to the application. Major Elgin moved the application be granted. Mr. Piggott seconded. It was carried.

9. Jasper Pickeral, for permission to erect an addition to the present dwelling with less than the required sideyard setback, on Lot 7, Powell's Subdivision, Falls Church District. There are two dwellings on this 1/3rd acre lot - located in an old subdivision (Powell's). The second house was built before the Zoning Ordinance went into effect and is therefore allowed as non-conforming. Mr. Pickeral has applied for an 8 x 16 foot addition to the small dwelling - to be used as a bath room and toilet (in order to do away with an outside toilet) and as a utility and wash room. Major Elgin moved that the application be approved since there was no objection. Mr. Brookfield seconded the motion. It was carried.

10. Buelah Baptist Church by Owen F. Lloyd, for permission to erect a vestibule to present church building with less than the required front setback, located on the east side of #313 about 1500 feet south of #635, Mt. Vernon District. This application was taken up informally at the last meeting and approved in order to allow the contractor who was doing some work on the church to complete the vestibule without delay. Mr. Brookfield moved that the Board confirm the action taken at the last meeting. Major Elgin seconded. It was carried.

11. L. T. Bowden, for permission to have less sideyard setback than required on Lot 7, Section I, Vienna Acres, Providence District. Mr. Bowden asked for a 20 foot sideyard setback on both sides of his dwelling. The lot has 100' frontage and his house is planned for a 60 foot width. There was no objection from the neighborhood to reducing the sideyard setbacks by 5 feet. Mr. Brookfield moved that the applicant be allowed to construct his dwelling leaving 20 foot setbacks on both sideyards. Major Elgin seconded the motion. It was carried.

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12. Fairfax Rod and Gun Club, Inc., for permission to use property for rod and gun club grounds, located at the intersection of Waples Mill Road (644 and Vale Road 655) Dranesville District. Mr. Arthur C. Stickley, attorney, represented the Fairfax Rod and Gun Club. He gave a short resume of the forming of the Club - stating that the Association was formed in 1947 at which time they took a long lease on the land in question and obtained a building permit from the County to build a skeet house and obtained an Occupancy permit. The Association was incorporated during the year 1947 - with 100 members and approved by Judge Brown. After the incorporation the Club bought the land. Some time after the purchase of the ground when the Club had been in operation for approximately a year they were notified that they would have to apply for zoning. It was Mr. Stickley's wish now to make that application and to submit complete plans of buildings and ponds of the anticipated educational program along the lines of conservation and preservation which they proposed to offer to the high schools and instruction in shooting and the handling of fire arms for the public. Mr. Stickley said that the Corporation had acted in good faith and believed that they had something that would be beneficial to the County-they had no idea of any opposition to their plans. The land is hilly and Mr. Stickley said he believed especially adapted to their plans. He said that Mr. Brown, a technical expert, would testify regarding the layout. Mr. Stockton said that permits for the operation of a rod and gun club had been issued before his administration as Zoning Administrator. He said that this case was brought to his attention by complaints coming from the neighborhood - that he had written the rod and gun club and that they had complied with his request. Mr. Stickley had not completed his case but asked that the opposition state their reasons for objection to the Club. Mr. Leigh represented Mr. Kingsley and Mr. Everhardt. Mr. Leigh asked the opposition to rise. About 30 people, all of whom border the property of the Club responded. Mr. Leigh said that the permit on this should never have been issued-that it was a case for the Board of Zoning Appeals and not the Zoning Administrator's office - according to the Zoning Ordinance. He read from the Charter of the Club showing the scope of the venture. Mr. Cobb, President of the Vale Community Association, presented a petition to the Board with a listing of 96 names opposing the continuance of the range. Mr. Cobb read from the Army regulations governing Range Regulations for Firing Ammunition for Training and Target Practice-

showing that the plans of the Fairfax Rod and Gun Club did not come up to army regulations and therefore were not safe. Mr. Cobb said that church services in Vale were greatly disturbed by the firing and would be practically impossible to conduct when the range gets into full operation. He said that firing into a hilly and wooded range was very dangerous because of ricocheting bullets and that it was not practical to train young people in shooting preparatory to helping them in the army - as the army had their own methods and trained men intensively regardless of previous experience. The Vale Community Association who had been instrumental in getting up the petition against the range - stood. All were willing to testify opposing the range. Then Mr. Dominy spoke. He had moved to Vale with the hope of establishing a quiet country home for his family and found himself bordering this dangerous shooting range which had prevented the community from living a normal life. Mr. Dominy showed how it would be impossible for the range to be made safe because of the nearness of homes. He stated that home values would be greatly impaired and all real estate values in the vicinity reduced. Resolutions were presented to the Board from the Vale Community Association and Providence Grange No. 750 protesting against the range - and pointing out that it was detrimental because of the great danger of living near a shooting range, that the people coming and going was disturbing to the community, that services at the Vale Church were disturbed, property values would be depreciated, it was hazardous to life in the neighborhood and particularly to children and that it was a serious detriment to farm owners since the shooting freightened cattle. Mr. Leigh said that there were about 25 witnesses in the room who were ready to testify against the continuance of this range but that they did not wish to take up time. However, if there were any questions about the feeling of the people in the surrounding neighborhood these residents would be glad to testify. The Chairman asked for rebuttal from Mr. Stickley and his witnesses. Mr. Shockey, President of the Club, spoke. He gave an outline of the aims of the Club - to train young people in shooting and the use of fire arms and to provide recreation for people of the County and nearby. He said that the plan was to make the range perfectly safe and not to allow high powered rifles. Mr. E. Brown, representative from the National Rifle Association, spoke. He stated that accidents had actually decreased in localities where a good rifle range had been established - and that he thought there

was more danger from children running around with guns shooting on farms than if they were allowed to go to a range and have instruction. He described the installation, stating that he believed it to be perfectly safe. The entire area would be fenced and posted. Mr. Dominy questioned Mr. Brown regarding his experience and background as a rifle expert, and regarding his idea of general safety. Mr. Dominy also said that he was certain that big rifles had been shot on the range and that people had gone there to shoot without supervision. He also asked if Mr. Brown could state if the range met army regulations. Mr Brown did not know. Mr. Cobb also questioned Mr. Brown regarding army regulations, distances of the range, and plans for fencing the range. Mr. Mooreland said that he believed that ultimately the range could be made safe when all installations were out in but that now it is a nuisance and a detriment to the community, and that he thought the nuisance element was the only thing they should consider. Mr. Mooreland moved that the application for permit to operate this range be denied in face of the evidence and opposition. Mr. Piggott seconded the motion. It was carried. Mr. Stickley indicated that the case would be appealed. Mr. Stockton asked that everyone present note the fact that an appeal would probably be made. He said that the Zoning office would notify Mr. Cobb, President of the Vale Community Association, of the date of appeal and would rely on Mr. Cobb to notify those interested.

13. Malcolm Morrow, for permission to have a less front setback than required on Lots 21, 22, 23, and 24, Section I, Chestnut Hill Subdivision, Lee District. Mr. Stockton said that this case was not eligible to be heard as the subdivision plat had never been recorded. Mr. Brookfield moved that this case be deferred. Major Elgin seconded the motion. It was carried.

14. Bernice Amundson, for permission to operate a kindergarten in present dwelling on Lot 27, Section 111, Grants Subdivision, Providence District. Mrs. Amundson said that the room in which kindergarten will be held is 12 x 26' and she will have 7 children. This gives considerably more space than is required by the National Kindergarten Association. She has space enough ti increase her school to 12 if she wishes to. There was no objection to the establishment of this use. Mr. Brookfield moved that the application be granted. Major Elgin seconded. It was carried.

15. Joseph A. Lee, for permission to have a less front and rear yard setback than required, located on the east side of #605 about 1/4 mile

of #606. Dranesville District. This is a wide lot approximately 204 feet frontage by 120 feet deep. If the applicant observes the 75 foot setback from the front it would make a very short back yard. For this reason he is asking for a 60 foot setback from the front line. The road in front of the house, #605, will probably never be more than a 30 foot road since it is a side road. Mr. Brookfield moved that the applicant be granted a 60' front setback and a 20'rear setback because of the shape of the lot. Major Elgin seconded. It was carried.

16. Sumner Meiselman, for permission to erect an attached garage with less than the required sideyard setback on Lots 35 and 36, Hollin Hall Village, Section II, 603 Fort Hunt Road, Mt. Vernon District. The applicant said that the one side on which he could build his garage would not give him more than a 3 foot setback from the side line. Mr. Dawson asked if there were objections to this application. There were none. Mr. Brookfield moved that the application be granted. Major Elgin seconded the motion - granted.

17. Frank Seidel, for permission to erect a sign larger than allowed by the Zoning Ordinance, located on the south side of Lee Highway approximately 6000 feet west of the Shirley Gate Road #655, westerly adjacent to Kielsgard Subdivision, Centerville District. Mr. John Rust, who is handling this for the applicant, asked to be notified when the case came up - he was not in the room. The case was continued until Mr. Rust could appear.

18. Noel V. Poynter, for permission to erect a dwelling with less than the required sideyard setback on Lot 3A, Subdivision of a portion of the land of Richard C. Knight near the intersection of Fort Hunt Road and Alexandria Avenue, Mt. Vernon District. The garage is the only part of this dwelling which will overstep the setback requirements. It will come to within 13 1/2' of the sideyard. Mr. Poynter submitted a letter from his neighbor on this side stating that he had no objection to the construction of the garage as planned by the applicant. Mr. Brookfield moved that the application be granted. Mr. Piggott seconded the motion. It was carried.

A. The case of A. D. Jerkins which had been deferred from the last meeting was taken up. This had been put over from the top of the list as no one was present to explain the case. Mr. Jerkins showed that there was no way he could build and observe all the setbacks since he was on a corner lot. He asked for a variance on the rear setback-21.8' instead of the required 25'. Mr. Brookfield moved that the application be granted since there was no possibility of meeting this

setback. Mr. Piggott seconded the motion. It was carried.

17. Mr. Rust was in the Board Room and the case of Frank Seidel was brought up. The applicant asked for permission to erect a sign 6' x 8' - 18' from the Lee Highway right-of-way and 5' inside the property line. Mr. Brookfield moved that the application be granted. Major Elgin seconded the motion. It was carried.

19. George Dodd, for permission to operate a cinder block plant in a gravel pit, located on Popkins Lane southeast of the Subdivision of Groveton, Mt. Vernon District. Mr. Stockton read a letter from Senator Clarke stating that the applicant had abandoned the use of this property and requested that the application be withdrawn.

Mr. Stockton asked to bring up the case of Mr. Kimble - in the Gillingham Subdivision, a case which had come before the Board at the last regular meeting and which had been denied. Mr. Stockton said he believed that a compromise had been worked out which would be satisfactory to all parties concerned. The Board recalled that there was a short cross road in the Gillingham Subdivision on which 6 lots faced. The road had never been used and Mr. Gillingham had considered it abandoned. He therefore sold lots including the road. Permit was issued to Mr. Kimble which placed his house on the abandoned right-of-way. Mr. Stockton said that according to the Ordinance a rehearing on this case could be had provided new evidence was to be presented and provided the Board voted to have a rehearing. Mr. Brookfield moved that the Board have a rehearing. Mr. Piggott seconded, and it was carried. The settlement plan is as follows: Mr. Kimble will take all 6 lots which face on the road which was considered abandoned and will remove his house and will build 25 feet from the right-of-way of the street that is really abandoned. He cannot build further back as the ground is a heavy marsh and unbuildable topographically. Mr. Gillingham has given Mr. Kimble the three lots as compensation for the fact that he will have to move his house. The street will be left as it is. Mr. Brookfield said that he believed the Board could grant this 25' setback for topographical reasons and made a motion to that effect. Mr. Piggott seconded the motion. It was carried.

Mr. Stockton also requested permission to bring up the case of the Burke fire Department, and asked that the Board concur in his action in the interests of good planning and good government, good citizenship, and in the interests of the happiness of the neighborhood of Burke. Mr. Staub of Burke has donated ground on which to build a fire department building for the vicinity of Burke. Other citizens have

contributed labor and materials - all working together to build a fire station building. After the work had started the question was asked if they had a building permit. They had none. Mrs. Boyce called Mr. Stockton and he, over the last week end, contacted the Health Department for well and septic tank regulations. They did not have enough land to comply with the regulations so Mr. Staub gave more land, sufficient to meet Health Department requirements. Then they found that in order to have sufficient parking space in the rear they could not meet the front setback requirements. The building is being placed 45 feet from the center of the road. Mr. Stockton contacted as many of the Board members as he could for approval of this setback and told the group to go ahead and he would ask the Board at this meeting to approve this setback. Major Elgin moved that the Board confirm the action Mr. Stockton had taken. Mr. Piggott seconded the motion. It was carried. ~~It was suggested that perhaps an application should be put in to the Board of Appeals to cover this decision. Mr. Stockton said he thought it was a better procedure to make formal application.~~

The Chairman suggested that since the reading of the minutes of the Board meetings was far behind perhaps a special meeting to read the back minutes would be a good thing. It was voted that October 13, Wednesday at 10 a.m. be set as the date of a special meeting. It was requested that notices be sent out.

Mr. Stockton suggested that the Board of Appeals cases should be scheduled for a certain time for hearing as the Zoning cases are set for the Board of Supervisors. This would obviate the necessity of people having to sit through long cases if their case happened to come up toward the end. The Board voted that this procedure be adopted.

Mr. Piggott moved that the Board adjourn. Mr. Mooreland seconded the motion. It was carried.

S. Cooper Dawson
Chairman

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October 13, 1948

A special meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Courthouse on Wednesday, October 13, 1948, with the following members present: Mr. Cooper Dawson, Chairman, Mr. Brookfield, Mr. Piggott, Mr. Mooreland, and Major Elgin.

The meeting was called to order by the Chairman at 10 a.m. for the purpose of reading back minutes of the Board of Zoning Appeals. The reading was completed by 12:15 and Mr. Mooreland moved that the meeting be adjourned. Mr. Piggott seconded the motion. It was carried.

C. Cooper Dawson Sr
Chairman

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October 19, 1948

A regular meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Courthouse on Tuesday, October 19, 1948, with the following members present: Mr. C. Dawson, Chairman, Mr. Brookfield, Mr. Mooreland, Mr. Piggott, Major Elgin, and Mr. Stockton, Planning Engineer and Zoning Administrator.

A. The Malcolm Morrow case which was deferred from the last meeting was scheduled first but Mr. Stockton asked that it be deferred until Mr. Schumann arrived. This was agreeable to the members of the Board.

1. W. M. Orr, for permission to erect a sign larger than allowed by the Zoning Ordinance on Route 633 and U. S. No. 1, near Penn-Daw, Mt. Vernon District. Mr. Orr asked the right to put this 20" x 15' directional sign on the property of H.K.Smith (Fairfax Cabins). Highway 633 which leads to Mt. Comfort is a narrow road and easily passed by motorists driving to Mt. Comfort and the applicant believes that a sign any smaller than the one applied for would not be seen. Mr. Brookfield questioned the right of putting a sign on private property-that perhaps it should be on highway property. Mr. Stockton said that a directional sign was permissable. Mr. Orr thought also that it would be better to have the sign in line with the other signs along the road. The Chairman suggested that the sign was not necessarily a detriment and asked for a motion. Major Elgin moved that the application be granted since it was the only means of adequately showing the direction of Mt. Comfort before making the curve on U.S.1. Mr. Brookfield seconded the motion. A second request on this application asked for the right to board up the back of a sign now erected on U. S. 1 about 1500 feet from its intersection with #633. This sign is

on a lot owned by Mr. and Mrs. Orr - the sign belonging to the Outdoor Advertising Corporation - advertising the Lafayette Hotel. The wording is seen as one approaches Alexandria. The back side of this sign is unsightly. Mr. Orr proposes to board up this back side of the sign and put "Mt. Comfort - Straight Ahead" on it. Mr. Dawson said that since the sign was already there he saw no objection to using the back of it. Major Elgin moved that the application be granted. Mr. Brookfield seconded the motion. It was carried.

2. E. John Schrenzel, for permission to erect a sign larger than allowed by the Zoning Ordinance on Lot 5, Block 24, Hybla Valley Farms Subdivision, Mt. Vernon District. Mr. Schrenzel was not present - this case was put at the bottom of the cases to be considered. (Mr. Brookfield made this motion and Mr. Piggott seconded it)

3. Frank J. Buldain, for permission to erect a detached garage with less than the required front and sideyard setbacks on Lot 12, Block C, Section III, Lee Boulevard Heights Subdivision. (212 Drury Lane, near Seven Corners) Falls Church District. The applicant asks for less than the required 80 foot front setback for his garage and a 1 foot sideyard setback. He will build a breezeway from his house to his garage. The garage will set entirely back of the house. Since this was the only place he could put his garage and there were no objections from the neighbors, Major Elgin moved that the application be granted. Mr. Brookfield seconded the motion. It was carried.

4. Walter H. Sealock, for permission to erect a detached garage with less than the required sideyard setback on Lot 27, Walnut Hill Subdivision (1703 South West Street), Providence District. Mr. Sealock presented a letter from his neighbor stating that he had no objection to the garage being built within 1 foot of the property line. Mr. Brookfield asked how the water would drain. The applicant said there was a general fall to the back of the lot and that he would build a gutter to carry it to the back. Mr. Brookfield moved that since there was no objection the application be granted. Mr. Piggott seconded. It was carried.

5. Cecil G. Coppage, for permission to erect a detached garage with less than the required front and sideyard setbacks on Lot 21, Second Addition to B. M. Smith Subdivision, Mt. Vernon District. The applicant showed that due to the slope of the ground there was no other place on his lot where he could build a garage. As proposed it will set 60 feet back from the street and 3 feet from the west boundary line. There are no objections from neighbors. Mr. Brookfield moved that due to topography - the application be granted.

October 19, 1948 (Continued)

Major Elgin seconded the motion. It was carried.

6. Raymond D. Burton, for permission to have a less front setback than required on Lot 35, Section I, Greenway Downs Subdivision, southwest corner of Lee Highway and Cameron Road. Falls Church District. The requirement in this zone is 40 feet front setback but all the other houses along this street have been granted a 30 foot front setback- therefore the applicant is asking for the same in order to conform and in order to give a little more back yard. Mr. Brookfield said that it was a mistake in the first place to grant this 30 foot setback but since it had been done he would move that this application be granted. Major Elgin seconded the motion. It was carried.

7. Tauxemont Development Corporation, for permission to erect dwellings nearer to the street lines than required on Lots 14, 17, and 18, Section III, Tauxemont Subdivision, Mt. Vernon District. No one was in the Board room to support this application. Mr. Mooreland moved that it be put at the bottom of the list. Mr. Piggott seconded. It was carried.

8. M. K. Apperson, for permission to have a less setback from Edsall Road, Route 648, than required, located on the southwest corner of Little River Pike and Edsall Road. Falls Church District. The applicant said that while the setback he is asking for is to be 40 ft. instead of the 50 ft. required, his building is still 300 ft. from the intersection of 648 and Route 236 - thus giving a clear vision, that all parking will be on the side of Route 236 which has a 110 foot setback, and further setback will have a devaluating effect on his property. The Chairman said that this will be a very busy corner and he did not think a less setback was practical, that the truck traffic planned for the future from Fort Belvoir would make a tremendous hazard. He suggested that Mr. Apperson turn his building cross ways. Mr. Apperson said that he could not do this because of the topography of the ground. Mr. Brookfield suggested that he cut off the corner of his building - a suggestion which the applicant said could be done if necessary. Mr. Brookfield moved that the application be denied on the grounds that it was not allowing sufficient setback to take care of safety of traffic of the future. Mr. Mooreland seconded the motion. It was carried.

9. E. W. Robertson, for permission to have a less front setback on store building on Columbia Pike, Route 244, located on Lots 44, 45, and 46, Annandale Subdivision, Falls Church District. Mr. Hardie Chamblis represented the applicant in this case, however, Mr. Chamblis was not present and the case was put at the bottom of the list.

October 19, 1948 (Continued)

10. Mylo C. Keck, for permission to have a "Lean-To" over his driveway with less than the required sideyard setback on Lot 5, Block 5, Section I, Fair Haven Subdivision, Mt. Vernon District. The proposed lean-to will extend 14 feet from the side of the house to within approximately 2-1/2 feet of the property line. Mr. Dawson asked where the water drained. Mr. Keck said it drained very well down the side of his driveway into the street. This is in the nature of a car port Mr. Brookfield said and moved that it was not objectionable and therefore that it be granted. Mr. Piggott seconded. It was carried.

It was moved that the Morrow case be taken up at 1 o'clock - that opposition was organizing and would like a little time to get here. Mr. Brookfield made the motion that the case be heard at 1 and Mr. Mooreland seconded. It was carried.

11. Joseph Samler, for permission to erect an addition to present dwelling with less than the required sideyard setback on Lot 35, Section III, Tauxemont Subdivision, Southeast corner of Westmoreland Road and Fairfax Avenue. Mt. Vernon District. Mr. Davenport, contractor, appeared for the applicant. He said that there were no objections from the neighbors to this addition. The Tauxemont Corporation is building the house for Mr. Samler and the applicant wishes to put this addition, a garage and shed, on the rear of his house. The setback would normally be 25 feet but the addition would run 2 ft. 3 in. nearer the rear line than the requirement. Mr. Stockton said that the spirit of the Zoning Ordinance was to have proper spacing between buildings. Mr. Brookfield said that he thought this was an unnecessary violation of the Ordinance and he could not see where there was any hardship to the applicant. Mr. Stockton said that he thought that the Ordinance did not require that each house be set back just the same distance and that it was often found that there was more aesthetic value in having different setbacks - so long as the proper distance between houses was observed as in this case. Mr. Dawson said that the Board had granted similar applications. Mr. Brookfield suggested that the Board had granted too many applications of this kind in Tauxemont. Mr. Mooreland moved that the application be denied. Major Elgin seconded. It was carried.

12. Fred E. Webb, for permission to have a less sideyard setback than required on Lot 48, Section III, Sleepy Hollow Subdivision, north side of Ridge Road, 489 feet west of Sleepy Hollow Road, Falls Church District. The plan of this dwelling was changed from frame to brick - this enlarged the entire size of the house and threw the sideyard

setback out of line. In order to get the house on his lot as planned Mr. Webb wishes to leave a 7 foot sideyard setback. There will be a proper distance maintained between houses and there is no objection from the neighbors. Mr. Brookfield moved that in view of the facts shown the application be granted. Major Elgin seconded - carried.

13. Brilyn Park, Inc., for permission to have a less sideyard setback on dwellings on Lots 1, 6, 7, 12, 13, 18, 19, 24, 25, 30, 31, and 36 Meridian Park Subdivision (on West Street, approximately 300 feet east of Great Falls Street) Providence District. These are all corner lots and if the builder complies with the setbacks on corner lots he cannot put up the type house he has been building - ramblers- but would have to build two story houses. He does not think this is in keeping with the attractive development of the subdivision and wishes to have an 8 foot setback instead of 10 feet as required. The houses on the joining lots have been set back further from the sideyard in order to preserve the proper distance between houses. Two citizens from the neighborhood appeared in opposition to this application. But the plan of development was discussed and there was no disagreement. It was the opinion that the one story house would be much more attractive than a two story and since the distances between houses was sufficient - Mr. Piggott moved that the application be granted. Mr. Brookfield seconded the motion. It was carried.

14. R. T. Lathon, for permission to use garage as temporary residence until dwelling is occupied on Lot 7, Dail Park Subdivision (on Ridge Road, Route 718) Mt. Vernon District. No one was present to support this application - therefore it was put at the bottom of the list.

15. Christopher A. Barnekov and William A. Fisher, for permission to operate a private school in his present dwelling on Lot 43, Section I, Greenway Downs Subdivision, Falls Church District. Mr. Donovan represented the two petitioners. He stated that this was a very well developed section - having been zoned for business and that a private nursery was in demand by the residents near. Mr. Stockton said that the building and the use were both all right- that this case came before the Board merely as a technecality - to grant the permit under the Ordinance. Mr. Brookfield moved that the application be granted. Major Elgin seconded. It was carried.

16. Edward M. Loweree, for permission to operate a kindergarten in his present dwelling, located on the north side of Route 677 (Old Courthouse Road) adjacent to Mosscrest Subdivision, Providence District. The petitioner has a 9 room house. The first floor will be used for the nursery school and the second floor as his own residence. The

space is adequate - approximately 30 x 40 feet, they will have 6 children to start with and will not grow beyond 20. There is a Subdivision adjoining this property and many of the residents have expressed themselves in favor of this kindergarten. Mr. Stockton said there was nothing against this use if the neighborhood wanted it. Mr. Brookfield moved that the application be granted. Mr. Piggott seconded the motion. It was carried.

17. Chantilly Fire Department, for permission to erect a firehouse, located on the west side of Route 657 approximetely 190 feet south of Route 50, Dranesville District. No one was present to support this application. It was put at the bottom of the list.

18. Shiloh Baptist Church, for permission to operate a private cemetery in connection with the church, located on the east side of Route 684 at Odricks Corner, Providence District. Mr. Roy Swayze represented the Church. Mr. Swayze explained that the old cemetery was filled up and that this piece of land joining the church property was the logical place for a cemetery. Mr. Stockton said that this certainly was a necessary adjunct to the church and if there was no objection from the neighborhood - there was nothing in the Ordinance to prevent granting this petition. There were no objections. Mr. Brookfield moved the petition be granted - Major Elgin seconded - carried.

19. K. H. Stilling, to permit a special exception under the zoning amendment effective August 5, 1946, for the utilization of a duplex dwelling erected on the northwest side of Old Dominion Drive, 107.39 feet northwest of the Arlington County line, Providence District. Senator Andrew Clarke represented the applicant. Mr. Clarke stated that this case was discussed before the Zoning Ordinance went into effect but that in August 1946 an amendment to the Ordinance permitted this use under two conditions - that the applicant come before the Board of Zoning Appeals and that the applicant have twice the necessary area. This application meets both of these requirements. Mr. Mooreland moved that the application be granted. Major Elgin seconded the motion. It was carried.

Senator Clarke invited the Board of Appeals to inspect Belle View along with the Board of Supervisors on Wednesday, November 3, from 4:30 on. Dinner will be served.

Since the Board was ahead of the published schedule it was agreed to take up some of the cases that were put at the bottom of the list.

7. Mr. R. Davenport appeared for the applicant - Tauxemont Corporation - requesting less front setback than required by the Zoning Ordinance. Mr. Davenport stated that the developer had planned dwellings on

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Lots 14, 17, and 18 - ten feet nearer the front right-of-way, and this is the way he happened to do so. The original plan was to set the buildings 50 feet from Fort Hunt Road, but during the time the developer was in Europe the state took an extra 10feet of right-of-way for Ft. Hunt Road. Either the developer did not know this or he had forgotten about it as he used the old line as his setback and therefore did not count in the 10 feet belonging to theState. Since the same error is shown in three buildings this is the only explanation of the incorrect setback. Mr. Davenport said that the Title Company did not consider this a cloud on the title - but it did not conform to the Zoning Ordinance and therefore he wished to be cleared by the Board. There were no objections. Mr. Brookfield moved that the application be granted. Mr. Piggott seconded. It was carried.

20. Richard A. Mohn, to appeal a decision of the Zoning Administrator which permits the operation of an auto body shop on the property of Huston Oliver, located on Madison Lane about 3/4 mile west of Bailey's X Roads, Falls Church District. Mr. Mohn stated that the body works operating in this neighborhood was noisy and dangerous to children-because of the people coming and going. He believed that this is not a non-conforming business as it has not been run continuously. The business changed hands several times since it first started and Mr. Mohn believed that the lapse between the time of stopping and starting was in excess of 180 days. Also Mr. Mohn said he believed there had been a change in the type of business-which would be opposed to the Zoning Ordinance. Mr. Stockton said that the place had been used as a repair and maintenance for trucks subsequent to a garage and that the Zoning Administrator had ruled that this was the same use and had continued the business as non-conforming. Mr. Oliver appeared in defense of the operating body works. He said that the business had been run continuously either as a filling station or such a closely related business that it was never considered to have abandoned the use. Mr. Mooreland said that he believed this was a nuisance in the neighborhood but that it was something the Board could not control since it was operating as a non-conforming use and it had not been established that the use was ever abandoned for 180 days - it was an unfortunate situation but one over which the Board had no authority. Mr. Piggott moved that the case be dismissed because the Board had no authority to act. Mr. Brookfield seconded the motion. It was carried.

9. The case of E. W. Robertson was taken up next. Mr. Chamblis was present to represent the petitioner. The Safeway Stores wish to purchase a block of lots at the intersection of Columbia Pike and Maple Street for the purpose of building a 75 ft. x 125 ft store with a 30 foot

setback from the Columbia Pike right-of-way. The ground between the store building and Maple street will be used as a parking space. Each lot is 25 x 125 and they are using 4 lots for this parking area. This, Mr. Chamblis suggested, is a good thing from the standpoint of traffic control. The Board of Supervisors had zoned this area to General Business in view of future development. Now that the community has developed-the need for a safeway is felt. The Chairman spoke of the tremendous amount of traffic on Columbia Pike and suggested that this setback would put the store in a bad place in case Columbia Pike were widened. Mr. Chamblis said that as far as he knew there was no definite information regarding the widening of Columbia Pike, and that it was unfair to make these people observe future setbacks which may never be required. Mr. Stockton said that he had talked with Mr. Smith who formerly was with the Highway Department and that the 20 year plan for highways included 160 ft. right-of-way for Route 236 and Columbia Pike is in the plan for a heavy duty- two lane highway. Mr. Chamblis said that by observing the required setbacks it would take so much of the property building would be impractical and that this was an expensive development. Mr. Dawson said he did not think there was a traffic hazard here-that a 5foot sidewalk would still allow a 60 foot right-of-way which could be a 4 lane highway for Columbia Pike if the state made it so and the fact that the applicant was providing for such an adequate parking space would take care of the traffic situation. It was discussed at length - the future trend for heavy traffic with regard to Shirley Highway and Columbia Pike etc. Mr. Piggott moved that the application be granted. Major Elgin seconded the motion. Carried.

21. Hannah L. Patterson, for permission to use 13.5 acres for a multiple housing project as allowed under Section XII subsection f-5 of the Fairfax County Zoning Ordinance, located on the northwest corner of Leesburg Pike and Glen Carlin Road, Falls Church District. Mr. W. Lewis Leigh represented Mrs. Patterson. Mr. Stockton read the recommendation of the Planning Commission recommending that the application be granted. Mr. Leigh said that six months ago when he presented this case before the Board of Zoning Appeals and they denied it he predicted that the character of this location would change and that within a short time multiple housing would come to this section. Now that Culmore was being developed, and the Payne tract had been granted the right to have multiple housing, he felt that the Patterson tract was a logical place for this type of development. In fact he believed that the Patterson tract was more

logical for this use than the Payne tract since it is directly across from Culmore and the adjacent property owner is highly in favor of this development. The location of this section makes multiple housing inevitable. Major Elgin moved that in view of the granting of the Payne tract the application be granted. Mr. Moorelan seconded the motion. It was carried. Mr. Brookfield dissenting. The Board adjourned agreeing to reconvene at 1:30 to consider the cas of Malcolm Morrow and any other cases after that which had not been handled. Mr. Piggott asked to be excused.

A. Malcolm Morrow, for permission to have a less front setback than required on Lots 21, 22, 23, and 24, Chestnut Hill, Section I, Lee District. Mr. Morrow explained that the land in these four lots slopes sharply to the rear and there is a very little flat space on which to build. If the owners built with the proper setback it would mean a great deal of filling in and consequently very expensive building. Mr. Deathridge a property owner in the vicinity spoke against allowing this application. He suggested that the Zoning Ordinance met only minimum requirements of good planning and he did not like to see the standard relaxed in any case - and that the road in front of this subdivision was dangerous - it was possible that more right-of-way would be taken - leaving the houses entirely too close to the road. It might also develop that the service road would become the main lane of traffic. He compared the setbacks to Mrs. Vazzolo's property across the street. Mr. Stockton drew a diagram o the board showing the street center, the right-of-way, setbacks, and service road, dedicated by Mr. Morrow. He showed that the property across the street, belonging to Mrs. Vazzolo was set back 80 feet fro the street right-of-way. Mr. Morrow has dedicated a 50 foot service road and with a 30 foot setback, which he is asking for these lots, is still setting back 105 feet from the center of the road - the sam setback as that of Mrs. Vazzolo. Mr. Stockton said that it was the hope of the Planning Commission that definite center lines of street would be established by the State Highway Commission in order that w might arrange for permanent future setbacks - but that this had not been done and what would be done with Route 236 - widening and how much - was not known. The only thing the Planning Commission can do is to try to get houses set back as far as possible. In some multipl housing developments where the developer has dedicated a service roa they have allowed a 30 foot setback and it had proved practical. One of the owners of the lots in question spoke. He said that if they

were required to build 50 feet from the right-of-way it would necessitate a great deal of filling in as the house would be several feet below the street level. It was asked what would be done with the lots which were not to be built upon. The owners said they had no plans but to build two homes (two owners were present) the other lots would be left vacant for the present. Mr. Deathridge said that he realized that one could not always follow the Ordinance to the letter and he appreciated the problems of the present owners. He suggested that theBoard get some statement from the District Engineer as to the future of our roads, in order that development might be planned on a more practical basis. The Chairman said that the road situation was a tremendous problem and that we could get no assurance from anyone about definite plans for the future, that the lack of funds was a serious handicap. Mr. Brookfield asked if only the four lots were involved - could the others conform to the Ordinance. Mr. Morrow said yes - the others were all right. Mr. Mooreland asked if the setbacks couldnt be graduated, that is, if the slope of the ground would allow this. For example, start with a 50 ft. setback on Lot 20, 21 - 45ft. setback, Lot 22 - 40 ft. setback, Lot 23 - 35 ft. setback and Lot 24 - 30 ft. setback. Mr. Morrow said this probably could be done. Mr. Mooreland moved that in view of the contour of the ground the setbacks be graduated as he had suggested. Major Elgin seconded the motion. It was carried.

The three cases remaining Nos. 1113 - Dail Park (R.T. Lawton); No. 1149, Chantilly Fire Department, and No. 1154 - E. J. Schrenzel be deferred until the next meeting as there was no one present to support these applications.

Mr. Mooreland moved that Mr. Stockton investigate the case of Jim Bradford for rezoning and report to the Board at the next meeting. Major Elgin seconded the motion. It was carried. Mr. Brookfield moved they adjourn. Major Elgin seconded. It was carried.

S. Cooper Dawson Sr.
Chairman

* * *

November 16, 1948

A regular meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Courthouse on Tuesday, November 16, 1948, with the following members present: Mr. Cooper Dawson, Chairman, Mr. Brook-Field, Mr. Mooreland, Mr. Piggott, Major Elgin, and Mr. Stockton, Planning Engineer and Zoning Administrator.

The three cases deferred from last meeting because no one was present to support the applications were taken up first - E. John Schrenzel applying for permission to erect a sign larger than allowed by the Zoning Ordinance, The Chantilly Fire Department for permission to erect a fire house, and R. T. Lathon, for permission to use a garage as a temporary dwelling until his house is built were called but no one was present again. Mr. Brookfield moved that all three cases be put at the end of the list. Mr. Piggott seconded the motion. It was carried.

1. Raymond E. Lassen, for permission to erect a sign larger than allowed by the Zoning Ordinance, on the north side of Lee Highway adjacent to Falls Church Town Line (588 S. Washington Street) Falls Church District. Mr. Lassen was not present. Mr. Brookfield moved that this case be put at the end of the list. Major Elgin seconded the motion. It was carried.
2. Guy H. Heeter, for permission to erect a sign larger than allowed by the Zoning Ordinance, located on the north side of Route #644 just east of #718, Mt. Vernon Magisterial District. Mr. Heeter was not present. Major Elgin moved and Mr. Brookfield seconded that this application be put at the bottom of the list. Carried.
3. Roberta Fraser-Miller, for permission to erect a garage 14 feet x 20 feet - 20 feet from back of the house and 2 feet from the property line on the side of the house, located in Fair Haven Subdivision, Lot 29, Block 5, Section 2, Mt. Vernon Magisterial District. Mrs.Fraser-Miller showed the Board members the proposed location of the garage-20 feet to the rear of her house and a two foot setback on the side-line. Mr. Brookfield said that there was apparently no other place for the garage and with such small lots the 2 foot setback was a necessity. He therefore moved that the application be granted.Major Elgin seconded the motion. It was carried.
4. Robert L. Southall, for permission to erect a detached garage within 2 feet of the sideyard at 6508 Charles Street, Falls Church District, Lot 6, Powell Subdivision. The Chairman asked if there was opposition to this application. There was none. Mr. Southall presented a letter

from a neighbor which the Chairman read stating that he had no objection to a garage being built within 2 feet of his line. Since there was no objection Mr. Mooreland moved that the application be granted. Major Elgin seconded the motion. It was carried.

5. Walter E. Fowler, for permission to erect a detached garage with less than the required sideyard setback on Lot 35, Lee Manor, Providence District. Mr. Fowler requested a 5 foot sideyard setback for two reasons - first because by locating the garage there he would save a very lovely tree; and any other location would necessitate a great deal of excavating. There was no objection to locating the garage this close to the line. Major Elgin moved that the application be granted. Mr. Piggott seconded. It was carried.

6. E. Scott McCuskey, for permission to erect a detached garage with less than the required sideyard setback at 224 Lawrence Drive, Falls Church, Virginia, Falls Church District, Fenwick Park Subdivision. Mr. Brookfield said that this was another case of a narrow lot and no place to put the garage but near the line and since there was no objection he would move that the application be granted. Major Elgin seconded the motion. It was carried.

7. Frank Rollenhager, for permission to erect an attached garage with less than the required sideyard setback on Lot 104 and part of Lot 103, Annandale Subdivision (on Poplar Street) Falls Church District. The applicant intends to build a good breezeway connecting the garage and house, allowing a 3 foot setback from the sideline. This is another case of a narrow lot and no other suitable place on the lot for the garage. Mr. Brookfield moved that the application be granted since there was no objection to the 3 foot setback from the sideline. Major Elgin seconded the motion. It was carried.

8. Monroe Development Corporation, for permission to erect dwellings on the lots enumerated below with less than the required setback from North Kings Highway, Jefferson Manor, Mt. Vernon Magisterial District: Lots 24-A and 24-B, Block 11, Section 7, Lots 7-A and 7-B, 8-A and 8-B, and 9-A and 9-B, Block 12, Section 8; Lots 12-A and 12-B, 13-A and 13-B, Block 13, Section 9. Mr. Harnett appeared for the applicant. The Monroe Development Corporation have given an additional 25 foot right of way on North Kings Highway (this gives an 80 foot street right of way) and are now asking to set back 30 feet from the propert y line. Mr. Dawson asked particularly if the corner lots allowed sufficient clearance not to interfere with visibility. The Board was satisfied that the corners were sufficiently cleared. Major Elgin moved that the application be granted. Mr. Piggott seconded the motion. It was carried.

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The Chairman asked that some of the deferred cases be taken up as the Board was ahead of their published schedule. Raymond Lassen was present and his application was presented. Mr. Lassen asked for a 3 x 40 foot sign to be allowed for the front of his building. Mr.Stockton said this was a Billboard - and not to be classified as a sign., that the Board had not been granting signs of over 60 square feet. Mr. Lassen said the building was a very strange shape - wide but with very little depth and that a small sign would be lost on the large surface of the front of the building. The building is 40 feet long and stands alone. The Chairman said the Board could not grant a sign so large- Mr. Lassen said that since he could not get the large sign he would be glad to take whatever the Board would give him. Mr. Mooreland moved that a sign 30 feet by 2 feet be granted. Major Elgin seconded the motion and it was carried.

9. Charles E. Wesley, for permission to erect a single family detached dwelling with 9-1/2 feet of the lot sideline, instead of 15 feet as required by the Zoning Ordinance, located on Lee Boulevard in Lee Boulevard Heights, Worthington Circle, Falls Church District. Mr. Wesley has planned a 44 foot 9 inch house with a garage attached by breezeway. With the garage and breezeway - if the house is placed in the middle of the lot it would leave a 9-1/2 foot setback on each side. Mr. Brookfield suggested that it would be better to move the house over giving a 4-1/2 foot setback on the garage side and a 15 foot setback for the main house on the opposite sideyard. By allowing only a 9-1/2 foot setback for the house the Board was actually amending the Ordinance which it had no right to do. Mr. Stockton said that when a garage was attached by a breezeway it automatically became a part of the house so it would really make no difference which side had the short setback - it was in effect - the house itself. His suggestion was that the house be set in the middle of the lot allowing the same setback on both sides. The Chairman asked if there were any objections to these proposed setbacks. There were none. Mr. Brookfield said he thought it was more in conformance with the Orddinance to require the 15 foot setback for the one side of the house and allow a 4 foot setback on the garage side. Mr. Mooreland moved that the Board grant the 4 foot setback on the garage side. Mr. Piggott seconded the motion. Carried.

10. Tyler F. Moffett, Jr., for permission to enclose front porch with less than the required setback, located at 201 East Marshall Street, Falls Church, Lot 13, Section II, Greenway Downs, Falls Church Magisterial District. Mr. Moffett has a four foot open porch which he

wishes to enclose. The house has a 25 foot setback (the setback here is as required in a Suburban Residence District and should be 40 feet) but the 25 foot setback was established before the Ordinance went into effect. The porch enclosed would give the house a 21 foot front setback which Mr. Brookfield said was not a good precedent to establish in this locality where the setback was already far less than required. Mr. Brookfield asked the applicant if there was anything in his deed restricting the front setback. Mr.Moffett did not know. Mr. Mooreland moved that the application be deferred until Mr. Moffett could check on his deed restrictions and for further study by the Board. Mr. Piggott seconded the motion. It was carried.

11. Richard B. Livingston, for permission to erect 9 garages for rental purposes on Lot I, Devonshire Gardens, Falls Church District. The Chairman asked Mr. Stockton to give the background of this case. Mr. Stockton said that Mr. Livingston had come before the Board of Supervisors to ask for a rezoning on this property for the purpose of putting up 9 garages. That the construction of the Goodwin Apartments which join his lot had created a need for rental garages in this locality. At the hearing of the Board of Supervisors there was considerable opposition to the rezoning of this lot from people in the neighborhood - but that there was apparently no objection to the construction of garages for storage of privately owned cars. Therefore, he had suggested to Mr. Livingston that he withdraw the application for rezoning and appeal to the Board for the right to put up the garages-thus restricting the use for now and for the future. The Chairman asked if there was opposition. About ten women living in the neighborhood appeared to oppose the application. Mr. Stockton read a letter from the Greenway Downs Citizens Association disapproving the application. The home owners were from Greenway Downs-their property backing up to the alley which borders the lot on which Mr. Livingston wishes to build the garages. Mrs. Clem acted as spokesman for the Citizens Association. She said that the alley had been given by property owners but had never been used as an alley and they did not want it opened now. Mr. Livingston said he did not propose to open the alley - but that the cars would enter his lot from Mr. Goodwin's apartments and this would not affect the alley right of way. Mr. Livingston said that he too was not in favor of a general business in this location but that the garages were to be built of either cinder block or frame and would not be devaluating to the neighboring property. The objectors said that perhaps this one proposition may not be such a bad

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thing - but if the exception were made then others might apply for the same kind of a variance and the Board would be almost bound to grant it. Then almost any kind of business could be established and this would be a detriment to the type of locality they wanted. They wished to keep a residential district as they were people who were making their permanent homes there. Mr. Livingston said he was making his permanent home there too and hoped some day to retire - and he was trying to arrange something to live on when he did retire.... and he didnt think well built, well taken care of garages would hurt the neighborhood. One of the objectors suggested that the vacant lot next to Mr. Goodwin's apartments might be zoned for business and that Mr. Goodwin could put garages in there - if this variance was granted. Mr. Stockton said that this would not be possible because in order to leave that lot vacant in order to meet the area requirements. Mr. Piggott suggested that one of these garages might be used as a business - to repair other cars. The objectors also thought this was a possibility. Mr. Livingston said this would not happen that he did not want to rent the garages for anything except for storage purposes and no business could be conducted there. Mr. Stockton said that the Zoning Ordinance says that one can build garages for 4 cars if he wished - that would allow him to rent the garages he was not using- this in effect would be the same thing Mr. Livingston is asking for except that he would be given the right to rent more garages. It was suggested that the variance be granted with the provision that they be rented to people in Mr. Goodwins apartments only. Mr. Livingston thought this was not practical, that it was too much of a restriction. Mr. Mooreland moved that the variance be granted with the provision that the garages be used for rental storage of automobiles only. Major Elgin seconded the motion. It was carried.

12. Maurice Mumford, for permission to erect a building on the northeast corner of Route 665 and Route 667, Lot 54, Section I, Mumford Park, with less than the required setback from Route 667, Dranesville District. Mr. Mumford said that when the State Road 665 was widened he dedicated 15 feet and his house is set back 52 feet from this right of way. At the time of this dedication he had his entire tract surveyed and the houses located by the surveyor. All of the houses had the required setback from Road 667 except the one on Lot 54- which was located with only a 43 foot setback. Mr. Mumford could not account for the incorrect location of the building - since he had left it up to a certified surveyor he did not question the setbacks. The only explanation of this setback that he could give is that the stakes

were probably set correctly in the first place - but during the construction of the widened road when there was a great deal of hauling and construction going on the stakes were accidentally pulled up and put back by some irresponsible person and the house was built accordingly. Mr. Mumford said that he had applied for a store on this location - and a rezoning to Rural Business. Mr. Mooreland said that since the house was already located there was not much else that the Board could do but grant the application-he moved that they do so. Mr. Piggott seconded the motion. Carried.

13. National Advertising Company, to appeal the decision of the Zoning Administrator regarding a sign located 2.3 miles west of the junction of Route 211 on the south side of #50 and a sign located on the south side of Lee Highway about 1 mile east of Fairfax Circle, both in Providence District. The Chairman asked Mr. Stockton to give the background of this case. Mr. Stockton said that the State Highway Department-Landscap Divsion had cooperated with the County with regard to placement and control of signs, that he had been able to get the history of these irregular signs through the records of the Highway office. The signs were installed originally - conforming to regulations. Then at a later period the signs were both enlarged to more than double their original size - which was billboard proportions. There was no permit issued covering the larger sign size because at that time the Highway Department did not have the personnel to make inspections. A little later the National Advertising Company bought the signs as they were-billboard size - not knowing that they were an illegal size nor that there were no permits covering them. Mr. Roch, of National Advertising Company said that some time after they had bought the signs they had a letter from the Highway Department saying that since the signs were rebuilt to such a larger size they must be considered new structures and therefore were not operating as a non-conforming use and therefore were illegal structures. Mr. Stockton then wrote the National Advertising Company that in view of the facts the rebuilt and enlarged signs would have to be removed. Mr. Stockton said that when he wrote that letter he did not know all the facts regarding the signs. But since-he had learned that the National Advertising Company had bought these signs in good faith - a certain size and location. That they had not changed the signs in any respect. Then all at once to be told that they owned illegal structures and to tear them down - he thought was a little unfair, that we had a certain moral obligation to this company since we allowed the signs to be increased before they bought them. Now for us to penalize the

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new owners was in his opinion hardly a fair procedure. A representative from the State Highway Department was present and answered questions by Board members. He said that it was necessary to have the approval of the Board before the State could issue a permit covering these signs. That was his interest in being at this meeting. Mr. Piggott moved that the signs be allowed to remain in their present locations. Major Elgin seconded the motion. It was carried. Mr. Brookfield dissenting.

Mr. Mooreland asked to be excused at 12 o'clock.

14. Adelaide Dove, for permission to erect a second dwelling on the property containing 15,987 square feet instead of 20,000 square feet as required by the Zoning Ordinance, the property located on the southwest side of Route 7, opposite Fairlington, Falls Church District. Senator Clarke, representing the opposition, asked that the applicant present her case first. Mr. Stockton said that the two married daughters of Mrs. Daniels were paying high rent which they could not afford - so they bought two trailers with the idea of moving on to the mothers lot. The Zoning office gave zoning approval for one trailer on the lot - to be demounted on a foundation-thus attaining the status of a dwelling. There is sufficient area in this lot to permit two dwellings. But Mrs. Daniels was told that a second permit could not be issued - allowing two trailers on this lot as she did not have sufficient area. A neighbor offered to let the daughter park her trailer on her lot - but she did not have the area required for the two dwellings, and the zoning office could not issue a permit. Therefore, Mrs. Dove is asking for this exception for a second dwelling on the neighboring lot which contains 15,987 square feet. Mr. Stockton said that we are concerned only with area and location not with the dwelling itself, that the building code will determine that and that the new definition of a dwelling will not allow a trailer mounted on a foundation to be classed as a dwelling. Mrs. Dove, the applicant, spoke. She said that the trailer was not now being lived in - that no lights or water were connected to it. Senator Clarke, representing Mr. Daligattis, the opposition, said that this was just a subterfuge to use trailers as dwellings and that there had been many complaints from the neighborhood about living in trailers, that these two trailers had moved in and put one on a very flimsy foundation and called it a dwelling, that living conditions there were unsanitary - no running water- outside toilets - no septic tanks - no sewage- a generally unsightly setup. Mr. Clarke said that this case had come before the Board of Supervisors and they had shown that they were opposed to using trailers as dwellings and are

very eager to adopt the building code which will eliminate structures like these. Mr. Clarke said that the neighbors had been greatly distressed about these trailers and he felt that the entire neighborhood should be considered in a matter of this kind. The whole idea was wrong in principle - bad living conditions and a detriment generally. He asked that the Board deny this application. Mrs. Daniels stated that the foundation of the trailer was not of a flimsy construction - that they had used cinder blocks, that the trailer had city water and now sewage was in the neighborhood - which they might have in time. Mr. Brookfield moved that the application be denied, because of lack of area. Mr. Piggott seconded the motion. It was carried.

Mr. Brookfield moved that the Guy Heeter application be deferred to next meeting as Mr. Heeter was not present. Mr. Piggott seconded the motion. It carried.

Mr. Brookfield moved that Mr. Stockton investigate the Chantilly Fire Department, since they did not have a representative present - for the second time. Mr. Piggott seconded. Carried.

The E. John Schrenzel case for permission to erect a sign larger than allowed by the Zoning Ordinance on Lot 5, Block 24, Hybla Valley Farms Subdivision , Mr. Vernon District - deferred from last meeting was taken up. Mr. Brookfield moved that this be granted since there was no objection. Major Elgin seconded. Carried.

The R. T. Lathon case, deferred from last meeting, for permission to use a garage as a temporary dwelling until residence is occupied on Lot 7, Dail Park Subdivision, Ridge Road, Mt. Vernon District. There was no objection to Mr. Lathon using this garage temporarily until he could build his house. Mr. Brookfield moved that this application be granted. Major Elgin seconded. It was carried.

16. Charles C. Weaver, Jr., for permission to enclose the front porch within 37 feet of the street instead of 40 feet and to erect attached garage on the east side of his house within 1 foot of the line, property located on Lot 80 of Brilyn Park Subdivision, 808 Fisher Avenue, Falls Church, Falls Church District. Mr. Weaver presented his case. He said that he did not believe his garage built so close to the line would bother his neighbor on that side as his ground dropped about 4 feet 6 inches below the sideline-this would put the garage so low as not to obstruct the view of his neighbor. However, the neighbor, a Colonel, felt that the garage placed in this position - attached to the house would be so close to his living room windows that it would obstruct his view and make his living room dark. He said that he had bought there with the understanding that no one could build close to his house, that his living room

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directly faced this proposed garage. It would actually put his house (his front door) 18 feet from the garage. Mr. Stockton said that variances had been granted on lots of this kind because so many of the old subdivisions had very narrow lots and the new trend in homes was the wide rambler type. That most of the new subdivisions were laid out to take care of these wider houses. It was suggested that Mr. Weaver put his garage back 80 feet from the front right of way, attached to his house by a breezeway, if he wished, and 1 foot from the side line. The Colonel said he did not object to that. It would clear his front windows and not darken his house. Mr. Brookfield moved that Mr. Weaver be granted this variance. Major Elgin seconded the motion - and it was carried. Major Elgin moved that the application to enclose the porch with glass be granted to come within 7 1/2 feet from the sideline. Mr. Brookfield seconded the motion - and it was carried.

17. Jimmie Burch, for permission to locate a dwelling nearer to the front line and side line of the lot than required by the Zoning Ordinance, on Lot 11, Block E, Section 3 - Lee Boulevard Heights Subdivision, Brook Drive, near Seven Corners, Falls Church District. Mr. Claude Thomas presented this case to the Board. Mr. Thomas stated that when the house was first planned it was small and it conformed to the Zoning Ordinance in setbacks but later the house was increased in size considerably and it naturally changed the side and front setbacks. In plotting the actual location for the house the surveyor made a mistake and put the house 24 feet 3 inches from the front property line and 6 feet 9 inches from the sideline. The house was placed so that it paralleled the front line but was at an angle to the sidelines. Had it been set parallel with the sidelines there would have been sufficient room on all sides and no problem of setbacks. Mr. Thomas asked that the Board of Zoning Appeals grant this variance in setbacks in order to clear the property for loan purposes. Mr. Brookfield moved that although this was in his judgment an unnecessary error - the Board approve the variances. Major Elgin seconded the motion. It was carried.

Mr. Brookfield moved that the Board adjourn til the next regular meeting. Mr. Piggott seconded - it was carried.

Mr. Guy Heeter appeared just as the Board members were leaving. They recomvened and considered his application-it was impossible for him to be at the meeting at his scheduled time. Since there was no objection to the sign he proposed, Mr. Piggott moved that the application be granted. Major Elgin seconded. It was carried.

The meeting was adjourned a second time, moved and seconded by Mr. Brookfield and Mr. Piggott.

S. Cooper Dawson Jr.
Chairman

December 21, 1948

A regular meeting of the Board of Zoning Appeals was held in the Board Room of Fairfax County Court House on Tuesday, December 21, 1948, with the following members present: S. Cooper Dawson, Chairman, John W. Brookfield, Thomas I. Piggott, William Mooreland, and Major W. S. Elgin, and E. Russel White, Zoning Inspector, representing Mr. Stockton.

The two cases deferred from the last meeting were taken up first:

A. Tyler F. Moffett, Jr., for permission to enclose front porch with less than the required setback, located at 201 East Marshall Street, Falls Church, Lot 13, Section II, Greenway Downs, Falls Church Magisterial District. The applicant already has a small four foot porch on the front of his house - he wishes to extend this porch to the end of the house and partially enclose it. There was no objection from those present. This would allow a 21 foot setback from the street to the edge of the porch. Mr. Mooreland moved the application be granted. Major Elgin seconded. It was carried.

B. Chantilly Volunteer Fire Department, for permission to erect a fire house on the west side of Route 657 approximately 190 feet south of Route 50. This case had been deferred because there was no one present to represent the petitioner. Mr. Smith was present and explained the location of the building. There was no objection to it. Mr. Brookfield moved that the application be granted. Mr. Piggott seconded. It was carried.

New Cases:

1. A. J. Pelletier, for permission to erect an addition to his present dwelling with less than the required sideyard setback (11 feet). Also an attached garage with sideyard setback of 1 foot, on Lot 51, Tremont Gardens, 211 strathmead Street, Falls Church Magisterial District. Mr. Brookfield said that it would no doubt be all right to allow the garage to come 1 foot of the sideline but that the extension of the house allowing only an 11 foot sideyard setback he thought was questionable. If the neighbor on that same side should extend his house in the same manner it wouldnt be the thing - and the neighbor would have the right to ask for this same kind of addition to his house. The applicant said that his neighbor had already built a garage but that the lot next door was wide and the house was not near his. The Chairman said that the way the applicant planned the addition the garage which is attached by a breezeway really becomes a part of the house - thus putting the house only 1 foot from the sideline. Mr. Mooreland suggested that if the neighbor chose to put his house 11 feet from the sideline - that would leave a space of only 22 feet between houses - which was a

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very bad precedent to start. Mr. Brookfield moved that the addition to the house be denied and that the applicant be allowed to build the garage 1 foot from the sideline but 10 feet from the house. Mr. Mooreland seconded the motion. It was carried.

2. Raymond D. Burton, for permission to have a wholesale roofing material business on property now zoned for Rural Business and located on Lot 35, Section I, Greenway Downs Subdivision, Falls Church Magisterial District. Mr. Burton said that the business was carried on in a 3- x 74 foot building - that he was not piling up materials and cluttering up the neighborhood - that he wished to ship direct from his factory to job businesses. All the material was kept inside the building and he wished a permit to ship direct. Mr. Burton had been before the Board of Supervisors requesting a rezoning to General Business but he withdrew the application rather than to rezone the ground - thus making it a permanent location for general business. A permit granted would restrict the business to this one use. Mr. Brookfield moved that a permit be granted for two years only. Major Elgin seconded the motion. It was carried.

3. Virginia Electric and Power Company, for a special use permit for the purpose of erecting a substation on Lot 2, located approximately .3 of a mile west of Bailey's Cross Roads on Columbia Pike, Falls Church District. (B.H.Warner Subdivision). The substation will be built 80 feet from the center of the road - inside a fence. There was no objection to this installation. Mr. Brookfield moved that the application be granted. Mr. Piggott seconded. Carried.

4. Hallowing Point River Estates, Incorporated, for permission to drill a well or wells with the purpose of developing a satisfactory supply of water necessary or required for use in the Subdivision of "Section One" Hallowing Point River Estates, including, but not limited to, household use and to erect thereon a pumping station or stations and water tank or tanks suitable or necessary for supplying water to the entire Subdivision, said subdivision joins Gunston Manor on the south, Mt. Vernon Magisterial District. The applicant said that a well drilling company determined where the wells should be located in order to serve the community properly and the developer must put the wells down where the company indicates. Since this is a necessary installation for a development and there was no objection Mr. Brookfield moved that the application be granted. Mr. Piggott seconded. It was carried.

5. The case of Robert Ashburn was deferred until January 18 as Mr. Ashburn had notified the Zoning Office that he could not be present at the December meeting.

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6. G. W. Martin, for permission to erect a tourist court 1-1/2 mile east of Centerville on the north side of Lee Highway, opposite Willow Springs Garage, Centerville Magisterial District. Mr. and Mrs. Martin appeared before the Board. Mr. Martin said that the cabins would be 75 feet from the right-of-way. Mr. white read a petition from citizens in the neighborhood protesting the addition of another tourist court on this highway. They stated in their petition that this kind of business was seasonal and after Labor Day the tourist court operators had to reduce their rates. That-now the business was very slack and those operating had difficulty in making a go of it during the winter months and if more business of this type were allowed it would be necessary to resort to renting the rooms to undesirable persons to meet their expenses. Therefore, they protested this new tourist court. Mr. Baker of the Health Department, said that after the first of January the state law required that all business of this type would have to have a clearance from the Health Department before they could operate. The applicant wished to build three cabins. Mr. Baker suggested that a survey should be made before this application be granted to be sure of sufficient ground for septic tank, water supply, etc. Mr. Brookfield moved that the application be deferred until January 18 and that a survey be made in the meantime. Major Elgin seconded the motion. It was carried.

7. Walter C. Roberson was deferred until next meeting as no one was present to represent the case. (Mr. Brookfield moved and Major Elgin seconded.)

8. Alice W. Smothers, for permission to erect a detached dwelling 60 feet from the center line of Route 600 instead of 75 feet as required by the Zoning Ordinance, property located on Route 600 near the R. F. & P. Railroad, Lee Magisterial District. Mrs. Smothers appeared before the Board. She explained that the topography of her lot was very irregular - back of the house location is a steep bank which ends in a cliff. The only way she could utilize the lot at all is to put the house nearer the street than the Zoning Ordinance allows. Mr. Brookfield moved that because of topography the application be granted. Mr. Piggott seconded the motion. It was carried.

9. Joseph E. Godfrey, for permission to use a garage, located on Lot 41, Fairfax Hills Subdivision on Route 236 one mile west of Annandale, as a temporary dwelling, Falls Church Magisterial District. Mr. Godfrey appeared before the Board. He said that he would like permission to live in the garage while he was building his house-

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that if he were on the premises he could get much more work done. He thought it would be about three years before he could build. The Chairman asked if there were objections to Mr. Godfrey living in his garage for this period. Mr. Leigh represented Colonel Reid-there were also eight others objecting. Mr. Leigh said that Colonel Reid was unable to be there because of illness - but that he is building a home in Fairfax Hills to cost in the neighborhood of $31,000. There are many other homes near-costing from 20 to $30,000 - all high class homes and that the general character of the subdivision was definitely above the average. He stated that there were restrictions of $4500 - restrictions laid down 12 years ago when $4500 would build a very nice place. All purchasers had bought with the idea that the general development would be on a high scale. And now they were afraid this garage-living would be a permanent thing. Several other objectors spoke against allowing Mr. Godfrey to live in his garage - the Lynch interests were afraid this type of structure would be deteriorating to their interests. Mr. Payne and Mr. Styles objected on the basis of breech of covenants. The Chairman stated that subdivision requirements must be met. Mr. Leigh said that Mr. Godfrey knew the restrictions on the subdivision and knowing he could not meet them he should never have bought there. Mr. Godfrey said that he had no intention of living in his garage permanently - he had no intention of doing anything to harm his neighbors but that things had been very bad for him since coming out of the service. The plans he had hoped to carry out simply didnt materialize - he had had a series of misfortunes but that he liked the lot, liked the subdivision, and until this very moment had liked his neighbors-- he wanted to live in the community - he wanted to live in the garage so he could - in time- put up a 13 or $15,000 house - but that he had bought this garage ill-advisedly and was unable to build just now. However, because of the unhappiness his living there would cause - he would withdraw his application entirely. Mr. Brookfield moved that the withdrawal be accepted. Major Elgin seconded the motion. It was carried.

10. Marie S. Kettie, for permission to erect a detached garage with less than the required sideyard setback (2 foot setback requested) on Lot 45, Block 5, Section 3, Fair Haven Subdivision, 26 Rixey Drive, Mt. Vernon Magisterial District. The applicant stated that she could not put the garage back further to give a full sideyard setback because there was a steep hill immediately back of the proposed garage location. In fact there was only one location for a garage - to use the ground as the applicant had planned. Mr. Mooreland moved

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that the application be granted because of topography. Major Elgin seconded. Granted.

11. Roger B. Adams, Jr. and Paul B. Duke, for permission to have a less setback from Sleepy Hollow Road than required by the Zoning Ordinance (requested setback 38.65 feet instead of 40 feet) on Lot 54 Section 4, Sleepy Hollow Subdivision, Falls Church Magisterial District. Mr. White read a letter written by the Chairman for the benefit of Federal Housing which was done in order to enable the petitioners to get a loan. This difference of 1.35 feet in the setback on this lot was a mistake in the survey and the Chairman said that it had been the practice of the Board of Appeals to grant a request of this kind when it was the result of an honest mistake. Therefore, he had written the letter to Federal Housing and was asking the Board to uphold him. Mr. Brookfield moved that the application be granted on the grounds that such a mistake must be handled in some sensible way - and that the slight variation was not easily visible to passers. Mr. Piggott seconded the motion. It was carried.

12. Annandale Water Company, by James A. McWhorter, President, for permission to erect an elevated water storage reservoir (tower) on ground located near Columbia Pines Subdivision, just off Ridge Road, Falls Church magisterial District. Mr. McWhorter appeared before the Board. He explained that a steel tower would be constructed - that there were five miles of maintenance and 100 services. The present pressure tank supply is becoming inadequate and the Company is looking forward to future requirements at which time this installation will be immediately necessary. There were no objections from those present - in fact one representative from the Columbia Pines Citizens Association spoke in favor of this tower and expressed the feeling that the need for it was emminent. Major Elgin moved that the application be granted. Mr. Piggott seconded the motion. It was carried.

13. Freeman G. Lee, for permission to operate an antique shop in her present dwelling on the south side of #644 about 1/2 mile west of #617, Mt. Vernon District. Mrs. Lee stated that she would use her living room for the shop, that the house itself was properly located according to the zoning regulations. There was no objection from those in the neighborhood - Mr. Brookfield moved that the application be granted. Mr. Piggott seconded. It was carried.

14. Philip N. Powers, for permission to have a less front setback than required by the Zoning Ordinance for his dwelling located on Parcel C, Jackson Mill Woods Subdivision, Dranesville District. Requests

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15 foot setback. Mr. Powers has quite a large tract of land but much of it is sloping and unsuitable for building purposes. His dwelling is located 30 feet from the street right-of-way and he has requested in his application permission to locate a guest house on the high ground - although it will allow only the 15 foot setback from the right-of-way. Mr. Mooreland suggested moving the guest house closer to the main dwelling - far enough to give a greater setback from the road. Mr. Powers said he wanted to keep the guest house as far as possible from the main dwelling - to preserve the privacy of each - Mr. Mooreland said that if he moved the guest house a little nearer his main dwelling and at the same time pushed it back along the bank perhaps it would allow about 25 feet from the street. He asked if the ground was wooded. Mr. Powers said it was. This would help to keep the privacy - it would act as something of a barrier between the houses. Mr. Powers said there would be probably 100 feet between the houses the way he had figured the locations. Mr. Mooreland moved that the case be deferred until the Board could view the property. Mr. Brookfield seconded the motion. Carried.

15. J. B. Armstrong, for permission to have a less sideyard setback than required by the Zoning Ordinance on Lot 12, Simpson and Mays First Addition to Chesterbrook Woods, Providence District. Requesting 14 foot and 13 foot sideyard setbacks. The center section of the house is already built. Mr. Armstrong is asking to make two extensions on either side of his house - both sides coming closer to the sideline than allowed. Mr. Brookfield said that these small lots in the older subdivisions were very bad for one wanting to build the modern rambler type house. If there were no objections he would move that the application be granted. There were no objections. Mr. Piggott seconded the motion. It was carried.

16. Robert J. Gray, for permission to come within 1 foot of the party line with an attached garage on property located at 300 Monticello Road, Section 6, Block 10, Lot 12A, Jefferson Manor, Mt. Vernon District. Mr. Gray showed that because of the topography of the ground he could not locate his garage any other place on the lot. Mr. Brookfield moved that because of this condition the application be granted. Major Elgin seconded the motion. It was carried.

17. William G. Sullivan, for permission to erect a detached garage with less front and sideyard setback than required by the Zoning Ordinance on Lot 3, D. S. Mackall's Addition to West McLean, Providence Districk. Applicant requests 74 foot front setback and 6 foot sideyard setback. Mr. Sullivan said that by putting the garage back 80 feet

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as is required it would clutter up his back yard so he could not develop it as he wished for the use of his children. His plan is to use as much ground as he can in the back to keep his children at home and he thinks also that a large well-kept back yard is in keeping with general development of the neighborhood. There was no objection from the neighborhood. Mr. Mooreland moved that the application be granted. Major Elgin seconded the motion, Carried.

18. L. W. Winjum, for permission to erect a detached garage with less setback from Adams Lane and less setback from the rear yard than required by the Zoning Ordinance on Lot 114, Fenwick Park (20 Lawrence Drive), Falls Church District. Mr. Winjum said that these lots are very small and in order to conform to the requirements it would cut up the back yard very badly. He figured that by locating the garage as he has - he would have room enough for a garden and could park his car in front of the garage. Mr. Brookfield moved that if there were no objections the application be granted. There were no objections. Mr. Piggott seconded the motion. It carried.

19. Emma Robinson, for permission to erect a detached garage with less than the required sideyard setback on Lot 12, Springdale Subdivision, Falls Church District. Mr. Leigh appeared with the applicant. Mrs. Robinson said that it is 18 feet from the street to the front of her dwelling and she wished to add a detached garage in order to save a peach orchard in the rear. The Chairman suggested that she could put the garage back and if it is detached she could put it one foot from the sideline which would give her more space in the back. He also stated that the garage should be approximately 8 feet from the house in order to give sufficient clearance. Mr. Brookfield moved that the applicant be allowed to build the garage one foot from the sideline and approximately 8 feet from the house the front of the garage to be even with the rear line of the house. Mr. Piggott seconded the motion. It was carried.

20. John D. and Florence L. Rooth, for permission to extend their living room with a 5 x 12 foot addition - leaving a 5 foot sideyard setback. Mr. Brookfield said that he could not go along with an addition to the house which would allow such a short setback. He moved that the application be denied. A citizen from the Citizens Association at Greenway Downs said that he was turned down when he asked for a porch extending too close to the line. That- perhaps the covenants in the Subdivision restricted construction coming too close to the line. If this were granted it would no doubt cause others to ask the same thing establishing a precedent which was

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a good thing. Mr. Mooreland said he did not think it a good thing to continually infringe on these side setbacks and he seconded the motion that the application be denied. It was carried.

21. Bernard Thielen, for permission to have less front setback than required by the Zoning Ordinance for his garage - on the property located on the southeast side of #123 about .2 of a mile south of the Town of Vienna, Providence District. Mr. Thielen was not present - he was represented by Mr. Edwards. There was no sketch of the proposed garage - Mr. Edwards asked that the case be put ahead in order that he might see Mr. Leigh whom he was sure had a sketch of this property. Mr. Brookfield moved that the case be put ahead - Mr. Piggott seconded the morion. It was carried.

22. Elbert D. Reynolds, for permission to construct a double garage within 6 feet of the boundary line of adjoining Lot 4, Brookhaven, Lot 3, Block 2, Providence District. Mr. Reynolds was not present. Mr. Brookfield moved that the case be deferred until next meeting. Mr. Piggott seconded. It was carried.

23. George D. Tyler for permission to use a garage located on Lot 185, Section I, Greenway Downs, 902 Custis Parkway, Falls Church District, as a temporary dwelling until the main dwelling is built. The Chairman asked Mr. Tyler when he expected to finish his main dwelling. Mr. Tyler said that it should be finished by now - but that he had had many delays and he could not say exactly when he could start construction. He said that he would build a masonry house. The Chairman asked Mr. White if they couldnt grant a temporary permit - that is - one restricting the time one could live in a garage or temporary building. Mr. White said that it had and could be done. The Chairman asked if there were any objections to Mr. Tyler living for a restricted period in this garage. Mr. Kennison, representing the Citizens Association at Greenway Downs, objected strenuously. He said that it was the opinion of the association that this sort of thing was a detriment to the neighborhood-that they had all tried very hard to have the community develop attractively and to beautify the grounds, planting trees etc. but that Mr. Tyler's place was not in keeping with the neighborhood. He stated also that Mr. Tyler was living in a trailer and he questioned the integrity of the applicant - he did not believe he intended to do what he said. Several other citizens from Greenway Downs spoke. One said that he liked the location because it was a clean, nice place to live and if one person were allowed to live in a garage and trailer-others would want to do the same thing. That the present surroundings of Mr. Tyler wereterrible - in fact it looked like a junk yard - that

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Mr. Tyler was living there taking all the advantages of the subdivision and paying taxes only on a shack. It was suggested that property owners should be protected from conditions like this - that it was difficult to sell property when a lot was messy and unsightly in the neighborhood. One man stated that complaints had been filed with the Zoning Administrator about Mr. Tyler living in the trailer andthat was the reason Mr. Tyler had asked for this right to live in the garage. Several others spoke against granting this application. Mr. Tyler showed pictures of houses he had built or homes in which he had lived - indicating that he was accustomed to living well but that a chain of circumstances had put him where he was but that he does intend to build as soon as he can and he is now developing his yard attractively with flowers and shrubs which he thinks are an asset to the neighborhood. Mr. Brookfield moved that the application be denied. Major Elgin seconded the motion. It was carried. Someone suggested that Mr. Tyler would probably move into the trailer now that the Board had denied him the right to live in the garage. The Chairman said that that was not taken care of in the present application.

7. Walter C. Roberson, for permission to use a garage for a temporary dwelling - garage located on Burke Road #652 - Lot 6, Section I, Fair Oaks Subdivision, Providence District. No one was present to represent the case. Mr. Mooreland moved that the application be deferred until the next meeting. Mr. Piggott seconded the motion. It was carried.

21. The case of Bernard Thielen was brought up again - it had been put at the bottom of the list. Mr. Edwards showed on the plat where the ground was low and soft and showed where the garage would be located. It was the only place on the lot that was not too low for a building. Mr. Edwards said that Mr. Thielen owned ground on both sides of this property and naturally there was no objection to the garage being built in the location requested - 83 feet from the front and 10 feet from the sideline. Major Elgin moved that the application be granted and Mr. Piggott seconded the motion. It was carried.

Mr. Brookfield moved that the Board adjourn. Mr. Mooreland seconded the motion. It was carried.

S. Cooper Dawson, Jr.
Chairman

* * *

January 18, 1949

A regular meeting of the Board of Zoning Appeals was held in the Board Room of Fairfax County Court House on Tuesday, January 18, 1949, with the following members present: Messrs: S. Cooper Dawson, Chairman, J.W. Brookfield, Thomas I. Piggott, William Mooreland, and Major W. S. Elgin, and H.F. Schumann, Jr., representing Mr. Stockton of the Planning Commission.

The cases deferred from the last meeting were taken up first:

A. Robert Ashburn, for permission to erect bleachers and to operate an automobile race track on the Alexandria Airport property, on the west side of #628 on the northerly part of Parcel A, Mt. Vernon Magisterial District. Mr. E. W. Dudley, attorney for Mr. Ashburn, appeared before the Board. Mr. Dudley showed the Board on the plat which portion of the airport property they wished to use for the race track, and where they would erect bleachers. It would be located so as not to interfere in any way with the Air Port or surrounding country. It would be a track 500 feet wide and 1000 feet long - a half mile track and they would race roadsters. The Chairman asked the Board if they didnt think it wise to consult with the police department regarding the handling of the crowds for such a place. It was agreed to ask Captain McIntosh to come to the Board Room and give his opinion of possible traffic problems. Mr. Dudley showed pictures of the cars to be raced and of other 1/2 mile tracks which are in operation. TheChairman asked if there were any objections. There were none. Captain McIntosh could not be located immediately so the Chairman asked that the next case be taken up while waiting for Captain MacIntosh.

B. The case of Walter C. Roberson, for permission to use a garage as a temporary dwelling, located on Lot 6, Section I, Fair Oaks Subdivision, Providence District, was deferred until the March 15th meeting as Mr. Roberson would be unable to appear before that time. Mr. Brookfield moved that the case be deferred as requested. Mr.Piggott seconded the motion. It carried.

C. Elbert D. Reynolds, for permission to erect a double garage with less than the required sideyard setback on Lot 3, Block 2, Brookhaven Subdivision, 105 Brookhaven Drive, Providence Magisterial District. Mr. Reynolds said that he would build a cinder block garage. It would be 80 feet from the rear line - 6 feet from the sideline and 8 feet from the house. Mr. Brookfield said he thought the sideline setback was all right but he didnt like coming so close to the house. The Chairman said it was well to have more distance between buildings. Mr. Brookfield moved that the applicant be granted permission to locate his garage 6 feet from the sideline and 10 feet

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from the house. Major Elgin seconded the motion. It carried.

D. G. W. Martin, for permission to erect a tourist court 1-1/2 mile east of Centerville on the north side of Lee Highway, opposite Willow Springs Garage, Centerville Magisterial District. This case was deferred from the last meeting at the suggestion of Mr. Baker of the Health Department - until he could make a survey of the property regarding septic tank, water supply, etc. as required by the Health Department for tourist courts. Mr. Baker was not present with his report - therefore the case was put over until the next meeting. The Secretary was instructed to notify Mr. Baker that the Board would expect his report at the February 15th meeting.

E. Philip N. Powers, for permission to have a less front setback (15 feet) than required by the Zoning Ordinance on Parcel C. of Jackson Mill Woods Subdivision, Dranesville District. Mr. Mooreland had looked over this property and recommended that the 15 foot setback was too close to the right of way. He thought the applicant could put the guest house 30 feet from the right of way and still have plenty of room between houses to preserve the privacy. He moved that permission be granted to allow a 30 foot setback. Major Elgin seconded the motion. It was carried.

NEW CASES:

1. Joseph W. Hollidge, for permission to erect a chicken house with less ~~than~~ side and rear setbacks than required by the Zoning Ordinance on Lot 28, Tremont Gardens, 128 Fairmont Street, Tremont Gardens, Falls Church District. The applicant requested 3 feet rear and 7 feet side-yard setback. It was moved by Mr. Piggott that the case be put last on the list - Mr. Brookfield seconded the motion as the Board wanted Mr. Schumann to rule on the location of a chicken house and Mr. Schumann was called out of the Board Room. The motion carried. The case of G. W. Martin was brought up again. Mr. Baker could not be located and had left no report with the Health Department. The Chairman stated that since the case was deferred for Mr. Bakers report the Board could not proceed without hearing Mr. Bakers findings. Mr. Brookfield moved that the case be deferred until next meeting and that the Secretary be instructed to contact Mr. Baker and request that he bring his report to the next meeting. Mr. Piggott seconded the motion. It was carried.

2 & 3. Nos. 2 and 3 were taken up together. Athol W. Mellott, Jr. for permission to have a less setback from Martin Street for dwelling, located on Lots 80 and 81, Annandale Subdivision, Falls Church District. Applicant requests 39 foot setback. Athol W. Mellott, Jr. for permission to have less setback on a dwelling from Martin Street

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on Lots 83 and part of 84. Annandale Subdivision, Falls Church District. Requests 39 foot setback. These two lots are similarly situated - directly across the street from each other. Mr. Brookfield suggested that the way the lots were cut and the size of the houses it was impossible to locate the buildings any other way so as not to come too close to the side line. Mr. Brookfield moved that the applications be granted. Mr. Piggott seconded the motion. It was carried.

4. Athol W. Mellott, Jr., for permission to have a less setback on a dwelling from Daniels Avenue on Lots 77, 78, and 79 - Annandale Subdivision, Falls Church District. Requests 34.8 foot setback. The Board considered this case separately as the requested setback was different. The Chairman asked if there was a septic tank on this lot and if it complied with Health Department regulations. Mr. Mellott said it did have a septic tank and the field had been located by the Health Department. Mr. Brookfield moved that the application be granted since the applicant could not locate this house differently. Mr. Piggott seconded the motion. It Carried.

5. McLean Post #270, American Legion, for permission to erect and use Club House and related uses, on the east side of #686, approximately 600 feet north of Route #694 (part of Anderson property) Providence District. Mr. Sweeney represented the American Legion Post. He said that they particularly did not want to ask for commercial zoning on this property but that they just wanted a club house - to use as any normal club house would be used. The Chairman asked if there was any opposition to building a club house on this property. Mr. Robert Conley spoke- opposing. He said he thought an American Legion Club House should be located in the town or a business district rather than in a residential area. He felt that a club of this kind would lower property values on the surrounding neighborhood as most people would rather not live next to or near an American Legion Club. Mr. Conley said that this particular group of men who are sponsoring this project are fine, sober, quiet men but that he had covered many American Legion conventions as a newspaper man and knew that the general reputation of American Legions was not too good - at least not exactly quiet - that he had lived near a Post himself and he knew that the character of a Post could change. A large new development or a great many new people coming into any neighborhood could change the character entirely. This could easily happen in the McLean Post. Mr. Conley spoke of a large new development talked of on Chain Bridge Road which in itself could change the entire character of the personnel of this post. He felt that this

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kind of thing in a residential area was not good. Mr. Ralph Curtis also objected. He said he lived about 800 feet from the proposed post. He was opposed because he felt that this changed the character of the neighborhood - made it commercial in character rather than residential. If the Legionaires wanted a ball park, this was a possible related use - or they might find it necessary to rent out the Club Saturday nights and the result could be very bad - late, noisy parties and a rough crowd would make it a nuisance and also give a commercial charcter to the project. He felt that the intentions of the men working for this Club House were good but the pressure of hard times, the need for money could well force them to renting the building very often. Mr. Mooreland explained to the objectors that this was not a rezoning as had been indicated. Mr. Curtis said he realized that it was not a rezoning but that in effect it was making a commercial venture of it. He said that they objected to the words "related use" as it was a broad term allowing too many unpleasant possibilities. There were five others who objected to the Club House. Mrs. Conley said that they were probably the nearest neighbors to the Club House. They had bought a month ago and wanted to live quietly in this attractive section but they would never have bought there had they known this building was contemplated next door to them. Mrs. Conley felt that many other people would feel the same way-therefore property values were definitely hurt by it. She said also that the contemplated building was unattractive in design - a three-barracks building. If they played soft ball the crowd would be noisy and the traffic bad. That they were greatly disturbed by the plan to put in this Club House and spoil the lovely community.

Mrs. Grace Clarke who owns property across the street from the proposed Club House said she felt that this would hurt sale of her property. Also it was suggested that there was quite a colored settlement near and if the white Post was granted - what would stop a colored group from asking for the same thing, and it would be just back of the proposed Post.

Mr. Sweeney said that they could play soft-ball regardless - any time they wished. That there were no restrictions against it. One of the objectors asked Mr. Sweeney to explain the proposed structure. Mr. Sweeney said it was to be a temporary building made of three huts of the barracks type assembled as a single unit. He showed a sketch of what it would look like. They would set back 90 feet from the road. The building would be 24 feet wide. This, he said, would be just a start - but that they would attempt to make it attractive. There was plenty of sideyard setback. Mr.Brookfield

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asked just what was the character of the surrounding country. It was agreed that the section was made of farms and residential property. The Anderson farm is well located for development and it was thought that it was a potential subdivision location, but it was stated that a builder who had built homes in this general locality was afraid if the Club house were built it would be difficult to develop a subdivision and sell the houses.

It was stated by one of the objectors that the property had not been posted. Mr. Schumann said that the Zoning Inspector who posted the property was not there but that he was sure the property had been posted- although there was no proof of it without the Zoning Inspector's statement. Another objector said that the property had been posted but not in the right place - not on the property itself that the posting had been put on a telephone pole near the location but not actually on the property, and therefore many persons in the neighborhood did not know that the Club House was contemplated. Mr. Brookfield moved that the case be deferred until the February meeting because the property was not legally posted. Mr. Piggott seconded the motion. It was carried.

Captain McIntosh was in the Board Room now and the Chairman asked that the Ashburn case be brought up again. Mr. Dudley and Mr. Ashburn showed the plats to Captain McIntosh and discussed the traffic conditions with him. Captain McIntosh said that it would present a traffic problem but that was just one of the things the police department had to handle. He didnt think but what it could be taken care of. He asked how often these races would be held. Mr. Dudley said twice a week in the afternoon - that there would be no night races. Capt. McIntosh said that there was no objection from the police department, but that he would suggest that they check with the Commonwealth's Attorney as there was a case before the Board of Appeals some time ago which was stopped by a court order - or else the company would have to pay a large fee. Mr. Dudley said that they would check with everyone necessary-that they just wanted the approval of the Board of Appeals before going into other necessary permits. Mr. Brookfield said that it would be better in his opinion to grant this particular use for this ground rather than rezone it - then it would be forever a business locality with limitations placed only by the particular zone. Mr. Dudley said he too thought rezoning was not the proper thing. Mr.Brookfield moved that the application be granted. Major Elgin seconded the motion. It was carried.

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6. Jeffry R. Stewart, for permission to have a 5 foot setback from the rear line instead of a 25 foot setback on Lot 16, Mt. Hebron Park Subdivision, Mt. Vernon District. Mr. Stewart said that he wanted to convert a three car garage into an efficiency apartment and it would not be used as a garage at all. He showed a petition signed by the neighbors showing they did not object to the conversion of the garage into a dwelling. Mr. Stewart planned to use a fireproof construction. There were no objections from those in the Board room. Major Elgin moved that the application be granted - Mr. Mooreland seconded the motion. Mr. Schumann asked Mr. Stewart if he could cut the lot surrounding the new dwelling so that there would be an actual lot for each dwelling and put the description on record. That will be necessary according to the new description of a lot-each dwelling must have of record a definite piece of ground which will show that the building conforms to regulations of the Zoning Ordinance. Mr. Mooreland said that this was a bad prescedent to establish if we granted this - that it really shouldnt be done- it would make the dwellings too close. Someone else had a perfect right to ask for the same thing and they would have no reason to turn it down. If the neighbor wanted to ask for a 5 foot setback (Mr. Stewart's second dwelling would have a 5 foot setback - then the houses would be 10 feet apart. That is too close, Mr. Mooreland said) Major Elgin said he would withdraw his motion to grant this application. Mr. Mooreland moved that the application be denied. Mr. Piggott seconded the motion. It carried. Mr. Stewart asked if it would be all right if he bought a 25 foot strip from his neighbor-making a 30 foot setback for his new dwelling. Mr. Brookfield said that would be perfectly all right - there would be no objections and he wouldnt need to come before the Board. Mr. Stewart said he would try to do that.

7. Emmitt L. Brinson, for permission to erect a neon sign larger than allowed by the Zoning Ordinance - on property located at 112-114 North Kings Highway, Jefferson Manor Subdivision, Mt. Vernon District. The new sign regulations allow a sign of this size 2 x 16 feet but this application was filed before the new regulations went into effect, therefore should be acted on by the Board. Mr. Brookfield moved that the application be granted. Mr. Piggott seconded the motion. It carried.

Mr. Piggott moved that the case of George D. Tyler which was brought before the Board at their last meeting, be opened for a rehearing. Mr. Brookfield seconded the motion. It was carried.

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Mr. Schumann, of the Planning Commission, explained that the decision of the Board at the last meeting on this case was not entirely correct in that the building in which Mr. Tyler was living did actually conform in all respects to the requirements of the Zoning Ordinance for a dwelling and therefore the Board could not deny him the right to live in it. The case should have been heard on the grounds whether or not Mr. Tyler could live in this present dwelling and at the same time build another house. The Zoning office cannot give a permit for the construction of the new building as it would allow two dwellings on a single family lot. (The original building in which Mr. Tyler is living has repeatedly been called a garage - however, in all respects it meets the requirements of a house). Mr. Schumann stated that if the Board gives Mr.Tyler permission to build a second house on his lot with the idea that he will abandon living in the first house as soon as he has built the second house and if Mr. Tyler does not immediately abandon the use of the first house as a dwelling - or if he uses it or allows it to be used as a dwelling after the new dwelling is occupied he is subject to a fine of $50 a day for every day the first house is used as a dwelling. Mr. Brookfield suggested that if the Board allowed the permit-could they not limit the time in which the new dwelling must be built - or limit the time in which Mr. Tyler be allowed to build the new house. It was agreed that the ordinance allowed the Board to grant a permit with a time limit.

Mr. Tyler said that he had no intention of having two dwellings on his lot, that he will make the first dwelling into a garage as soon as he completes his house, and that he will build within the 12 month period suggested. Mr. Mooreland said that at the last meeting there was a statement that Mr. Tyler was also living in a trailer. Mr. Tyler said yes-that was true. He did have a trailer connected to his dwelling with a breezeway and he lives in both, that he has a toilet and water facilities installed in the garage and he wants it that way after his house is built - to be used as a wash room when he comes in from working in the garden.

The Chairman asked for statements from the opposition-if there was opposition. Mr. Pusey repreeented the Citizens Association. He said that he didnt think Mr. Tyler really wanted to build a house-that he wanted to live just as he was - in a very messy, untidy, junk-like surroundings. That Mr. Tyler had not attempted to become a part of the community and that the Community did not want anyone there who tended to run down the neighborhood rather than help make conditions for living better. He believed that Mr. Tyler should be living in a trailer park-that he was not living in conformance with

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the community, that he did not respect his community. Mrs. Tyler said that they couldnt fix up their place until the new house is built, that they expect to have as nice a place as the others in the community.

One of the citizens whose property abutts the property of Mr. Tyler spoke. He said that he certainly had no quarrel with anyone who wanted to get a home, that he had observed the zoning laws with great inconvenience wo himself. He asked just what was the permit that Mr. Tyler had asked. Mr. Schumann said that Mr. Tyler had requested permit for a house and a garage. The question was asked - how can one get a permit to live in a garage. Mr. Schumann said that Mr. Tyler could not live in his garage and at the same time build a house unless the Board gave him permission. The objector said he did not see how anyone could be allowed to have a permit to do anything that was admitedly deteriorating the property in the neighborhood - why could anyone get an exception for anything that would hurt the community.

Another citizen from this locality spoke saying that he was sympathetic with Mr. Tyler but that he objected strenuously to the unsightly place Mr. Tyler kept and the effect it had upon property values. He suggested that if those in the neighborhood could be assured that Mr. Tyler would build a good house it would be all right but that they had been unable to get any assurance from Mr. Tyler of what he would build.

Mr. Mooreland said that the Board could not require that Mr.Tyler build any particular kind of house-as long as he complies with the Zoning Ordinance and that since the objectors want some kind of assurance the Board could recommend the issueing of a permit limiting the time for construction of the house and therefore limiting the time Mr. Tyler could live in his garage. Then after Mr. Tyler had built his house he would have to move out of the garage or be subject to the $50 a day fine. One of the objectors asked for the plans of Mr. Tylers proposed house. Mr. Mooreland said the Board had no authority to ask for plans - that they had nothing to do with the kind of house Mr. Tyler would build- the only thing the Board could do was to put certain restrictions on the permit and force him to live up to them. We have no building code as yet. If after the house is built Mr. Tyler is still living in the garage that the citizens should report it and the County will bring suit. Mr. Mooreland said that in the first decision the Board did not see that the setbacks conformed to a dwelling and that therefore the decision was in error.

Objection was made to Mr. Tyler living in the trailer. Mr.Brookfield

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said that unfortunately the law says that a dismounted trailer-which has been put on a foundation is classed as a dwelling and we can do nothing about it.

Mr. Tyler said that the materials in his yard which were being classed as junk are the materials he intended to use in his building, that he had a great deal of valuable things there which he wanted to use, but had to have his permit in order to go ahead. Mr. Brookfield moved that the Board grant Mr. Tyler permission to live in his garage for 12 months during which time he was to build the house for which they would authorize a permit - and that he abandon living in the garage immediately when the main house is occupied, within the 12 month period. Mr. Piggott seconded the motion. Mr. Pusey asked if it would be possible to extend this hearing, that he understood a new regulation would go into effect within a few weeks which would change the definition of a dwelling. The Board was of the opinion that there was no reason to have another continuance. There was considerable dissatisfaction over the motion before the Board. Mr. Mooreland said, "What do you all want? Do you want to give this man a permit and give him a chance to build a decent house, or do you want to refuse the permit and allow him to continue living in this pig-pen style and be a detriment to your neighborhood. You will have the right to watch him and if at the end of 12 months he hasnt complied with the restrictions we place on this permit - you notify us and he will be subject to a $50 a day fine from the first day of violation.This way you have a chance of his building a decent place and of fitting in to your community-without the permit he is forever free to live as badly as he chooses." A vote was taken on the motion and it carried.

Mr. Schumann was in the Board Room and the case of Joseph H.Hollidge was taken up again. Mr. Hollidge said that his chicken house would be 185 feet from the right of way - that he was raising chickens for his own use, but that the President of the Citizens Association in his locality had advised him to take this action in case there might be some objections. The question arose-when one is considered to be operating on a commercial scale. The chicken house was already built-before Mr. Hollidge knew he should have a permit. He was asking for two variances - 7 feet from one line and 3 feet from the other. Mr. Piggott said he thought that was too close to any line for chickens and he moved that the applicant be required to have his chicken house 10 feet from both lines. Mr. Brookfield seconded the motion. Mr. Hollidge asked how much time he would have in which to move the building. Both Mr. Brookfield and

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Mr. Piggott agreed that he should have six months.

The Chairman said it was time for election of officers for the Board of Zoning Appeals. It was unanimously voted that Mr. S. Cooper Dawson serve again as Chairman of the Board and Mr. J. W. Brookfield as Vice-Chairman.

It was unanimously voted that the Board adjourn until the next regular meeting.

S. Cooper Dawson
S. Cooper Dawson, Chairman

* * *

February 15, 1949

A regular meeting of the Board of Zoning Appeals was held in the Board Room of Fairfax County Court House on Tuesday, February 15, 1949, with the following members present: Mr. S. Cooper Dawson, Chairman, John W. Brookfield, Vice Chairman, Thomas I. Piggott, William Mooreland, and Major W. S. Elgin. Mr. H. F. Schumann represented Mr. Stockton of the Planning Commission. Mr. Brookfield acted as Chairman as Mr. Dawson was suffering from a bad throat.

The Two cases deferred from the last meeting were taken up first:

A. McLean Post #270, American Legion, for permission to erect and use of Club House - and related uses, on the east side of #686, approximately 600 feet north of Route 694 (part of the Anderson property) Providence District. Mr. Sweeney represented the post. He stated that the Legion had a contract for three months to buy 1-1/2 acres-pending the outcome of this decision. The general nature of this property is farm land and there is a colored section just back of the land the Legion proposed to buy, and with the exception of Mrs. Clarke, the closest neighbors to the proposed Club House are colored. The next nearest neighbors are the Conlys who are approximately 525 feet - up over a little rise in the ground - their house barely visible from the Legion ground. Other houses are further away. The Clarke property is acreage and there are no houses on it. Mr. Sweeny stated that Colonel Eglin is one of the near neighbors and that he had talked with hime and the Colonel had said that he had no objections to the Legions plans for a Club House - that he (Mr. Sweeny) had talked to many others who did not object - among them many of the colored people. Inspector Magarity is the next nearest neighbor and he does not object. It was Mr. Sweeny's belief that most of the objectors are people who live far off or who are non-residents. He said that this post had occupied the fire hall and the Episcopal Church basement for their meetings and there had been no complaints

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against their conduct or against them holding meetings in these places. He said the objection has been raised that they were changing the character of the neighborhood. He did not think it would greatly hurt the section - that it was already partly colored.

Mr. Truex also spoke. He said that the members of this Post have looked for a site for their Club House for 2 1/2 years and that they had contracted to buy here because it is furthest from homes and being near the colored section they had thought not so desirable for homes- that it was difficult to find a location which they could afford and for these reasons they had chosen this site - in a more or less out of the way section.

Mr. Ralph Curtiss acted as spokesman for those opposing. Mr. Curtiss said that he lived in the Anderson house and that he had canvassed the entire neighborhood to get the feeling of property owners surrounding the proposed Club House location and had found them opposing it. He said that he wished it thoroughly understood that the character of the men behind this venture was not questioned-that they were fine citizens and he regarded them highly but that he was opposed to this Club because it would change the character of the locality and give it a commercial atmosphere. He felt that the Post would find it necessary to rent out the building in order to make expenses and that there would be no check on some of the activities that might be carried on by the renters. The noise, would be a nuisance- there would be no assurance that alcoholic beveridges would not be sold to those present, the parking on a narrow dusty or muddy road (according to the season) would be bad. He wished the Board to consider the fact that they were weighing visted rights of property owners against contract rights. Mr. Sweeny asked to make a statement regarding parking- he said that they would have 1-1/2 acre of ground which seemed to him plenty of room for parking.

Mr. Evans spoke also. He showed the location of his property with relation to the ground contracted for by the Legion. Since his property joins that of the Legion and he wished to develop his property and build nice homes he believed a Club House in this particular locality would greatly devaluate his property and make non-salable high class homes. Mr. Evans showed pictures of the houses he has built and expects to build.

Colonel Eglin spoke. He stated that in the beginning when Mr. Sweeny had asked him to comment on the Club House he felt that since his property was not contiguous he had no interest there but now several issues had come up that made him consider more carefully the

plan of locating this Club House in the neighborhood and he had considered further the kind of building planned to be built and how it was to be occupied, and he was inclined to feel that he was opposed to it. Mr. Sweeny said that the phrase "related uses" seemed to be the thing they were objecting to most strenuously and that the Post would be glad to strike out that expression. Mr. Curtiss said that they could not strike out those words-at least they could not strike out the fact that the mere granting of a Club House carried with it "related uses" - that was the nature of a Club House.

Mrs. Clarke spoke. She owns the land, 21 acres, directly opposite the proposed Club House. Mrs. Clarke said that she was a retired Government worker and that this ground had been kept by her over a period of many years as her nest egg and that it was very important to her that it take care of her in her old age. For that reason, because she is interested in the continued good value of her ground, she was opposed to the construction of anything in the neighborhood that would reduce the value of her property. She also felt that granting this Club House would leave the way open for the colored people in the adjoining neighborhood to ask for a similar Club House.

Mr. Truex stated that he also owns ground near the proposed post. He said that the Post had not been considered a nuisance any place else they had met. Mr. Dawson asked how much they expected to spend on their Club House. Mr. Truex said they had no stated sum yet- that they were depending upon small donations which hadnt been raised yet- they were appealing to their friends for money.

Both Mr. Tremmel and Mr. Carper spoke. Mr. Carper said he had lived there for 36 years and wished to have a good place for the Legion to meet. He said the reason they did not have much money for a building was because they had helped so many worthy activities in the community - but that they certainly would not build a shanty. Mr. Dawson asked what the future of this club would be - were these men going to continue to support it and be interested or would they drift away and let the post fall into just any hands. Mr.Sweeny said they were all permanent people -that they wished to live there permanently and bring up their children in this locality. That they thought the Club House a good place to have to go in the evening instead of the joints in the town.

Mrs. Mack who also owns property across from the proposed Club House spoke. She gave a history of her ownership of her ground and her interest in the community which is of long standing. It is her hope to live on her ground shich she has interited-a little later and she commended the members of the McLean Post on their character-

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but said that she was definitely opposed to the Club House because it was actually changing the use of the ground, that renting the building out-which they would have to do without doubt-would be a nuisance and that she believed this kind of a place would take away the quiet that they all wished for in settling there. She believed this would present a traffic problem with crowds and reckless driving. The sketch of the Club House did not look to her as though it was even safe for meetings and was apt to be a fire trap. She asked the Board members if they would consider it a privilege to live near a Club House of this type.

Mrs. Conly spoke. She said the type of building three 10 x 12 barracks was hardly an asset to the neighborhood- that they had canvassed the neighborhood carefully and had found that the nearest neighbors were 100% opposed to having the Club House, because they want to live there always and to live in a quiet country atmosphere-but with a Legion Post 500 feet away she felt that they would continually be subjected to noise and nuisance, that resale values would decrease because of the generally bad reputation of the Legion, that real estate men had advised anyone who wished to sell in this neighborhood to do so before the Legion Post bought their ground.

Mr. Mooreland said he was in sympathy with both sides-he could see why each was contesting so vigorously-but that this was not a rezoning, he wished everyone to realize that, but simply a request for an acception. However, the Board must be guided in granting these acceptions by the wishes of the people in the neighborhood and since no one can guarantee the future of the Club House he moved that the application be denied. Mr. Dawson seconded the motion. The Chairman asked for a vote. Mr. Mooreland and Mr. Dawson voted to deny and Mr. Piggott and Major Elgin voted to grant it. The Chairman cast the deciding vote - for denial. Mr. Sweeny asked the Secretary to have it show in the records that the case would be appealed.

B. G. W. Martin, for permission to erect a tourist court 1-1/2 miles east of Centerville on the north side of Lee Highway, opposite Willow Springs Garage, Centerville Magisterial District. This case was originally deferred at the suggestion of Mr. Baker of the Health Department in order that his representatives might make an inspection of the property with regard to compliance with health regulations. There was no report at the deferred meeting and it was put over a second time to this date. Dr. Bradford, of the Health Department, submitted a report handed to him by Mr. Harold Baker. The report recommended for three twin-unit cabins or single unit cabins on the Martin property. Mr. Baker stated that a copy of "Hotel Sanitation

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in Virginia" would be forwarded to Mr. and Mrs. Martin as soon as copies are available. There was no objection to these cabins. Mr. Mooreland moved that the application be granted. Major Elgin seconded the motion. It carried.

NEW CASES:

1. Arthur T. McClinton, for permission to erect a detached garage with less than the required sideyard setback on Lot 29, Cleveland Heights, Falls Church District. Applicant requests a 2 foot setback. Mr. Mooreland asked how far the garage was proposed to be from the house. The applicant said 16 feet. The Chairman asked if there was any opposition to the garage. There was none. Mr. McClinton said the neighbor on the garage side was entirely in accord with his building the garage close to the line - that he hoped to do the same thing himself on the other side. Mr. Mooreland said that since it had been the policy of the Board to allow garages close to the line this way - and since there was no objection he moved that the application be granted. Mr. Piggott seconded the motion. It carried.

2. Tauxemont Development Corporation, By Robert C. Davenport, who stated that an error in the original stake out of the house by the surveyor failed to account for extra dedication of land to Fort Hunt Road and resulted in the house on Lot 21 being over 50 feet setback line by 1-1/2 feet, and the house on Lot 56 being over the 40 foot setback line by 1.2 feet. Error was not discovered until the house was completed. Lots 21 and 56 located in Section III, Tauxemont Subdivision, Mt. Vernon District. Requests variance on these two setbacks. Mr. Davenport said that the surveyor had made a mistake - it was evident- and he was unable to account for it except that the Corporation had dedicated an extra strip to Fort Hunt Road and it was likely the surveyor had forgotten about this and had taken the wrong points in making his original survey. The houses are built and Mr. Davenport said they would like to have this straightened out in order to have no question in the title. Mr. Dawson said this was one of those unfortunate things that could not be helped-he moved that the variance be granted. Major Elgin seconded the motion. Carried.

3. Mr. and Mrs. Trammell, for permission to have a front setback for dwelling less than the required 40 foot setback and a rear yard setback less than the 25 foot required setback, on Lots 5 and 6, Block K, Courtland Park Subdivision, Lake Street near Bailey's X Roads, (Roads 7 and 244) Falls Church District. Applicant requests 37 ft. front setback and 15 ft. rear setback. Mr. and Mrs. Trammell appeared before the Board. They asked Mr. Gheen, their builder, to explain their situation. In making the plan for their home-Mr.Gheen

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said they had thought the lot was 150 feet wide. Instead it is 100 by 200 feet. Since it is a corner lot they could not observe the proper setbacks with their house plan. One part of the house-which is actually the garage which is built on to the house and thus becomes a part of the house- oversteps the required 40 foot setback by 3 feet. The rear of the houses faces the width of the lot. This would reduce the setback there by 10 feet. Mr. Dawson said he did not see where granting this request would materially hurt anything-since it was the garage that actually violated the Ordinance. He moved that the application be granted. Mr. Piggott seconded. It was carried.

4. Kress and Sedwick, for permission to have a lesss sideyard setback on dwellings located on Lots 5 and 6, Woodley Hills Subdivision, Mt. Vernon District. Applicant requests 10.18 foot setback instead of 25 foot setback on both dwellings. Mr. Sedwick appeared before the Board. He explained the plot plan. The permit for construction of the house on Lot 5 has been granted and the house completed - but it was necessary to get the variance on the side setback before the Zoning office would give a zoning permit for the breezeway and garage. Mr. Dawson questioned the possibility of adequate fire protection. He said that the Board had made exceptions in cases like this if the construction was fireproof. The Subdivider appeared before the Board and said that he was not objecting to this garage and breezeway but that some of the property owners had asked him to see that the main house did not violate the 25 foot setback regulation. He wanted simply to clarify in his own mind and in the minds of the property owners - the actual location of the house proper. He suggested that it might be well to fireproof the breezeway and garage. Mr. Sedwick said it was very possible and in fact they had planned to do just that, by using transite- a fireproof material. Mr. Mooreland said he thought that might be sufficient. Also Mr. Sedwick said that they were putting a fireproof sheeting material on the garage which would give extra protection, and also that they would insulate the side of the house near the garage. Mr. Dawson asked how about the side of the house on Lot 6- would it not be a good idea to insulate that side also, provided the house was not already built. Mr. Sedwick said the house was not yet built and that he would be sure that this too was fireproofed. Mr. Dawson moved that that the application be granted provided the garage and breezeway be well insulated and the side of the house to be built on Lot 6 which fronts on the garage on Lot 5 should also be insulated. Also Mr. Dawson moved that the five foot porch requested on the front of the house which would give a 45 foot front setback instead of 50 feet be granted. Mr. Piggott seconded the motion. Carried.

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5. Pauline P. Hill, for permission to have a 23.8 foot setback on addition to dwelling -from Route 237, instead of the required setback. Property is located about 1 mile from Fairfax Circle on Rt. 237, Lots 4 and 5, Vandevanter Farm, Providence District. Mr. Schumann explained the situation on this lot. The strip of ground 71.82 feet wide on one end and 64.65 feet on the other and with 200 feet frontage was created by the change in the highway, 237, when the old road was abandoned. This ground was sold to Mr. and Mrs. Hill with the idea that a trailer would be put on it. It does not have sufficient depth to locate a dwelling. Some time ago Mrs. Hill applied for a permit to make an addition to her dwelling. The Zoning office have her a permit-not knowing her house was a trailer. The trailer was then demounted thus attaining the status of a dwelling. It was impossible to locate a dwelling properly because of the shape of the lot. The old abandoned road right-of-way runs across the back of the lot. It is a long ditch really and could not be used. Mr. Dawson suggested that perhaps they could buy this abandoned road strip and fill it in. Mr. Dawson moved that the Board grant the application because the lot was unbuildable as far as the Zoning Ordinance was concerned and unless the Board granted this-the ground would be useless. Major Elgin seconded the motion. It carried.

Mr. Sedwick came back to the Board with the request that they grant a 43.2 foot setback on the front of the porch. He said that a five foot porch wouldnt look right on the house and they wished to make it a little wider- this would make less than the granted 45 foot setback. Mr. Dawson asked why they couldnt have just a terrace on the front. Mr. Sedwick said that the fact was - they had already built the porch - without permission from the Board. The Chairman asked what was their justification for putting this porch out so far without permission. Mr. Sedwick said that they had made a mistake in the original planning of the location - he thought it was a 40 foot setback instead of a 50 foot setback, and they had really planned with that in mind. The Chairman said he couldnt see why they put the house so far to the front anyhow when they had all that depth, that they had simply ignored the setback requirements, with no justification. Mr. Dawson moved that due to a misunderstanding of the Zoning Ordinance the builder be granted a 43.2 foot front setback on Lot 5 only. Major Elgin seconded the motion. Messrs Dawson and Elgin voted Yes, Mr. Piggott - No. Mr. Mooreland did not vote.

6. Jackson W. Vaughn, for permission to erect a second dwelling on Lot 5, Vaughn's Subdivision, on the north side of Route 123, approximately 250 feet southeast of Route 647, Lee District, on the condition

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that the existing dwelling on this lot be vacated for residential use as soon as the second dwelling is occupied as a residence. Mr. Vaughn appeared to explain his application. He said that there was a foundation of a house on his lot - the house had burned down- that he wanted to use to build on within a year - but in the meantime he wanted to live in an old filling station until he was able to build the new house. By using this existing foundation it would save him a good deal and when the new place was completed he would move the filling station and use it for business. The Chairman said this application could have nothing to do with the using of this filling station as a business - that the only thing they could do was to grant the permit for the construction of the dwelling with the provision that the filling station be torn down or removed when the new place was completed. Mr. Vaughn said he would probably move the filling station further from the house and ask for a rezoning for business. Mr. Mooreland suggested that they grant the application with a time limit for Mr. Vaughn to live in the filling station and build his house. Mr. Vaughn said that would be very satisfactory that he had planned to finish his house by December. Mr. Mooreland moved that the application be granted with this one year stipulation - that he complete the house by that time and either move or tear down the filling station. Major Elgin seconded the motion. It carried.

7. C. E. Miller, for permission to construct a second dwelling on Lot 12, Oakton Heights Subdivision, approximately 800 feet northwest of Oakton School, Providence District, and to continue to live in his existing dwelling until the second building is occupied as a dwelling-at which time the dwelling now located on this lot will be vacated for residential use. Mr. Leigh appeared to support this case. He said this was substantially the same type of thing that the Board had just granted. Mr. Miller was now living in a temporary dwelling-a combination garage and storage room - that building a house would no doubt be an improvement to the neighborhood. When the new dwelling is completed he will move into it and use the existing building as a garage. Mr. Mooreland moved that the application be granted - that Mr. Miller be granted a permit to build the second dwelling - but that a time limit of one year be placed on the granting of the permit. He should build and have ready for occupancy the new dwelling - within one year. Major Elgin seconded the motion. It carried.

Mr. Mooreland moved that the Board adjourn - Major Elgin seconded the motion. Carried.

S. Cooper Dawson

S. Cooper Dawson, Chairman

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March 15, 1949

A regular meeting of the Board of Zoning Appeals was held in the Board Room of Fairfax County Court House on Tuesday, March 15, 1949, with the following members present: Messrs S. Cooper Dawson, Chairman, J. W. Brookfield, Vice-Chairman, Thomas I. Piggott, William Mooreland, Major Elgin and Mr. H. F. Schumann, Jr. representing the Planning Commission.

The one deferred case was taken up first:

A. Mr. Walter C. Roberson, for permission to use a garage for a temporary dwelling on Lot 6, Section I, Fair Oaks Subdivision, Providence District. This case had been deferred twice and Mr. Roberson did not appear at this meeting. The Chairman suggested that the Secretary get in touch with Mr. Roberson and ask him to appear at the April 19th meeting since the Board was not inclined to defer the case again. Mr. Brookfield moved that the case be deferred to the bottom of the list. Major Elgin seconded the motion. Carried.

The new cases were taken up:

1. Francis S. Kenney and his wife Ruth G. Kenney, for the continuation of the existing dwelling on Lot 40, Block 5, Fairhaven, Section 2, Mt. Vernon Magisterial District, known as Byrd Drive, two feet more or less closer to the front property line abutting on Byrd Drive- than is required by the Ordinance - which dwelling on the south side of Byrd Drive is approximately 27.5 feet from the front property line. Mr. Alfred Hilton, Attorney, appeared for Mr. and Mrs. Kenney. This is an existing building- in violation of the Ordinance. It was built in 1941 and has been considered as non-conforming. The Chairman said there was not much of anything else for the Board to do but to grant this application and therefore clear up the title for the owners. As it stands now there would be a cloud if anyone wanted to place a loan. Mr. Brookfield said that since there was no question of building - but merely legalizing the location of the house he would move that the application be granted. Major Elgin seconded. It was carried.

2. Everett Wallace Leonard, for permission to have a setback of 35 feet instead of 50 feet from the side street (Vale Street) in order to permit the erection of a dwelling approximately 40 x 30 feet facing Brookside Drive on Lot 54, Pinecrest Subdivision, Falls Church District. Mr. and Mrs. Leonard bought this lot some time ago with the idea of building - then decided to sell it to a man who wanted to put up a house approximately 30 feet by 40 feet. After the Leonards had bought Mr. Lynch, the subdivider, put in Vale Street - adjacent to Brooside Drive and at right angles to it - making the Leonard's lot a corner lot. This would allow only a 35 foot setback

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for them from Vale Street if they observed the proper 25 foot setback from the other property line. Being a corner lot he should set back 50 feet from both streets - Brookside Drive and Vale Street. The Chairman asked if there were deed restrictions regarding street setbacks on the Subdivision. Mr. Leonard showed a list of restrictions including a 50 foot setback from all streets. Mr. Brookfield said the Board could not relieve that - as the deed restrictions took precedence over the Zoning Ordinance - when those restrictions were requiring more. The Ordinance gave the Board of Appeals the right to allow a variance on a setback like this - but that the Board could not grant a variance when the deed restrictions gave a specific distance as in this case. Mr. Brookfield said that the Board could grant a variance on the side opposite the Vale Street side - if they had asked for it - but that since it was not in this application the Leonards would have to file a new application for that. It had been suggested to the Leonards to buy Lot 55 then put 54 and 55 together, cut them into two lots facing on Vale Street. That would give two good lots with plenty of room for the proper setbacks on the corner lot. This, the Board agreed, was the best possible solution. Mr. Brookfield moved that the application be denied. Major Elgin seconded the motion. It was carried.

3. Allen J. Rogers et Uxor and P. C. Logtens et Uxor for permission to operate a gift shop on Lot 2, Murray Farms Subdivision in dwelling located on the Little River Pike and to construct a building on Lots 2, 3, or 4 when and if business justified - to be used only for a gift shop, Dranesville Magisterial District. The Chairman said he could see nothing against operating a gift shop in the existing dwelling - if there were no objections from the neighbors - but that the Board could not grant anything on future speculation. When and if business justifies another building that should be taken care of at that time. Mr. Brookfield moved that the application be granted for a gift shop only- Major Elgin seconded the motion. It carried.

4. Lloyd H. Norred, for permission to erect an attached garage with less than the recuired rear yard setback on Lots 118 and 119, Hollin Hall Village, Section I, Mt. Vernon Magisterial District. Mr. Brookfield asked if there was anything in the deed restrictions which would prevent the Board from giving a variance on this. Mrs. Norred said she did not know. Mr. Schumann went to the Record Room to see if there were restrictions. Mr. Brookfield moved that this case be put at the bottom of the list until Mr. Schumann could look at the deed. Mr. Piggott seconded the motion. It carried.

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5. Hilda Barchelor Harris, for permission to operate a private boarding school and day school on her property located on the north side of Little River Pike - west of Ilda, about 2 miles, Providence District. Mrs. Harris said they would have a delivery service for the children - probably 50 scholars - all day pupils and about 20 boarding pupils. They propose later to use all the houses located on the property for class rooms - they have a two acre tract. The Chairman asked if there were objections. There were none. Mr. Brookfield moved that the application be granted. Major Elgin seconded the motion. It was carried.

Application No. 4 was brought up again. Mr. Schumann stated that there was nothing in the deed restrictions regarding rear setbacks. Since the applicant wished to have an attached garage and the required setbacks would be 25 feet the Board did not like to give a setback of 5 feet on this. Several suggestions were made - to have a detached garage which would require a 75 foot setback from the property line - the Board then could grant 1 foot of the line-just so long as it does not touch the house. Mr. Schumann suggested a single garage - one corner to be 13 feet from the line. The applicant offered to build the garage of fireproof material. Mr. Schumann scaled the plat and it was found that the space would allow a garage approximately 16 x 22 feet - this to be attached and 35 feet from the nearest corner to the street property line and with a rear setback of 11 feet to the lot lint. Mr.Brookfield moved that this be granted - 35 feet from the street property line and 11 feet from the lot line. Major Elgin seconded the motion. It carried.

Mr. Roberson had not appeared to support his case. Mr. Brookfield moved that this be deferred until the next meeting. Mr. Piggott seconded the motion. It carried. The Chairman suggested that since this was Mr. Piggott's district that he check up on Mr. Roberson since it was thought that Mr. Roberson was living in his garage already.

Mr. Mooreland moved that the meeting be adjourned. Mr. Brookfield seconded the motion. It carried.

B. Cooper Dawson
Chairman

* * *

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April 19, 1949

A regular meeting of the Board of Zoning Appeals was held in the Board Room of Fairfax County Court House on Tuesday, April 19, 1949, with the following members present: Messrs S. Cooper Dawson, Chairman, J. W. Brookfield, Vice-Chairman, Thomas I. Piggott, William Mooreland, Major W. S. Elgin, and Mr. E. R. White representing the Planning Commission and Zoning Administrator. Mr. J. W. Brookfield acted as chairman at the request of Mr. Dawson.

The one deferred case - that of Walter C. Roberson - had been withdrawn by the applicant.

NEW CASES:

1. A. G. Dezendorf, for permission to erect a gasoline pump island with a 15 foot setback from the right-of-way line of the Leesburg Pike, instead of 30 feet as required by the Ordinance on property located on the north side of the Leesburg Pike at Seven Corners, Falls Church Magisterial District. This proposed gasoline pump island would be approximately 250 feet from Seven Corners intersection. Mr. Dezendorf explained his plat showing the location of the other buildings near his proposed pumps. The garage building near the pumps is non-conforming and is on the line. The Board did not think the pumps setting back 15 feet would be anything of a hazard to traffic or in any way harm the other buildings on the property. Mr. Mooreland moved that the application be granted as requested. Mr. Piggott seconded. It carried unanimously.

2. Ralph M. Tate, for permission to operate a restaurant on the premises located on the north side of Route 7 at the intersection of Route 694, Providence Magisterial District. Mr. Tate said that the building located on this property had been used as a filling station but that the pumps had been taken out and now he wished to operate a restaurant there. He said that as far as he knew there was no objection from the neighborhood. Mr. Tate said he could not see why a restaurant would be any worse than a filling station - he saw no reason not to grant the application. Major Elgin moved that the application be granted. Mr. Piggott seconded. It carried unan.

3. Ethel C. Hutchins, for permission to operate a convalescent Home on the property located .9 of a mile west of Annandale, Falls Church Magisterial District (on the Little River Pike). Mrs. Hutchins showed her plat and explained that the house was large and well located for a home of this type. The neighbors were agreeable to having this business in their vicinity. Mr. Mooreland said that if there was no objection he moved that the application be granted. Major Elgin seconded. It carried unanimously.

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4. W. K. Swaney, for permission to use the ground floor on proposed dwelling for kindergarten and first grade school on part of Parcel A, Section 3, Ravenwood Subdivision, on the west side of Juniper Lane about 700 feet south of Leesburg Pike, Falls Church Magisterial District. Mr. Swaney showed plans of his house. The school would be carried on down stairs - a large light room. They would have a maximum of 25 pupils. The house is well located with yard space to accommodate this size group. Mr. Brookfield read a letter from Mr. Poppleman, developer in Ravenwood, stating that a school of this kind would be very welcome in this locality. Major Elgin moved that the application be granted. Mr. Piggott seconded. It was carried unanimously.

5. Martha V. Harvey, for permission to operate a day nursery in the dwelling located on the property located on the corner of Lee Highway and Route 650 (northeast corner) Providence District. Mr. and Mrs. Harvey appeared before the Board. They expect to have about ten pupils. Although they have a large piece of ground it joins commercial ground and there is no objection to having a school in this neighborhood. The house sets well back from all property lines with plenty of garden and lawn. Mrs. Harvey said they had approval from Richmond for the school - pending the granting of this application. Mr. Mooreland moved that the application be granted. Major Elgin seconded the motion. It carried - unanimously.

6. M. W. Juncal and Wm. I. Smith, for permission to erect a two car garage with the wall on party line on Lots 57 and 58, Section II, Tyler Park Subdivision, both lots located on Roosevelt Avenue, Falls Church Magisterial District. The Chairman asked if both owners were sure of their line dividing their property - to be sure the garage is placed properly. Mr. Smith said that the lots had just recently been surveyed with this garage in mind and the marking was very evident. Mr. Mooreland suggested that the Board had been granting variances of this kind right along and that there was no objection to it. He moved that the application be granted. Major Elgin seconded the motion. It was carried. (Unan.)

7. Conrad V. Carlson, for permission to have one foot sideyard setback for a garage to be located on Lot 15, Section 2, Fair Haven, 55 Old ~~Mt. Vernon Road~~ King's Highway, Mt. Vernon Magisterial District. Mrs. Carlson showed their plat with location proposed for the garage. She said the neighbors on the garage side had indicated that they did not object. Mr. Brookfield said that if the garage were put only 1 foot from the line that would not give room for water to drain and it

would all fall on the neighbors property. He suggested that a 2 foot setback should be granted to protect the neighbor's property. Mr. Mooreland made this motion. Major Elgin seconded. It carried.

8. Virginia Electric and Power Company, for permission to erect a substation on Lot 18, Mt. Vernon Park Subdivision, Mt. Vernon Magisterial District. Mr. McDonough was present to represent the Power company, and to explain the location of the substation on the property. Mr. McDounough said that the company could observe the proper setbacks and that there had been no objection to locating the substation on this property. Mr. Piggott moved that the application be granted. Mr. Mooreland seconded. It carried, unan.

9. The case of Hungerford and Loftus for permission to erect a dwelling with less setback than required had been withdrawn.

10. Howard W. Price, for permission to convert an existing building into a dwelling - with less than the required sideyard setback, property located on Madison Lane, near Columbia Pike, and containing 37,669 square feet, Falls Church Magisterial District. Mr. Price said that he had made a mistake in locating his house - that in the beginning he had intended to build a chicken house with certain fittings which it turned out were practically impossible to get during the war. Then he decided to convert this building into a dwelling - but that he found out that the setbacks which he had observed for the chicken house did not conform to the required setbacks for a dwelling. He had thrown two lots into one - which gave him the required area but by dividing the two lots - Lot A with 10,148 square feet and Lot B with 33,013 square feet he could not meet proper setbacks on the one dwelling. One house faces Madison Land and the other Columbia Pike. The first house was built 7 years ago and the second building- 6 months ago. Mr. Brookfield said he could see no objection to granting this application since the applicant complied with the required area and all setbacks except this one and since it would work a hardship with the applicant to have to move this building in order to use it as a dwelling. Mr. Piggott moved that the application be granted. Mr. Brookfield seconded the motion. It carried, unanimously.

11. O. V. Carper, vor permission to erect buildings with less than the required setback from Old Dominion Drive and from Cedar Street, on Lots 1, 2, 3, 4, Block 3, Ingleside Subdivision, Providence District. (Located on the SW side of Old Dominion Drive, approximately 300 feet north of Toure 123) Mr. Carper's architect was present - showing the drawings of the proposed buildings. Mr. Carper said that they could meet all the setbacks except the rear - which was

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Cedar Street. (The property is surrounded on three sides by roads-which requir a greater setback) Setting back the required distance in the front would give proper parking space but since Cedar Street is a dead end street anyhow they felt that 20 feet should be sufficient. Mr. Dawson said that he felt that there was no objection to this since Cedar Street was not traveled much and there was no indication that it would be opened up as a busy street. He moved that the application be granted. Major Elgin seconded the motion. It carried, unanimously.

12. Edith R. and William H. Hodges, for permission to erect a Community Building on Lot 1, Block I, Hodges Subdivision, Road #644, and 643, near Burke, at Five Forks, Lee District. Mr. White explained that this case was withdrawn because they had given us the wrong plats and the property was improperly posted. Therefore, there was no reason to hear it. Mr. Piggott moved that the application be deferred until next meeting - for proper posting. Major Elgin seconded the motion. It carried.

13. Sam W. Cox, for permission to live in a garage when the well and septic tank are installed, until the completion of the house, located on Lot 8, Willow Springs Subdivision, Route 211, near Centerville Centerville Magisterial District. It was suggested that a time limit be placed on the permission to live in a garage. Mr. Dawson asked Mr. Cox if he thought a year was long enough time in which to build a house. Mr. Cox said yes - normally - but that he may not be able to do it in that time - in which case Mr. Dawson said he could come before the Board again and ask for a grant of extension. Mr. Dawson asked Mr. Baker of the Health Department, who was present, if he had any particular interest in this case. Mr. Baker said yes he was interested because of the septic tank - which should be completed before Mr. Cox began living in the garage. Mr. Brookfield moved that the applicant be allowed to live in the garage for a period of one year. Major Elgin seconded the motion. It carried. (Note: Time to start from date septic tank is completed)

14. Edwin C. Wise, for permission to erect a second dwelling on the property known as Lot 20, King's Highway Subdivision, 406 Queen's Lane, Mt. Vernon Magisterial District, and to remain living in the temporary dwelling until the main dwelling is occupied. Mr. Wise showed the location of his temporary dwelling and the proposed new dwelling. His plan is to tear the small house down when the new one is completed. Mr. Piggott moved that the applicant be allowed to live in this temporary dwelling for a period of one year - during which time the new house shall be built. Major Elgin seconded. It carried.

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15. Nellie L. and William S. Brooke, for permission to operate a restaurant on property located approximately 1,000 feet from Centerville business section - on the west side of Route 28, Centerville Magisterial District. Mr. and Mrs. Brooke appeared before the Board. Major Elgin asked if there was plenty of space for parking on the lot. Mr. Brooke said the house set back 60 feet from the right of way and they had 150 feet frontage by 396 feet depth which would make parking no problem. Mr. Brooke said that there was a business diagonally across the street from them. The Chairman asked if there was objection to this use. Mrs. Mulholland said that she objected and so did many of her neighbors. She presented a petition signed by 14 people, protesting the granting of this use, stating that business in this residential district would lower values, add undue noise, traffic, and general disturbances - which would naturally accompany a commercial use. Mrs. Mulholland said that they had a community well (the Brooks and Mulhollands) and she was afraid the extra use of water from this well would deplete it. She said that they often had trouble now in getting water. Mr. Brooks said that was probably so - as he had a deep well pump while the Mulhollands had a shallow well pump, but that he thought there was plenty of water there for both families - if the Mulhollands would put in a deep well pump. The well is deep and naturally does not work properly with a shallow well pump. Mrs. Brooke said she could not see where the use they would make of the restaurant permit would hurt the neighborhood. She was putting everything in paper boxes (also a reason why they would not use a great deal of extra water). Mr.. Baker said that the Health Department would have to ok the water situation and septic tank - he thought the double use of the well was not satisfactory but that was not the affair of the Board of Appeals. Mr. Brookfield said that he did not think the Board should act on this application without further information. Major Elgin moved that the case be deferred until the Board could view the property (until May 17th)Mr. Dawson seconded the motion. It carried, unanimously.

16. George M. Raymond, for permission to erect a duplex dwelling, on Lots 1 and 2, Melville Subdivision, Lee Highway, at its intersection with Cedarest Lane, on the condition that the existing dwelling on these lots is abandoned for residential use immediately upon the residential occupancy of the said duplex dwelling, Providence Magisterial District. Mr. Raymond said that in his opinion he was not building a duplex but merely a two family

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dwelling. He said that the Zoning office had insisted that he was building a duplex - but he did not wish it said that he was building a duplex because there would be objection to a duplex in his neighborhood. But there would be no objection to a two family dwelling. Mr. Mooreland read the definition of a duplex from the Zoning Ordinance. Mr. Mooreland showed his house plans. Mr. Dawson moved that the applicant be granted the right to live in his garage for a period of one year during which time he will build a duplex house and cease living in the garage when the duplex is ready for occupancy. Major Elgin seconded the motion. It carried.

17. The Fairfax Rod and Gun Club, Inc., a Corporation, for permission to use approximately 97.328 acres located on the northeast side of Route 664 and approximately between Routes 664 and 665, Dranesville Magisterial District, as a controlled rod and gun club, conservation and recreation area. Mr. Douglas Clark represented the gun club. He explained the plot plan presented with the application, detailing the use of the grounds, the area covered, installation and ranges planned. Mr. Clark showed that the ranges would comply with army specifications - in fact they are better than the army requires as far as safety is concerned. They would use 22 rifles and 45 postols - no high powered rifles. On the skeet field shot guns would be used. Mr. Mooreland asked how far from the ranges the Vale Community house was located. No one could tell exactly.

Mr. Clark said that a question of law entered into this case. The Club contracted for this ground in 1947, during November they applied for a certificate of Occupancy and one was issued. Relying on this certificate the club contracted to buy the ground with the plan in mind to put in this type of recreation center. The evening of the day when the property was actually purchased, the club was notified that the Certificate of Occupancy had been issued in error and requested that all activities on this ground be stopped at once. The corporation had at that time actually expended $18,000 and had contracted for and planned other installations in the amount of approximately $50,000. By revoking this Certificate of Occupancy all construction was stopped.

Mr. Clark's contention was that an Occupancy Permit could not be revoked unless there was a change in use - and there was no change in use whatever by the club. There was no legal reason why the Zoning Administrator could revoke this permit and since so much had been done and contracted for because of the granting of this permit the County was legally bound to reinstate this permit. Mr. Clark said that the ground in question is zoned agriculture - the least

restricted ground available - that this was not a game or sport- but rather a recreation area. He offered the Certificate of Occupancy in evidence and challenged the legal right to revoke it Mr. Clark said that there had been absolutely no firing on the club grounds by club members. Mr. Mooreland said that since the Zoning Administrator had issued the permit in error there was nothing else he could do but to revoke it. Mr. Clark said that the revocation was without authority. Mr. Mooreland said that was a case for the courts.

Mr. Shockey, vice-president of the club, answered questions from Mr. Clark relative to issuance of the Occupancy Permit, the lease of the property and subsequent purchase, revocation of the Permit etc. Mr. Shockey said that the grounds had not been used as a rifle club after the permit was revoked, at least not by club members. He stated that the National Rifle Association had negotiated with them to construct technical equipment on the grounds which would amount to approximately $60,000, but they did not carry this out because of the revocation of the Permit. The Chairman said the Board was not trying the title to the land. Mr. Clark said that was true - he was simply trying to show that the Permit should not have been revoked, and why.

Mr. Edward Brown took the witness stand. He is an engineer with the National Rifle Association in research work. His work entails working with industry on developing new products, writing laying out plans for new clubs etc. and as a balistics expert advising clubs. Mr. Brown gave his past experience in these lines of wrok. He stated that he thought the ranges as planned and proposed were very safe and satisfactory from every standpoint, and that the ranges conform to National Rifle Association specifications. Mr. Clark described the safety of well planned clubs and said there was much less danger of accidents on protected grounds than in the open.

Mr. Mooreland said that the Board wished to hear both sides of the case - as they wished to keep development in the county under control and all uses in keeping with the locality. He wished to hear any opposition if there was any. Mr. Lewis Leigh appeared before the Board as a representative of Major Kingsley - owner of land immediately adjacent to the club grounds. Mr. Leigh stated that there was no doubt but what the Certificate of Occupancy was issued in error - and the fact was that the Zoning Administrator had no right to issue a permit - that was the prerogative of the Board of Appeals. It was purposely stated that way in the Ordinance in order that the people in the neighborhood of this kind of

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development might be heard and the Zoning Administrator should know what the feeling of the neighborhood is, whether or not they want this club. This case was heard six months ago by the Board, Mr. Leigh said, and the application was denied. He could see no reason why the sentiment of the Board or the sentiment of the general neighborhood should change. He read from the Ordinance how permits can be issued for clubs of this kind. He quoted the statement that use should be "inharmony with the character of the neighborhood." This section was gradually developing into a high class residential area of small estates - a location for families and particularly families with young children. The longest boundary line of the club grounds is 2400 feet which would mean that no range could be longer than that - this did not guarantee sufficient safety. A large development of this kind would bring people in the neighborhood from all parts of the metropolitan area - crowds which would change the character of a country atmosphere. Mr. Leigh read from the charter of the club which showed that the club planned to train and educate people in the expert use of fire arms and would be rented for experimental purposes. This is not, according to those opposing, in keeping with the general character of the neighborhood.

The Chairman asked for the opposition to stand. There were approximately 30 people opposing. Mr. Mooreland asked if there was anyone present in favor of the club. There were about 10 present.

Mr. Dominy showed the relative location of the club with relation to property owners who were living on their ground.

Mr. Mooreland said that in view of the fact that practically all people living in the area were opposed to the club the Board was inclined to follow the wishes of these people. Mr. Clarke said he did not think that a fair way to judge this case. He thought witnesses should be called and questioned by both the opposition and those desiring the club, and give each person the chance to state his reason why he was opposing the club, and that he would like to hear the opposition. Mr. Leigh said Mr. Clark had no right to call his (Mr. Leigh's) witnesses, that only he could put them on the stand.

Mr. Dominy presented an areal map showing all the homes within a one mile radius of the club - whowing the location of each person's property and presented a petition listing all these people all of whom were opposed and many of whom were in the room. The map was made showing those within the 1/4 mile, 3/4 mile area, and the 1 mile area. This map was offered in evidence along with the petition (signed by 87 people) and is on file as a part of these minutes. A

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petition was presented with 34 names in favor of the gun club. Mr Leigh said he would like to examine the petition. He stated that at least two names on the list were now opposed to the club. Mr. Mooreland moved that in view of the fact that the great majority of property owners in the vicinity were opposed to the club - the application be denied. Major Elgin seconded the motion. It carried - unanimously. Mr. Clark stated that he would like to have it shown in the minutes that there was no evidence whatever indicating why these people were opposed - that the decision was made without his having a chance to examine the opposing witnesses - that he was precluded from bringing out full evidence in the case.

18. James W. Foster, for permission to locate asphalt mixing plant on 1.012 acres of land west of Lincolnia School, Falls Church Magisterial District. Mr. Foster said that there would be no permanent buildings - they would merely put in bulldozers and push up the ground and operate the plant. The plant and necessary temporary installation would be on the 1.012 acre shown on the plat. Mr. Dawson said a plant of this kind can be very distressing if they burned coal. Mr. Foster said they had intended to burn oil and he didnt think that would be objectionable. Mr. Foster also said that they were able to operate a plant of this kind for only about 6 months in the year and they were particularly eager to get in now so as to work for the good months. They would close up in the winter. Mr. Dawson said he bellieved a permit of this kind should be limited in time. The other members of the Board agreed. Mr. Foster said that was perfectly all right with him - if they could give him a permit to carry on his business for at least two seasons it would help. Mr. Dawson moved that the application be granted with the following reservations- that they use oil instead of coal and that the permit be granted only until December 1, 1950. Major Elgin seconded the motion. It carried - unanimously.

S. Cooper Dawson
S.Cooper Dawson, Chairman

* * *

May 17, 1949

A regular meeting of the Board of Zoning Appeals was held in the Board Room of Fairfax County Court House on Tuesday, May 17,1949, with the following members present: Messrs S. Cooper Dawson, Chairman, J.W.Brookfield, Vice-Chairman, Thomas I. Piggott, William Mooreland, Major W.S.Elgin, E. R. White, and H.F.Schumann, for the Planning Commission. Mr. Dawson requested the vice-chairman to preside as he wished to disqualify himself for the cases of Fairfax Hydraulics, Inc.

DEFERRED:

A. Edith R. and William H. Hodges, for permission to erect a Community building on Lot 1, Block 1, Hodges Subdivision, Road 644 and 643, near Burke, at Five Forks, Lee District. Mr. Hodges appeared before the Board. Mr. Keith represented opposition to the building of this Community house. The plat furnished by the applicant was incorrect and it was difficult for Mr. Hodges or Mr. Picano who was appearing with the applicant to explain the discrepencies. In order for the Board to determine the exact location for the building site it was suggested that a plat drawn to scale be presented. Mr. Dawson moved that the case be deferred until June 21 and that the applicant bring a plat drawn to scale. Major Elgin seconded the motion and it carried unanimously.

B. Nellie L. and William S. Brooke, for permission to operate a restaurant on property located 1,000 feet from Centerville business section on the west side of Route 28, Centerville District. Mrs. Brooke said they intended to operate a tea room - with no liquor license. The Chairman read a petition which was presented at the last hearing against the granting of this exception. There were 14 signers. Roy Swazey represented the Mulholland, Moehler, and Davis families, all of whom were opposed. Mr. Brooke said that there were several near neighbors who wouldnt sign the petition. He stated also that they wanted to have a tea room because the house had been sold to them at a high price and there were many things wrong about it and they felt that they had to derive some small income from it in order to pay expenses. He said that there was a business across the street (construction business) and that Mr. Mulholland next door had a big truck always in his yard - he used it in his business-all of this worked against his selling his place as a high class home. That he had tried to sell unseccussfully because of thes drawbacks. But that they could keep the place if they could use it for business-that they would have a clean quiet place. Mr. Baker, from the Health Department, had made an inspection of health conditions with relation to the opening of a restaurant. He read his report, which indicated

that the well and source of water supply is not protected and is not sanitary. Provision for adequate pump pit drainage and a sanitary drilled well casing seal would be the obligation of the Brooks in the event any public use would be proposed for the premises. (The report is made a part of these minutes) Mrs. Moehler said this was the third time they had banded together to keep business out of this section. Mr. Davis said he thought there were already enough tea rooms in this general neighborhood and he thought this would have a bad affect on the locality. Mr. Mulholland said he definitely believed a business next door would devaluate his own property, and that his truck is for sale. Major Elgin moved that the application be denied. Mr. Mooreland seconded. Carried, unanimously.

NEW CASES:

1. Fairfax Hydraulics, Inc., for permission to create and maintain a deep well on Lots 154-A and 153-B, Block C, Section 3, of Huntington Subdivision, on the north side of Fairfax Terrace, Mt.Vernon District. Mr. Dawson asked Mr. Brookfield to take the chair as he had a personal interest in this and the next two cases to come before the Board. Senator Clarke represented the Hydraulic Company. Mr. Massey, engineer for the company, displayed a map showing a master plan of development, proposed well sites, which were located so water could be furnished by gravity. Mr.Massey described the installation of the well which would be covered by an aluminum house. There would be no machinery exposed and the setbacks would meet the requirements of the Zoning Ordinance. Mr. Raugust, Attorney, asked if this was a request for a use permit only and about provisions for getting water from the well to the subdivision of Huntington. Mr. Massey said the lines already exist - 8" pipe line. Mr. Vales asked if this was well 13. There were no objections. Major Elgin moved that the application be granted. Mr. Piggott seconded. It carried unanimously.

2. Fairfax Hydraulics, Inc., for permission to erect and maintain a concrete water reservoir, 300,000 gallon capacity, on property containing 10,000 square feet - beginning at a point in the south boundary of the Fair View Subdivision, Mt. Vernon District.

Senator Andrew Clarke appeared before the Board as attorney for Fairfax Hydraulics, Inc. He stated that Mr. Massey, engineer for the company, would outline the plans of the company and explain the map. Mr. Massey said they proposed to build a reinforced concrete tank - 40 feet in diameter, which would stand 28 feet above the ground. It was located in this particular spot because the ground is high and service can be accomplished by gravity flow. This

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would give adequate fire protection and necessitate less pumping. The reservoir would be located off the Fair View Subdivision and would observe proper setbacks required by the Zoning Ordinance. Senator Clarke said he had understood that there was to be objection to this application, therefore he would rest his case for the present.

Mrs. Carrie Johnson stated that she represented more than half the residents of Fair View living in the area of the proposed reservoir. She presented a petition signed by 34 persons immediately concerned, most of whom were present. Mr. Mooreland read the Petition which is made a part of these minutes.

Mrs. Johnson stated that there are approximately 18 pieces of residential property in this vicinity ranging from $15,000 to $40,000 each. It is the understanding of these residents that if the permit for this reservoir is granted the construction will be located within a few feet of very valuable residential property. The main objections the opposition have to the erection of this reservoir are - the hazardous conditions that would exist from the landing of the airplanes located on this property; the devaluation of the area involved; and that water can be supplied for this area by the Alexandria Water Company without the erection of this hazardous tank.

Mrs. Herring spoke against the reservoir and stated that Mrs. Foster, who gave the right-of-way for the proposed pipe line because she thought that was the only way to get water is now objecting because of the reservoir. The objection was made that the reservoir would not only be a detriment to the neighborhood but that it would not even serve the community surrounding it, but rather it would furnish homes further off. It was understood that the Alexandria Water Company would furnish water and without the installation of the above-ground reservoir.

Senator Clarke said that in order to clear up any misunderstanding he would like to give a background history of the water situation surrounding the present case. He outlined the beginning of FairView Subdivision in 1941 - at which time the Alexandria Water Caompany came into the picture. Water was proposed to be furnished at a very high price. In 1945 the Development went bankrupt. Mr. George Ford purchased a large tract with the plan to develop Huntington, and wells and underground tanks were installed. At that time Jefferson Manor was started and the Alexandria Water Company furnished that development with water for $100,000 - the developers and home owners paying for the distributing system. The Fairfax Hydraulic Company can furnish water from their proposed location by gravity while the Alexandria Water Company requires pumping stations. The tank itself

Mr. Clarke suggested, would not be large enough nor unsightly enough to be a detriment to the neighborhood - that it was sometimes necessary to make some sacrifices to have conveniences. Mr. Clarke said it was true that the Alexandria Water Company would come in now to furnish water - since the Fairfax Hydraulic Company was there but that they have not given the terms on which they would furnish water. The residents would without doubt have to put up the money, that a tank would be necessary for any company to furnish water. Thirty-six have already signed up for service. Mr. Clarke reminded the Board and the opposition that this was merely an exception - not a rezoning.

Mrs. Margaret Peck Bennett spoke opposing the reservor. Mr. Dawson, who had disqualified himself as chairman, spoke in favor of the installation. He told of the improved conditions at Penn Daw since Fairfax Hydraulics had furnished water - the water was assured, fire protection had been adequate, and they had been able to get a reduction in insurance rates. With the present installation 1,000 homes would be benefited and only 12 hurt.

The Chairman asked for an explanation of the type of proposed tank. Mr. Massey showed pictures of similar tanks and gave a detailed description of the construction planned. The water furnished will be soft water from Maryland. Mr. Clarke said that water can be furnished within two weeks and another line could be laid to serve the western end within a short time, and that only one company is granted a franchise to serve this locality.

Mrs. Johnson stated that her interest in appearing here was not to register unfair prejudice but that she was deeply interested in the community and in the proper development of this particular area. She felt that this installation was unnecessary, that it would create a hazardous condition and was devaluating to property, and that water could be furnished without installing a tank.

Mr. Lewis said he wanted to clear up misstatements regarding installation of fire hydrants. The requirement was 1000 feet apart with no stated pressure.

Mr. Clarke said that the need for water in this area was great as septic tanks were not healthful, that there would be no competition between the two companies (Alexandria Water Company and Fairfax Hydraulics) each would serve stated areas, that Fairfax Hydraulics could furnish water cheaply and by placing the reservoir within proper setbacks and constructing a neat substantial tank he believed the community would be benefited in every way.

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Mr. Mooreland read two letters (both of which are a part of these records) one from Mr. Waldron Leonard, past president of Groveton Citizens Association and one from the Alexandria Water Company to Mr. Gosnell, regarding terms for furnishing water for the Old Glendon Land Company Tract.

Mr. Mooreland said that in his opinion this was a needed service to the people of the area and while the installation of this reservoir might be a hardship for some - that the service derived ultimately would be of such value that the bad features in ~~this~~ IT will be forgotten and that the development resulting from the entrance of these two companies in this region is the important thing. Mr. Mooreland moved that the petition be granted. Major Elgin seconded the motion. It carried unanimously. Mrs. Johnson stated she would like the records to show that an appeal would be made.

3. Fairfax Hydraulics, Inc., for permission to create and maintain a deep well on property located at the east line of Huntington Subdivision on Hunting Creek- Mt. Vernon Magisterial District. Mr. Clarke located this well on the map. Mr. Raugust asked if this is applying for a use permit only. Mr. Clarke said, yes, just like the other applications. Also Mr. Massey said the only above ground installation would be a 10 x 10 foot x 7 foot high metal house, possibly aluminum or galvanized iron. There would be no storage tanks. It was asked what provision had been made for a line to Huntington. Mr. Clarke said the line had been laid out but all easements had not yet been given. It was also asked if condemnation proceedings would be used. That is a possibility and is the prerogative of a public utility company but the company would rather not use that procedure.

Mr. Raugust asked what was the usual width of an easement. He thought it was possible to take up to 30 feet. Mr. Massey said that was true but 15 feet was the usual amount taken - that he had never known them to take more than that. Mr. Clarke said also that these easements would be underground only. Major Elgin moved that the application be granted. Mr. Piggott seconded the motion. It carried unanimously.

Mr. Dawson took the chair as Chairman for the balance of the meeting.

4. Virginia Electric and Power Company, for permission to erect and maintain a substation on Lot 39, Devonshire Gardens Subdivision, Falls Church Magisterial District, with less than the required setback on the side street. Mr. McDonough and Mr. Anderson appeared for VEPCo. Mr. McDonough showed the location of the proposed ~~well~~ SUBSTATION on a map and the area proposed to be served. He said that last winter the company was barely able to furnish power with the amount of voltage

they had for this area, that they had spent a great deal of time looking for a suitable location for a substation but that there were very few places available where there were no objections. This particular lot was desirable from the standpoint of location for a substation - but undesirable for building purposes. The creek was deep and around it low ground and swampy - a lot not suitable for a home. Mr. McDonough showed a map of the subdivision and adjacent lots. The present substation in East Falls Church which is now serving this area is definitely inadequate not only for future development but for the already existing homes. He did not believe it was practical for them to attempt to go through another winter without a new substation. There were several objectors to this use of this particular lot - it was noted that this was one of the few subdivisions left in this area which had large desirable lots. It was an old subdivision and therefore larger lots. It was suggested that a substation would interfere with both radio and television, however, both Mr. McDonough and Mr. Anderson said this was not so. It was suggested that this installation was being put in - not necessarily to furnish this community but to serve the new large developments- Tyler Park and Jefferson Village, Apartments, and not the locality where the substation was actually located, and that this lot had been considered because it was the cheapest one available, and that it was most unwelcome in this community of good homes. The residents said they had not suffered from low voltage. Mr. Lewis Leigh represented several citizens in the community - he said the station was no doubt necessary - but not in this locality, that these substations should be set aside like business- and not in residential districts. Mr. Leigh said he believed it would be difficult to sell homes near these stations. Mr. Bort said the company had looked earnestly for sites but had not even been able to negotiate with people except in very few cases. Mr. Leigh said the Company had the right of condemnation - why not use it. Mr. Field showed where he believed they could buy commercial property. Mr. Bort said that was too far from the load. Mr. Field also suggested that sub stations were dangerous as they often caught fire in electrical storms and could be a hazard to the community. Mr. Mooreland asked why not defer this application until the next meeting and give the company a chance to find another location. He made this as a motion. Major Elgin seconded. It carried unanimously. Mr. Leigh asked that the three letters of protest befiled with the minutes.

5. Warren D. Johnson, for permission to have a lawn mower sharpening machine in his basement of his dwelling, located in Dowden Terrace

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on the north side of Seminary Drive, Falls Church District. Mr. Johnson said he wanted this grinder in his basement to supplement his small income after he retires, which is very soon. It makes no more noise than a vaccum cleaner, he said, and he would not use an emery for grinding. A petition was presented by 31 property owners near Mr. Johnson, protesting the granting of this use. The Chairman said he didnt see how a thing of this kind would hurt, it was not noisy and not dirty and that this did not rezone the property to business, it was merely granting a use permit. Those opposing said they realized that, it was not a rezoning, but that it had the same effect in that it made a commercial use of his home and they thought it would devaluate their property. It was suggested that other projects in the community such as raising goats and chickens were worse than a lawn mowing machine. The Chairman asked for thos opposed to granting this application to stand. There were about 15. Those in favor of granting this petition were bout 10. Major Elgin moved that the application be granted as it did not hurt the surrounding property. Mr. Mooreland offered an amendment that the application be granted provided the business be kept within the basement and that no part of his equipment should be outside - also that the permit be granted for one year. Mr. Brookfield seconded the motion. It carried unanimously.

6. Henry E. Moore, for permission to locate a garage 2 feet from the side property line and 78 feet from the front right of way (Popkins Lane) on Lots 187 and 188, and 189, Block F, Memorial Heights Subdivision, Mt. Vernon District. Mr. Moore showed his plats. Because of the size of the house and topography of the ground this application was granted. Mr. Mooreland made the motion to grant and Major Elgin seconded. It carried.

7. James R. Brown, for permission to erect a detached garage within 2 feet of the side property line on Lot 118, Tremont Gardens, 302 Strathmeade Street, Falls Church District. This was a case of a narrow lot, and topography. There was no objection from the neighbor on the garage side. Mr. Brookfield moved that the application be granted. Major Elgin seconded. It carried.

8. John A. Lewis, for permission to erect a detached garage on the rear boundary line, and within 10 feet of Herbert Springs Road (private Road) on property located south of Wellington on West Feeder Road. Mt. Vernon District. Mr. Lewis Leigh represented the applicant. He said that this property was part of an estate and because of the contour of the land it was not practical to put the garage any place other than planned by the applicant. Mr. White said he had posted

the property and looked it over and he believed that this was true. There were big trees on the ground which the owner wanted to save and the garage back from a practically private outlet and the dividing line between the two dwellings on this property would be 10 feet from the garage. Mr. Mooreland said he could see no objection to this - he moved that the application be granted. Mr. Brookfield seconded the motion. It carried.

9. Leslie H. Helfin, for permission to locate a detached garage 4 and 1/2 feet from the property line instead of 10 feet on Lot 68, Section I, Guilford Subdivision, near Ward Plaughers store, Mt.Vernon District. Mr. Helfin sent word that he could not be here and wished his case to be deferred until the June 21st meeting. It was moved and seconded (Mr. Brookfield and Mr. Piggott) that this be deferred.

10. Otis A. Woolfrey, for permission to erect a detached garage within 2 feet of the side property line on Lot 16, Block 3, Section I, Fair Haven Subdivision, 19 Mt. Vernon Road, Mt. Vernon District. Mr. Woolfrey was not in the room. This case was put at the bottom of the list.

11. D. P. Tompkins, for permission to erect a detached garage within 1 foot of the side property line on Lot 103, Tremont Gardens, 206 Fairmont Street, Falls Church District. There were no objections and by placing the garage this close to the line it gave the applicant a large back yard for garden and outdoor living. Mr. Brookfield moved that this application be granted. Major Elgin seconded. It carried.

12. Mercedes P. Carts, for permission to set back a detached garage 2 feet from the side property line instead of 10 feet required, on property located in Mt. Zepher Tract on U.S.1, approximately 2 blocks from the Mt. Vernon school, Mt. Vernon District. There was no objection to this application and the neighbor on the garage side has his garage practically on the line. Mr. Brookfield moved that since there was no objection the application be granted. Major Elgin seconded. It carried.

13. Mrs. Estelle Nugent, for permission to operate a nursery in a dwelling located on Lot 8, Block B, Columbia Pines Subdivision, Falls Church District. Mrs. Nugent said she has three children in her home - one is a baby. One child will be a day boarder. She said they were not asking for a rezoning nor for a large commercial nursery school. She merely wanted to keep the children she had - they were children of friends and she had had them a very long time

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Mrs. Colcord of the State Welfare Department had told her that in order to have these children in her home she should have a license, and to get a license she should first have the approval of the Board of Appeals. A petition with 61 signatures had been forwarded to Mr. Dawson. Those opposing had no wish to take the children away from Mrs. Nugent. As far as they were concerned they were happy to have her keep them- it was only that if this application were granted it would have the affect of a commercial implication and they did not want that in their subdivision. One of the objectors read from the Code that it is permissable to have two children in the home without a license and since a license was not required it was not necessary for this use to be granted. He could not see why the children could not stay there without granting this application. Mr. Nugent said she had no wish to conduct a school- only she wanted to keep the children. Since Mrs. Colcord had said she would have to have the approval of the Board, she was doing everything she could to conform to requirements. At least she didnt want a big fine imposed on her if she continued to keep the children if this application were denied. Mr. Brookfield said he could see no reason why anyone couldnt keep children of friends, therefore, there was no need for this application - he moved that it be denied. Mr. Piggott seconded the motion. Major Elgin and Mr. Dawson voted no on this application. The Chairman said for Mrs. Nugent to go ahead and keep the children and if anything ever came up for this - the Board would stand back of her. The objectors said the same thing- as they wanted Mrs. Nugent to keep the children but without the granted use of a nursery school.

14. Anthony C. Denice, for permission to conduct a pre-school class in apartment Donna Lee, Apartment No. B-I, Falls Church District. Mr. Denice said there was no objection from the owner of the building, as this school had been requested by those living in the apartments. There were about a dozen children expected. The apartment is large enough to take care of a small group. A letter was read from Mr. Pomponio stating that he had no objection to this use for one of his garden apartments. Mr. Brookfield moved that the application be granted since there was a need for it and there was no objection. Major Elgin seconded. It carried.

15. Granville Compton, for permission to come 40 feet from Oak Lane instead of 50 feet as required on Lot 15, McAdams addition to Hillbrook Falls Church District. Mrs. Comoton appeared before the Board. She said that their deed restrictions had a 40 foot setback from the street. When they planned their house they figured on a 40 foot setback from both streets. They want to add a third bedroom to one side which would run the house too close to the sideline. She is asking that

this setback be granted in order to maintain the proper sideyard setback when the add the third befroom. They can meet the 50 foot setback on Hillbrook Drive but wish the 40 foot setback on Oak Lane. Their deed restrictions also require a 25 foot sideyard setback. Mr. Brookfield said that there was no hazard created by this 40 foot setback and in view of the circumstances he saw nothing against granting the application. Mr. Mooreland moved that the application be granted. Major Elgin seconded the motion. It carried.

16. Harry O. Bowles, for permission to erect an addition to existing property which is non-conforming, on Lot G, formerly the property of J.G.Bennett, Ragin Street, 163.6 feet east of U.S.#1, Mt. Vernon District. Mr. Bowles explained the plat. He has an odd shaped piece of ground - long and narrow and he could not meet proper setbacks if he added on to the rear. The most logical place to put the addition is to the side - still non-conforming. The new room would be flush with the front of the house which sets 8.82 feet from the street. Mr. Brookfield said there was not enough land to do anything else with. Major Elgin moved that the application be granted since the Board could not deprive the applicant of the use of his land. Mr. Piggott seconded. It carried.

17. George Makley, for permission to erect a second dwelling on property located on the east side of Route 645 - 1/4 mile north of Lee Highway, Centerville District. Mr. Makley was not present. His case was put at the bottom of the list.

18. Alfred E. Mills, for permission to have the zoning clarified as to whether or not he may erect a building to be used for bottling soft drinks and distribution thereof and to conduct this business on Lot 27 to 32 inclusive, J.G.Dunn Subdivision, Falls Church District. Senator Clarke, who is handling this case, asked that the application be withdrawn.

19. Atlas Motor Sale, Inc., for permission to install gasoline island and pumps within 30 feet of the property line on Lots 2 and 3, East Fairfax Park Subdivision, Providence District. No one was present. This case was put at the bottom of the list.

20. John B. Grant, for permission to erect an addition to an existing house within 8 feet of the side line and within 38 feet of the front property line on Lot 7, Mackall's Addition to West McLean Subdivision, corner of Oak and Elm streets, Providence District. Mr.Grant explained his plat and showed that this was the only way an addition could be put on the ground. The property owner on the side where the addition would be put did not object. Mr. White had seen the proposed location and thought it did not present any difficulties. Mr

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Piggott moved that the application be granted. Major Elgin seconded It carried.

21. Raymond F. Thompson, for permission to continue temporary living quarters with less than the required sideyard and rearyard setback than required on property located on private road off Leesburg Pike, about 3/4 of a mile southeast of Tyson's Corner, Providence District. Mr. White said that 3 years ago the zoning office had granted a temporary permit for the use of this building for temporary living quarters and the time had long since elapsed since the temporary permit was up. Nothing had been done about it, since the zoning office had not had the personnel to check up on these temporary permits. Some property owners in the subdivision joining this land had objected to Mr. Thompson living in these quarters so it was necessary either to ask for another temporary permit or for him to get out of the house. Mr. Brookfield moved that the former temporary permit be revoked and a new permit be granted to allow Mr. Thompson to live in the building for one year only. Major Elgin seconded the motion. It carried.

22, Tommie Crawford, for permission to operate a snack shop on the west side of 659 (Castle Branch Road) 1/4 mile north of the corporate limits of Clifton, Centerville District. Mr. Crawford showed his plat and the location of the proposed shop, which would be in the middle of 38 acres. He said the building was already on the property and he wished to use it as a small lunch room or snack shop and have his ground as a recreation area for children and families from his church in Arlington. The pastor of the church spoke also-requesting that this application be granted for the use of his congregation. Mr. Crawford said that he wanted this place as a summer place for this group of colored people because they could not go to the places for white people-many lunch rooms would not serve them and it made it very difficult for his race to have any kind of recreation. With a little eating place people could come out for Sunday and not have to go so far for something to eat. He said that his people wanted to keep to themselves and not have hard feelings between the races.

Both Mr. Roy Swazey and Mr. Lewis Leigh were present, opposing the application. Mr. Swazey representing a group of citizens near Clifton and Mr. Leigh representing himself and another group of property owners and the Town of Clifton. Mr. Leigh said he had no wish to bring the racial issue into this but that he owned property very near this 38 acres and he was interested in the development of this section. He would be opposed to granting this use for either whites or blacks - the racial problem was not an issue. The idea of having

a snack shop and perhaps cabins back in the woods - on a narrow road would be bad from every standpoint. The terrain is wooded and hilly and not in any sense suitable for this kind of development.

Mr. Swazey offered for the records a petition signed by 93 people opposing this application. Mr. Swazey stated that this was not an appropriate place for this kind of recreation area, not appropriate for business. Mr. Crawford asked where in the County they could go- so many localities did not want anything for colored people.

Mr. Hart said this would be practically in his back yard-50 yards from his house, and he would consider it a nuisance. Across the street from the Crawford property Mrs. McCluer lives and she said she would be frightened to live there alone. Others who spoke objecting were Colonel Kelsey, Mr. Ambler, Mr. Ayers, Mr. Rodzinsky, Mr. Gunther, Mr. Buckley, Colonel Jones and others. Their objections were: That it would be a nuisance because of the possibility of having liquor, that the property rights of citizens should be protected, it was an artificial type of progress because of the location, it would be noisy, that the project is only 1/2 mile from the Town of Clifton and if the town wished to expand it would be in the way of natural growth, that people wanted a quiet place to live here in the country and such a use would preclude that, that this was a strange place for commercial use - in the midst of farming and a purely rural area, that all the customers would certainly not be church people, and undesirable people would no doubt come.

Mr. Crawford said there was not a place within 50 miles for colored people. Major Elgin moved that the application be denied because there was no local clientele and therefore no need for such a place. Mr. Brookfield seconded the motion. It carried unanimously.

23. The Potomac School, for permission to operate a private day school on the west side of Route 688, approximately 1/2 mile south of Chain Bridge Road, Providence District. Mr. Spencer appeared for the school. He showed the plat and the location of the school. This is to be a non- profit school to take care of kindergarten age children to the 3rd grade and for girls through the 9th grade. Mr. Palmer, the nearest neighbor has no ojbections. Mr. Mooreland said he felt that this was a ligitimate request and moved that the application be granted. Major Elgin seconded. It carried.

No. 10. The case of Otis A. Woolfrey was taken up. Mr. Woolfrey said he had a small lot and wished to utilize all the back yard he possibly could, for garden and outside living-therefore he wished to put his garage as far as he could to the side. Mr.Mooreland said this was reasonable and he would move the application be granted.

May 17, 1949

Mr. Piggott seconded the motion. It carried.

No. 19. Mr. Webb, who was representing this applicant, was in the room and this case was taken up. Mr. Webb said that a 30 foot setback for this gasoline island was in keeping with setbacks for General Business but they were asking only to set the tanks back to this line when the property is zoned for General Business. Mr. Brookfield said there was plenty of parking room apparently and he could see no objection, and moved that the application be granted. Major Elgin seconded. It carried.

No. 17. Mr. Makley was not in the room - his case was deferred until June 21.

Mr. Schumann brought up the case of James W. Foster which was before the Board at the last meeting and which the Board granted the use of asphalt mixing plant. The applicant requested that the Board hold a rehearing on this and reverse their decision granting it-therefore denying the application. Mr. Brookfield moved that the application granted for the operation of an asphalt mixing plant be rescinded by request of the applicant. Mr. Piggott seconded. It carried.

Mr. Mooreland moved that the meeting be adjourned. Major Elgin seconded. It carried.

S. Cooper Dawson
S.Cooper Dawson, Chairman

* * *

June 7, 1949

A special meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax County Courthouse on Tuesday, June 7, 1949, with the following members present: Messrs S. Cooper Dawson, Chairman, J. W. Brookfield, Piggott, Mooreland, and Major Elgin absent.

The meeting was called to order by the Chairman at 10 a.m. for the purpose of handling the case of Huntley F. Casey.

Huntley F. Casey, for permission to construct a dwelling 10 feet from the front property line - Hunting Cove Place, Lot 1, Block 7, Section 2, Belle Haven Subdivision, Mt. Vernon District. Mr. Casey was present to explain his plat. Mr. Dawson said he had seen the property; the front would have about 7 feet of grass and a four foot walkway. The clearance allowing visibility to traffic was satisfactory. No one in the neighborhood appeared to oppose the application. The nearest house is 200 feet on one side and it sets well back because of topography. The only house near other than this

one is almost in line with Mr. Casey's house. On Mr. Casey's property there is a 20 foot drop from the front to the back of his lot. Also Hunting Cove is a minor street and there would seem to be no reason not to grant this application. Mr. Brookfield moved that the application be granted. Mr. Piggott seconded. It carried.

The Board members read back minutes of Board meetings and adjourned.

S. Cooper Dawson Chairman

* * *

June 21, 1949

A regular meeting of the Board of Zoning Appeals was held in the Board Room of Fairfax County Courthouse on Tuesday, June 21, 1949, with the following members present: Messrs S. Cooper Dawson, Chairman, J. W. Brookfield, T. I. Piggott, Wm. Mooreland. Major Elgin was not present. Mr. Dawson requested that Mr.Brookfield take the chair as he did not wish to preside during the hearing of two cases in which he was financially interested. Mr. White and Mr. Schumann from the Planning Commission were present.

DEFERRED:

William and Edith Hodges, for permission to erect a community house on Lot 1, Block 1, Hodges Subdivision, located on Road 643, near Five Forks, near Burke, Lee District. Both Mr. and Mrs. Hodges appeared before the Board and presented the case. The building was to be dedicated for community use - for all organizations wishing meetings of a general nature - the grounds would be used for children for recreation. Mr. Picano spoke in favor of granting this use. He went into the need for such a building showing how difficult it was to get the school for public gatherings often enough, also showing the lack of any kind of playground facilities for the children - that fast traffic in this locality was dangerous (dangerous enough for special police to be stationed there at times) and also that the community needed a place where all people could get together in friendliness and with a common interest. He offered a petition with 34 names for the record. Mr. Carson and Mrs. Green spoke in favor of the use.

Mr. Keith represented several opposing citizens. Their main objections were that such a use would bring noise, possible drinking, crowds, and with a lack of parking space a very bad hazard, that it would devaluate property in the immediate locality. Mr. and Mrs. Brown, Mrs. Riley, Mr. and Mrs. Shue all objected. Practically all

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admitted that such a community house was needed but they did not want it near them and also the parking situation was the most important issue in objecting. Mr. Picano said that they were dickering with the Hodges for more property to be used for parking as soon as they were financially able.

Mr. Dawson said that to him the parking seemed the only real objection. Mrs. Green, who lives diagonally across from the property offered the use of her lot for parking purposes until such time as they could buy more ground for this purpose. The chairman asked for the motion to be put (there were 12 present in favor of the community house and 6 opposing). Mr. Dawson moved that in view of the offer of Mrs. Green for a parking lot he would withdraw any objection he had and moved that the application be granted. Mr. Mooreland seconded the motion. It carried unanimously.

Virginia Electric and Power Company, for permission to erect a substation with less than the required setback on Lot 39, Devonshire Subdivision, Falls Church District. Mr. Anderson, attorney for VEPCO said he wished to report that they had tried diligently to find another location for their substation. (This case had been deferred from the last meeting in order to give the Company a chance to find another location if possible - because of objections to the Devonshire tract) Mr. Anderson said that they thought they had found a location. If so they would ask for a hearing at the next meeting.

Leslie H. Melfin, for permission to erect a detached garage 4-1/2 feet from the property line on Lot 68, Section 1, Mt.Vernon District There was no objection to this and it seemed the logical place to put the garage. Mr. Mooreland moved and Mr. Piggott seconded the motion that the application be granted. It carried.

George Makley, for permission to erect a second dwelling on a lot located on the east side of #645 about 1/4 mile north of Lee Highway, Providence District. Mr. Makely was not present. His case was put at the bottom of the list and later - since he did not appear- it was thrown out.

NEW CASES:

1. E. F. Bladen, for permission to operate a saw mill on property located at Glynden and Owasa Streets (northeast of Route 675 near Town of Vienna) in Onondio Subdivision, Providence District. Mr. Bladen said there had been no permit issued on this because the buildings were portable and therefore no permit was required. Now he wished to construct a building over his equipment and he wished to

have a permit, which the Zoning Office could not give him without consent of the Board of Appeals. His business is small - being constructed mainly for the convenience of the neighborhood. Mr. White said it seemed perfectly all right to him, the man was now operating without a license and he would suggest a temporary permit. Mr. Mooreland moved that the application be granted for one year. Mr. Piggott seconded the motion and it carried.

2. Carlton A. Pagdett, for permission to erect a dwelling on Lots 78 and 79, with less than the required setback from two property lines (17 and 12 feet) Mt. Vernon District. (Valley View Subdivision) Mr. Pagdett showed on his plat that he had an odd shaped lot. He had acquired extra land to give him more room and therefore the requirements were greater than on his original piece - yet he could not meet the higher restrictions on the two sides. The ground has a definite slope to the back and left only one spot for building. Mr. Dawson moved that due to topography the application be grented. Mr. Mooreland seconded the motion. It carried.

3. Edward D. Williams, for permission to have a Club House on part of Lot 7, John Belle Estates, located on the west side of a 16 foot outlet road, 600 yards south of Lacey's Corner at Columbia Pike, Falls Church District. Mr. Leigh represented Ed. Williams. Mr. Leigh said he had before opposed this type of thing when it was requested in a white neighborhood. But that this was a colored neighborhood and that there was no objection to it. He believed the colored people should have a place to use for recreation. Mr. Piggott moved that the application be granted. Mr. Mooreland seconded. It carried.

4. Eugene S. Meahl, for permission to erect 2 gasoline pumps within 35 feet of U. S. #1, on Lot 8, Woodlawn Heights, Section 1, Mt. Vernon District. Mr. Meahl said he already had two pumps 35 feet of the f front property line. They had been there for two years -granted by the Board of Appeals and he simply wanted to install two more in line with those already there. These pumps will be parallel to those in the ground. Mr. Piggott moved that the application be granted. Mr. Dawson seconded. It carried.

5. Harold L. Oakman, for permission to erect a detached garage within 2 feet 6 inches of the side line on Lot 46, Section 11, Greenway Downs, 109 Woodlawn Avenue, Falls Church District. There was no opposition to this application - it is the same thing the Board has granted many times before and there was no objection. Mr. Mooreland moved that the application be granted. Mr. Piggott seconded. It carried.

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6. Russell E. Kinsel, for permission to erect a dwelling 21.43 feet from the east side line of Lot 22, Woodley Hills Subdivision, Mt. Vernon District. Mr. Kinsel said he had had his plans drawn for a long time and his own lot restrictions were only 20 feet on the side he had figured his house accordingly. He had purchased the lot on the side where there would be less setback - therefore there was no objection. Mr. Mooreland moved that the application be granted. Mr. Piggott seconded the motion. It carried.

7. John R. Mose, for permission to erect an addition of a garage on one side and a sun porch on the other side of a dwelling with less than the required setback on both sides, on Lot 9, Boulevard Manor Subdivision, Collingwood Road, Mt. Vernon District. Mr. Mose asked for a 22-1/2 foot setback on each side. There was no objection from neighbors. Mr. White asked for the reason Mr. Mose wanted this less setback. Mr. Mose had misunderstood the Zoning Ordinance- he had thought the setbacks were 15 feet. It was suggested that they (the Board) were amending the Ordinance to grant it. Mr. Piggott moved that since there was no damage to anyone and no objections, the application be granted. Mr. Mooreland seconded the motion. It carried.

8. Clarence A. Ellis, for permission to erect a car-port on the north side of dwelling, with less than the required side setback on Lot 393, Mason Terrace, 125 Winchester Way, Falls Church District. Mr. White said he had seen the property - it was a small lot and there was no objection from the neighbor. Mr. Ellis will put in a gutter to take off the water run-off to the street. Mr. Piggott moved the application be granted. Mr. Dawson seconded. It carried.

9. J. Walter White, for permission to erect a detached garage within 2 feet of the sideline on Lots 70, 71, and the north one-half of 72, Block 5, West McLean Subdivision, Providence District. The Chairman asked if there was opposition. There was none. Mr. White showed a picture of the kind of garage he wished to build. Mr. Mooreland moved that the application be granted. Mr. Piggott seconded. It carried.

10. James H. Cason, for permission to erect an attached garage within 5 feet of the side line on Lot 1, Block 1, Chesterbrook Subdivision, at the corner of Kerby Road and Franklin Avenue, Providence District. This garage will be cinderblock-attached by a breezeway which would not be of cinderblock construction. The Board did not like the addition to the garage of a storage space as it was not included in the application. Mr. Dawson moved that the Board grant a detached garage 12' x 22' x 5' from the side line and 5' from the house. But no storage space. Mr. Mooreland seconded the motion. It carried.

11. George Turberville, for permission to erect gasoline pumps with 12 feet setback from the property line on property located approximately 700 feet west of Broddock Road on the north side of Lee Highway, Centerville District. Mr. Andrew Clarke represented Mr. Turberville. He said that they simply wanted to put the pumps in line with all the other pumps in Centerville, that they all were located approximately 12 feet from the line. Mr. Piggott moved that the applicant be allowed to set his pumps in line with other pumps in Centerville. Mr. Dawson seconded the motion. It carried.

12. Willston Apartments, Section "A", Inc., for permission to erect multiple dwelling A-1 with 40 foot setback from the west line on Block "A", Lee Boulevard and Peyton Randolph Drive, Falls Church District.

14. There were three other cases of Willston Apartments - Section "B"
15.
16. Inc. for permission to erect multiple dwelling 15 feet from the south property line (B-10 and B-5 with a 44 foot setback from the east line, Block B, Willston, Peyton Randolph Drive and Willston Drive, and

Section D, Inc. for permission to erect multiple dwelling D-4, 45 feet from the NE property line and multiple dwelling D-6, 40 feet from the NE property line, Block D, Willston, John Marshall Drive and Patrick Henry Drive, and

Section E, Inc. for permission to erect multiple dwelling E-7, 49 feet from the north property line and E-9, 45 feet from the north property line on Block E, Patrick Henry Drive and Willston Drive, Falls Church District.

It was suggested that all of these cases be taken up at the same time as they were all substantially the same thing and were shown on the one plat submitted. Mr. Ghent explained the cases. He said that these small variances were asked because on the large overall planning of this multiple housing project there were a few places the sizes of the buildings or the ground, or the plots of ground they wished to leave for free areas or for beautifying the grounds made it impossible to keep exactly to the setback requirements. He felt that they had planned most practically and for aesthetic effect and that there would be no loss -in fact there would be a gain- if these variances were granted. He had had this approved by the Planning Commission - not only for layout but they were in accord with asking for these variances, to add to the attractiveness of the grounds and satisfactory arrangement of the project. There were no objections and Mr. Dawson moved that the applications all be granted as shown on the map. Mr. Mooreland seconded. Carried.

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13. C. E. Burroughs, for permission to erect a detached garage within 1-1/2 feet of the side property line on the west side of #695, approximetely 1/4 mile north of #7, Providence District. The Chairman asked if there were objections. There were none. Mr. Piggott moved that the application be granted. Mr. Mooreland seconded the motion. It carried.

The case of William Jones for permission to erect a second dwelling was put over until Mr. Schumann could check the zoning in this section.

18. W. J. Dennis, for permission to erect a garage 60 feet from the front property line instead of 100 feet required on part of Lot 11, Section 1, Franconia Hills Subdivision, Valley View Drive, Mt. Vernon District. Mr. Dennis said he was asking this for topographic reasons. If he put his house back further it would be on too great a slope and leveling the ground would be very expensive. Mr. Mooreland moved that the application be granted for topographic reasons. Mr. Piggott seconded the motion. It carried.

19. Kenneth Clay Ripley, for permission to use a portion of the residence and a portion of the grounds as pre-school and drama studio, Lots 20 and 21, Lakewood Subdivision, Lakewood Drive, Falls Church District. Mr. Ripley was not present. His application was deferred until the next meeting.

20. Fairfax Hydraulics, Inc., for permission to erect and maintain a well on Block 8, Section 3, Part of old Fort, rear 34, Fort Drive, Fairhaven Subdivision, Mt. Vernon, known as Plant No. 4, and

21. Fairfax Hydraulics, Inc., for permission to erect and maintain a well on property known as part of Parcel C, Block 4, Section 1, Fairhaven Subdivision, Mt. Vernon District. Mr. Dawson, who had disqualified himself as Chairman and also for voting on these cases, spoke to the Board. He said that these wells had been installed 8 years ago and permits had never been requested. According to the Zoning Ordinance it was necessary to get approval of the Board. Fairfax Hydraulics had taken the two wells over two years ago. The tanks are installed. Mr. Mooreland moved that the application be granted, since there had been no objection and the wells are operating. Mr. Piggott seconded the motion. It carried.

17. William H. Jones, for permission to erect a second dwelling on Lot 18, Reservoir Heights Subdivision, Falls Church District, property has less lot width and less area than required by the Zoning Ordinance for two dwellings. Mr. Jones said he wished to build this second house for his sick sister. The lot is peculiar shaped but it lacks only 185 square feet of having enough area for two families.

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It is also considerably short of frontage which should be 65 feet for each dwelling. Mr. Mooreland made the following motion: That the applicant be granted permission to build a second house west of and across the existing stream from the present house, not less than 37 feet from the existing house - 26 feet from the side line- this application being subject to a drawing to scale showing exact location of the two houses to be presented to and approved by the Zoning Administrator. Plat to be presented within 48 hours. Mr. Dawson seconded the motion. It carried.

Mr. Piggott moved that the meeting be adjourned. Mr. Mooreland seconded the motion. It carried.

S. Cooper Dawson Chairman

* * *

July 19, 1949

A regular meeting of the Fairfax County Board of Zoning Appeals was held Tuedsay, July 19, 1949, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present : Messrs S. Cooper Dawson, Chairman, J.W. Brookfield, Wm. Mooreland, T. I. Piggott. Major Elgin was not present. Mr. H.F.Schumann, Jr. was present for the Planning Commission. Mr. Dawson requested Mr. Brookfield, Vice Chairman, to take the chair.

DEFERRED CASES:

Kenneth Clay Ripley, for permission to use a portion of the residence and a portion of the grounds as a pre-school and drama studio, subject to licensing by the State of Virginia and approval of Fairfax County, property located at Lot 20 and 21, Lakewood Subdivision, 7801 Columbia Pike. Falls Church District. This case was withdrawn by the applicant.

NEW CASES:

1. Morris Saunders, for permission to erect a detached garage within 1 foot of the side property line on Lot 165, Section One, Greenway Downs Subdivision, 116 East George Mason Road, Falls Church District. Mr. Saunders was not present. Mr. Piggott moved that his application be placed at the bottom of the list. Mr. Mooreland seconded. Motion carried.

2. James J. Douglas, for permission to erect an attached garage within 2 feet of the side property line on Lot 48, Tremont Gardens

Subdivision, 202 Fairmont Street, Falls Church District. Mr.Douglas said he intended to build a cinder block garage and attach it to his house - this would give him a 2 foot setback for his house. The Chairman asked if there were deed restrictions regarding setbacks. Mr. Douglas did not know. Mr. Schumann asked for the case to be deferred until he could check the restrictions.

3. W. Caton Merchant, for permission to erect gasoline islands and pumps within 20 feet of the highway right-of-way line on property located at the NW corner of #620 and 211 at Centerville. Centerville District. Mr. Merchant said that his front pumps were all in line with other pumps in Centerville. This new installation would take care of trucks and would not come closer than the pumps already installed. Since Mr. Merchant was not changing the established setback Mr. Mooreland moved that the application be granted. Mr.Dawson seconded. It carried.

4. G. F. Pergande, for permission to allow an existing accessory building to remain within 12 feet of the front property line for 1 year on Lot 103, Section 3, Brook Hill Estates. Falls Church District. Mr. Pergande said the little building was 24 feet square and that it was for temporary use only. The Chairman suggested that a permit be granted for one year. That was satisfactory to the applicant. Mr. Piggott moved and Mr Mooreland seconded the motion that a permit be granted for one year - to be torn down at the end of that period. It carried.

5. Lewis E. and Price F. Harwood, for permission to subdivide lot with less width and area as required by the County Zoning Ordinance-Lot 24, Wellington Subdivision, Mt. Vernon District. Dr. Harwood's property, .86 of an acre, has two houses on it - both built before the Zoning Ordinance went into effect. This application is presented merely to have the records clear, a lot for each house, in case of a sale. If the property were divided as Dr. Harwood suggested it would be entirely against the Ordinance and Health Department regulations. Mr. Schumann suggested that Dr. Harwood allot more ground to the smaller house. The Health Department had approved the two wells and septic tanks on the entire lot but not with the smaller lot cut off. Mr. Gibbs appeared with Dr. Harwood. He suggested that this was the same as any variance asked for a setback or anything else-and that the decision of the Board would clear up a possible cloud on the title if a transfer of title should take place. Mr. Schumann asked if Dr. Harwood would not draw up the plot plan to show 10,000 square feet for the smaller house (the Dr. had allotted 7,500 square feet) and present it to the Board later in the meeting.

Mr. Mooreland made a motion to this effect. Mr. Piggott seconded. It carried.

6. William B. Hicks, Trustee, for permission to operate a private Club on the property located on the south side of Wilson Boulevard approximately 1/2 mile east of the intersection of Lee Boulevard, adjacent to Willston Apartment Project. Falls Church District. This case was withdrawn by Wise Kelley, the attorney.

Mr. Schumann had read the deed restrictions on the Douglas property. The Board took this case up again. Mr. Schumann quoted from the Deed, "No building can be nearer than 10 feet from the sidelines, if less than 70 feet from the front line." Since the building in question would be less than 70 feet from the front line Mr.Mooreland moved that the application be denied. Mr. Piggott seconded. It carried. Mr. Schumann suggested that since Mr. Douglas was mainly interested in getting another room that he enclose the porch to which he had expected to attach the garage. That could be accomplished by getting a building permit and zoning approval from the Planning Commission.

7. City of Falls Church, By J. R. Eakin, for permission to erect a pumping station building with pumps and tenant living quarters building 31' x 50', on part of Lot 1 of the D.P.Devine Subdivision, Providence District. Mr. Eakin said that a new million dollar bond issue in Falls Church had necessitated a new system of water distribution and it was found necessary to put in a pumping station to take care of the growing population. They had contracted to buy this property not knowing it was a subdivision. The Chairman asked if there was opposition. None. Mr. Dawson said this was a necessary installation-he moved that the application be granted. Mr. Piggott seconded. Carried.

8. City of Falls Church, By J. R. Eakin, for permission to erect a steel water tank 22 feet high on part of Lots 16 and 17, Falls Hill Subdivision, Falls Church District. Mr. Eakin said this was part of the same expansion. There were no objections - the tank will be built low and would not be unsightly. Mr. Dawson moved that the application be granted. Mr. Mooreland seconded. Carried.

9. Sydnor Pump and Well Co., Inc., for permission to construct a well, well house, pressure storage facilities and surface storage facilities for a community water system on well Lot 2, Resubdivision of Lot 14, Hollindale Subdivision. Mr. Vernon District. The Chairman asked if there were objections to this installation. There were none. It was suggested that it is necessary to construct the

well house within 6 months after a permit is granted in order to come within the time limit. The Company will construct a pressure tank 7 feet high. Mr. Dawson moved the application be granted. Mr. Piggott seconded. It carried.

10. Richard M. Smith, for permission to erect a pump house for a community water system on Lots 15, 16, 17, and 18, Block S, Beverly Manor Subdivision. Providence District. Mr. Smith appeared before the Board. He showed the lines within which community water would be supplied. There was no opposition. A petition was presented and made a part of this record requesting the installation. Mr. Mooreland moved that the application be granted subject to the approval of the Health Department. Mr. Piggott seconded. It carried.

11. Falls Church Airpark Co., Inc., for permission to operate a restaurant on property located on the south side of Lee Boulevard, opposite Jefferson Village apartments. Falls Church District. Mr. Harry Smith appeared for the Company. The airport had been used as such for some time but in the application for variance no mention was ever made of a restaurant. A small bar selling soft drinks had been operated for some time without a permit. Mr. Smith asked for the right to put in a snack bar - in the old farm house now on the property - 470 feet from the Highway right-of-way. Mr. Schumann stated that the sign now on the premises was in violation - being billboard proportions. Mr. smith said that would be taken down, he did not know it was violating the Ordinance. The following motion was suggested by Mr. Schumann: "That the application be granted to the applicant only - to use the building being presently used as such, for the length of time that the airport continues in operation, on condition that all signs on the property which violate the requirements of the Zoning Ordinance be removed from the site within 10 days from this date." This was made as a motion by Mr. Dawson, seconded by Mr. Piggott and carried.

12. Louis J. and Anna Carusillo, for permission to erect multiple housing on property located on the northwest side of Route 7, adjacent to the Washington Forest tract, about 1-1/2 miles south of Baileys X Roads. Falls Church District. The application was deferred on request of the applicant.

13. Virginia Electric and Power Company, for permission to erect an electric substation on property located on the north side of Lee Highway approximately 1800 feet east of Route 705 on J. V. Turner's property, Falls Church District. This application was submitted in lieu of the one which was deferred two meetings ago - at which time the Board suggested that the Company try to get a location which

would not be objectionable to the community. Mr. Anderson, representing the Company, said they had a new site which he believed was satisfactory. The old application was withdrawn and this application substituted. This new location is in the Igloo Village. Mr. Piggott moved that the application be granted. Mr. Mooreland seconded. Carried.

14. W. S. Poole, for permission to operate a gravel pit temporarily on property located approximately 1 mile south of Bailey's X Roads at the end of a 30 foot outlet road east of Route 716 (Seminary Road) Falls Church District. Mr. Poole said he would dig in such a way as to make a slight slope in the ground therefore giving a reasonable drain, toward the road.

Mr. Andrew Clarke represented opposition. Mr. Clarke said there were many homes near this gravel pit and he and his clients believed that there would be a distinct loss of property value, that it would be changing the character of a purely residential location, it would create a hazardous condition for children in the neighborhood, it would be unsightly, be a hazard to traffic, and that it might deplete the well water supply in the community since the wells are many of them shallow, if this gravel pit is allowed to continue. Mr. Clarke presented a petition opposing the use, which is made a part of this record.

Mr. Poole said he did not think it possible to drain the wells with his gravel pit- the depth he would go - that he would push the dirt back and leave the ground in a reasonable adequate condition- that none of the petitioners were near him or would be in any way affected except Mrs. Dove who might be injured and that there was already a gravel pit in the neighborhood which had been operated to take gravel for the airport.

There was a delegation from the community who spoke against the gravel pit: Mrs. Armstrong, Mrs. Dove, and others. Mr. Dawson said a gravel pit in the neighborhood was to his mind an unfortunate thing - he moved that the application be denied. Mr. Piggott seconded. It carried.

15. Cleetes H. Aylestock, for permission to locate temporary machinery shed on the rear line of property on the northeast side of Route 7, approximately 1000 feet north of the intersection of Route 7 and Route 123, Providence District. This is a rural business district joining a residential district. The setback requirements are 15 feet. The applicant said that if he observed the required setback it would make his machinery difficult to handle and not easily maneuverable. He therefore wanted to put his shed to cover his

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machinery 5 feet from the line. There were no objections. Mr. Mooreland moved that the permit be granted for one year. Mr. Piggott seconded. It carried.

Dr. Harwood returned with his plat remodeled to show a lot 100 x 100 to go with the second house on his lot. Mr. Schumann suggested that the Health Department requirements were for 15,000 sq. feet for a septic tank and well. Since Dr. Harwood was dedicating only 10,000 sq. feet to the lot he was asked to set aside at least 12,000 square feet. He did not wish to do this. The motion was suggested by Mr. Sdhumann - made by Mr. Mooreland that Dr. Harwood present a plat of his entire ground showing the lot dedicated - to the Planning Commission, the plat to be recorded. It was seconded by Mr. Dawson and carried.

The case of George Makley for permission to erect a second dwelling on his ground on the east side of Route 645 - 1/4 mile north of Lee Highway and which had been denied at the last meeting because no one was present was brought up again by Mr. Brookfield. It was voted that the case be reppened. Miss Smith explained the case. It was moved by Mr. Mooreland and seconded by Mr. Piggott that the application be granted for one year. Carried.

Mr. Brookfield suggested that the Supervisors be asked to fill the vacancy created by Mr. Mooreland having been employed by the County - this disqualifying him as a Board of Appeals member. Mr. Brookfield was suthorized by the Board to go before the Supervisors and ask them to appoint another member from the Dranesville Area.

It was voted to adjourn. John W Brookfield, Jr.

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August 4, 1949

A Special Meeting of the Fairfax County Board of Zoning Appeals was held Thursday, August 4, 1949, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs S. Cooper Dawson, Chairman, J. W. Brookfield, and T. I. Piggott. Wm. Mooreland and Mr. Elgin were not present.

Wm. E. Scheid, for permission to have an 11 foot sideyard setback instead of 15 feet, as required by the Zoning Ordinance, on Lot 6, and part of Lot 5, Noland Subdivision, Providence District.

Mr. Lyton Gibson appeared before the Board for the applicant. His statement was as follows:

In order to build a wide house the applicant acquired an extra 20 feet (part of Lot 5) from his father to allow proper side setback. He got a temporary permit from the Zoning Administrator for construction. The contractor located the house 11 feet from the sideline instead of the required 15 feet. No inspection was ever made of the location. The applicant did not know his house was improperly located until he tried to put a loan on the property, and the loan company would not place the loan without clearance from the Board of Zoning Appeals. A letter from Arthur and Blanche Scheid, joining property owners, stating that they had no objection to the 11 foot setback was presented.

Mr. Brookfield moved that since the contractor had made the mistake and the joining property owner did not object - the application for an 11 foot variance be granted. Mr. Piggott seconded the motion. It carried.

The Board members read minutes of back meetings.

Mr. Brookfield moved- Mr. Piggott seconded that the meeting adjourn. Carried.

S. Cooper Dawson
Chairman

* * *

August 16, 1949

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, August 16, 1949, in the Courthouse of Fairfax County, at 10 a.m. with the following members present: Messrs: S. Cooper Dawson, J. W.Brookfield, T. I. Piggott, and Wm. Mooreland. Mr. Elgin was not present.

Deferred Cases:

The case of Morris Saunders was dropped as no one was present to support the application. This had been deferred twice before.

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Mr. Gasson, attorney for the Carusillo case, asked for deferment until the September 20th meeting. The motion continuing was made by Mr. Brookfield and seconded by Mr. Mooreland. Carried.

NEW CASES:

1. Bucknell Syndicate, for permission to erect semi-detached dwellings on 145 acres located on the east side of Route 630 at its intersection with Route 631, Mt. Vernon District. Mr. George Ford represented the applicant. The Chairman asked if there were objections to this use. There were none. It was brought out that a 600 foot buffer strip (suggested by Mr. Shaeffer) would be desirable. Mr. Ford said that the tract actually had a 300 foot buffer strip now and that there was actually 300 feet more which was undeveloped - making actually 600 ft. But that they did not want the delay in resubmitting the application showing this. A road is dedicated straight to U.S.1 to take care of increased traffic. A school site was discussed. Mr. Ford said the Syndicate naturally wanted sufficient schools which would be a selling point, but he did not want to be tied down to an exact piece of ground for school purposes, that a school should be located where the need was evident. Mr. Brookfield made a motion that Bucknell Syndicate be granted permission to erect semi-detached houses on the 145 acres described above and that a school site be ~~dedicated~~ set aside on the south side of Beacon Hill Road and the west side of Quander Road. Mr. Mooreland seconded the motion. The Chairman added to the motion and it was agreed by both parties making the motion that the buffer strip be observed as was shown on the map presented by Mr. Ford. The motion carried.

2. Fairfax Hydraulics, Inc. for permission to install a well and well house on Lots 152-A and 152-B, Block G, Section 3, Huntington Subdivision, Fairfax Terrace, Mt. Vernon District. There was no objection to this installation. Mr. Ford said that this was merely put in as a correction on a former application-which was granted. The permit was previously requested on the wrong lot. Mr. Mooreland moved that the application be granted. Mr.Piggott seconded. Carried. (Mr. Brookfield took the Chairmanship for this case. Mr. Dawson did not vote.

3. Huntington Development Corporation, for permission to install a sewage pumping station on Lots 153-A and 153-B, Block C, Section 3, Huntintington Subdivision, Fairfax Terrace, Mt. Vernon District. Mr. Brookfield was still presiding. There were no objections to this installation. This had been approved by the Sanitary Engineer, Mr. Ford said. Mr. Mooreland moved that the application be granted. Mr.

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Piggott seconded. It carried. Mr. Dawson did not vote.

4. (Mr. Dawson presiding again) J. Robert Brown, for permission to locate gasoline pump island 41 feet from right-of-way line of Route 652, on approximately 1 acre on the northeast corner of the intersection of Route 652 and 645 at Burke, Lee District. Mr. Brown showed his plans. The building is set back as it should and there is plenty of sight clearance. Mr. Brown was interested in keeping the trees located in the yard. Mr. moved that the application be granted. Mr. Mooreland seconded. Carried.

5. Sidney L. Parker, for permission to operate a filling station on .575 of an acre located on Lee Highway, approximately 2 miles east of Centerville, Centerville District. The Chairman asked if there were objections. There were none. This was a nonconforming business which had abandoned the use for a period longer than six months. Mr. Parker said he either wanted to move his building or build a new building back 65 feet from the street right-of-way and locate his pumps 50 feet from the street right-of-way. Mr. Brookfield moved that this be granted. Mr. Piggott seconded the motion. It carried.

6. E. Stanley Edwards, for permission to erect a detached garage on Lot 28, Brilyn Parkm 706 Meridian Street, to come 2 feet from the side property line, Providence District. There were no objections. Mr. Mooreland moved that the application be granted. Mr. Piggott seconded. It carried.

7. John Dyrkacz, for permission to enclose front porch (6 x 8) on Lot 361 and 362, Block Eye, Memorial Heights, 206 East Richmond Street, Groveton, Mt. Vernon District. Mr. Dyrkacz said he would make his main entrance down the side which would be less objectionable than down the front. There were no objections to this variance. Mr. Brookfield moved and Mr. Piggott seconded that the application be granted. Carried.

8. H. A. Starnes, for permission to locate a chicken house 7-1/2 feet from rear property line instead of 10 feet as required by the Ordinance, on 6 acres located on the west side of Jermantown Road, 300 yards from the intersection of Route 50 and Jermantown Road, Providence District. Mr. Starnes said he had already started a 10 x 20 foot chickenhouse of cinderblock. He had come to the Board pleading ignorance of the requirement to set an accessory building 10 feet from the property line and the necessity to get a building permit. There were no objections. Mr. Brookfield moved that the application be granted on the foundation already built, in view of the circumstances. Mr. Piggott seconded. It carried.

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9. Alexandria Water Company, for permission to construct, operate, maintain, and use public water supply purification and pumping plant etc. on 40 acres located on the north side of the Occoquan, west of Occoquan Village and 20 acres on the west side of Ox Road, north of Occoquan Creek, Lee District. Mr. Richards represented the Company. He whowed the maps and explained the installation. There were no objections. Mr. Brookfield moved that the application be granted. Mr. Piggott seconded. It carried.

10. Sydnor Pump and Well Company, Inc., for permission to locate well for central water system on Lot 40 Wellington Estates, Mt. Vernon District. This case was deferred until the September 20th meeting at the request of the applicant.

11. Wilfred M. Eades, for permission to enclose a 9 foot porch on front of dwelling, having a 41 foot setback instead of footage required by the Ordinance, on Lot 11, W. A. Sherman's unrecorded subdivision, on the east side of Route 697, 400 yards south of 696, Providence District. There was no objection to this. Mr. Eades said he would bring his front entrance to the side of the porch rather than straight down the front. Mr. Brookfield moved that the application be granted. Mr. Piggott seconded. It carried.

12. Abraham Aljan, for permission to operate a restaurant in dwelling located on 27 acres about 1-1/2 miles west of Centerville on the north side of Route 211, near Fairfax Quarry, Centerville District. Mr. Aljan said his building was 200 feet back from the highway and he intended to have a good restaurant in his dwelling. There were no objections. Mr. Brookfield moved that the application be granted, to have a restaurant in the dwelling now on the premises. Mr. Piggott seconded. It carried.

13. Horace C. Crowther, for permission to add an enclosed brick porch with garage underneath to present house and to come within 10 feet of the side property line, on Lot 24, 2nd Addition to B. M. Smith's Subdivision, 215 Marshall Street, Groveton, Mt. Vernon District. Mr. Crowther said his entire garage and porch would be of fireproof construction. There were no objections. Mr. Brookfield moved and Mr. Piggott seconded that the application be granted. It carried.

14. James M. Monroe, for permission to operate a day nursery school on Lot 2, James G. Bennett Subdivision, in rear of Tremont Inn on the south side of Lee Highway - 2 miles west of Falls Church, Falls Church District. Mr. Monroe presented a petition signed by all the joining property owners stating that they had no objection to the establishment of a nursery school at this location. The house sets back according to regulations. Mr. Mooreland said that since there were no

objections he moved the application be granted. Mr. Piggott seconded. It carried.

15. Fred W. Peterson, Jr., for permission to construct a garage with less than the required setback on the north side of Lot 2, D.J.Smithers Subdivision, SW side of Seneca Road (602) about 200 feet north of 604 at Dranesville, Dranesville District. It was suggested that this was a big exception - extending the house to within such a short distance of the sideline. Mr. Peterson said there was a steep bank in the back which would make it difficult to put the garage in back of the house and detach it as suggested by Mr. Mooreland. The Chairman suggested that the garage be put 1 foot from the sideline and 15 feet from the house. This was not entirely satisfactory to the applicant. It was suggested that the application be deferred until next meeting and that the applicant draw new plot plans which could be granted by the Board without bringing the actual building so close to the sideline. (Either detaching the garage or setting it back further).

16. George L. Middleton, for permission to build a garage 3 feet from the property line on Lot 1, Dominion Heights Subdivision, Providence. There was no objection to this - therefore, Mr. Brookfield moved and Mr. Piggott seconded that the application be granted. It carried.

17. N. C. Murphy, for permission to erect an attached garage within 13 feet 9 1/2 inches of the sideline on Lot 52, Section I, Springvale Subdivision, Mt. Vernon District. Mr. Murphy said that the ground sloped so that he could not put a garage in back - it would be 20 feet below the house and too difficult to get into. He said the adjoining property owner had no objection to his coming so close to the line. Mr. Schumann suggested that the Board members view the property immediately after lunch and make their decision on the ground. This was satisfactory to the Board. Mr. Mooreland and Mr. Piggott said they could not go but would accept the decision of those who did go. The Board and Mr. Stockton and Mr. Schumann met on the property and denied the application.

18. J. T. and Sarah P. Wallace, for permission to erect a detached garage within 60 feet of the front line and 3 feet of the sideline on Lots 33 and 34, Courtland Park, Falls Church District. (616 Garden Street) If the Board granted this the garage would be 10 feet from the house. The Chairman suggested that the applicant move the garage back to be 15 feet from the house. This interferred with trees and shrubs already grown. Mr. Brookfield moved that the ap-

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plicant be granted the right to build the garage 12 feet from his house and 1 foot from the side line. Mr. Mooreland seconded. Carried.

19. Oakwood Community Club, for permission to erect and operate a community center on Lot 36, Section 2, Oakwood Subdivision, Mt. Vernon District. There were no objections to this use. Two were present favoring the Club. Mr. Brookfield said he knew the ground and thought it would be an asset to the neighborhood - that there was plenty of ground and it was well located and the building could be built within zoning restrictions. Mr. Brookfield moved that the application be granted. Mr. Mooreland seconded the motion. It carried.

20. Blanche H. Nichols, for permission to construct a dwelling 30 feet from Route 7, instead of 50 feet as required by the Ordinance, on .5164 of an acre, located on Route 7 near Route 604, Dranesville District. Mr. Brookfield said he did not think a 30 foot setback from Route 7 was a good thing. Since the shape of the lot is difficult to build on he moved that the applicant be granted a 40 foot setback from Route 7 and let the rear of the dwelling fall wherever it naturally would. Mr. Mooreland seconded. It Carried.

21. Kielsgard Brothers, for permission to operate a public recreation park including swimming, boating, fishing, and picnic grounds on 8 acres - 1000 feet south of Lee Highway - 1-1/2 miles west of Kamp Washington, Providence District. There were no objections to this kind of installation. Mr. Kielsgard said they expected to start getting the grounds in shape this year and open for public grounds next year. Mr. Brookfield moved that the application be granted. Mr. Piggott seconded. It carried.

22. H. W. Chilcott, for permission to construct a stand for the purpose of selling produce raised on applicants farm - 1/2 acre on the west side of Chain Bridge Road - 1/3 mile from Vienna, Providence District. Mr. Chilcott said he had sold produce there for 20 years with just boxes and packing cases as a makeshift stand and now he wished to build a better place. Mr. Brookfield moved that the application be granted provided the applicant observed the 60 foot setbadk. Mr. Piggott seconded the motion. It carried.

23. Tauxemont Community Association, Inc., for permission to construct community house located behind Lots 14 and 16, Section I, Tauxemont Subdivision, Mt. Vernon District. Mr. Hussey appeared for the Association. There were no objections, the setbacks all complied with zoning requirements. Mr. Brookfield moved that the application be granted. Mr. Mooreland seconded the motion. It carried.

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24. National Memorial Park Cemetery Association, for permission to establish a cemetery and to landscape and beautify grounds on 33.995 acres, on the northeast of Lee Highway, near junction of Road 700 and Hollywood Road, Providence District. (Cemetery for Caucasian race). Mr. Hardie Chamblis represented the Association. He showed the location and presented pictures of the proposed development. He said that the majority of the lots in the Park had been sold and the Association wished to get this ground in shape with landscaping and roads in order to sell more lots when the demand arose. It was asked how many lots were still unsold. Mr. Chamblis stated that it was the tendency with new cemeteries not only not to be a drawback to a neighborhood but to increase its value. Mr. Schumann said the Planning Commission was not in a position to comment on this. He did state, however, that he did not think the further development of the cemetery would devaluate property in the locality or retard development. Mr. Brookfield said he did not like speculation in cenetery lots and was afraid this might result in this case. Mr. Chamblis said the rate of present sales made it obligatory that new ground be made ready for future need. He said the only decision the Board had to make was - would this use impair development for residence purposes. Since it was admitted by all that the present use had not retarded development there was no reason for denying the case. The Board could decide only under the Ordinance. Mr. Mooreland moved that the application be granted. Mr. Piggott seconded the motion. It carried.

25. G. E. Sanford, for permission to erect an attached garage within one foot of the side property line on Lot 18, Block B, Mt. Zephyr Subdivision, Mt. Vernon District. Mr. Sanford was called out of town and his neighbor Mr. Reddick represented him. Mr. Mooreland said the Board could not amend the Ordinance as Mr. Sanford was asking. He moved that the application be denied. Mr. Piggott seconded. It carried.

26. John E. Neal, for permission to erect a dwelling with less side setbacks (on both sides) than required, on Lot 3, Boulevard Acres, on George Washington Memorial Highway, Mt. Vernon District. (both setbacks will be 26 feet 6 inches). Mr. Jenkensen represented the applicant. He said that he had been mislead regarding the width of the lot. The lot was supposed to be 104 feet wide and Mr. Jenkensen had drawn the plans accordingly with the 23' 6" side setbacks. But the measurement was made on the curve and at the building line it was actually only [illegible] feet wide. He therefore asked for a larger setback in order to get planned house on the lot (requested 9 feet 5 inches setbacks). Mr. Mooreland said there was no call for the Board to grant this - no real justification. Mr. Jenkensen moved letters showing that

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the neighbors did not object. Mr. Brookfield moved that the applicant be granted the 23 feet 6 inches side setbacks as he had requested and that he redraw his plans accordingly. Mr. Mooreland seconded. Carried.

27. Housing Inc., for permission to erect a well house and tank on part of Lot 8, Wiley Subdivision, Mt. Vernon District. Mr. Sedwick represented the Corporation. The pump house would be 6 x 6 x 8. There was no opposition. Mr. Brookfield moved and Mr. Piggott seconded that this be granted provided the applicant put the pumphouse 50 feet from the side and rear lines. It carried.

Mr. Brookfield moved that the Board adjourn. Mr. Piggott seconded. It carried.

S. Cooper Dawson

S. Cooper Dawson, Chairman

* * *

September 6, 1949

A Special meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, September 6, 1949, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: S. Cooper Dawson, Chairman, T. I. Piggott, W. S. Elgin, and Verlin Smith. J. W. Brookfield was absent.

Fairfax Hydraulics, for permission to install hydro-pneumatic storage and pumping station on property located in the rear of Franklin Street near Fairview Subdivision and Beacon Field Airport, Mt. Vernon District.

Mr. S. Cooper Dawson, Chairman, disqualified himself both to act as Chairman and for voting as he is an officer in Fairfax Hydraulics, Inc.

Mr. Wm. F. Raugust asked how many Board members were present to act on the case. There were three present.

Mr. Andrew Clarke presented the case for Fairfax Hydraulics. He stated that a 300,000 gallon storage tank had been previously granted on this same lot but that a pumping station was needed for a more complete distribution to the higher areas. He showed pictures of the installation as it will look when completed and stated that the pumping station will be almost entirely hidden by shrubbery. The station will observe the required setbacks.

Mr. Massey said that a lot 100 x 100 feet had been purchased for the location of the tank and pumping station. The pumping station would be 8 feet high by 12 x 16 feet. The purpose of this installation is to produce adequate pressure to furnish the area which cannot be reached by gravity flow. One pump would be installed at this time and larger pumps would be put in as the need grew. These pumps are noiseless.

Mr. Wm. F. Raugust represented the opposition - Groveton and Fairview areas. He stated that since the request for the 300,000 gallon tank had been appealed and was now pending in the circuit Court, he would ask the Board to defer action on the decision of the pumping station until the Court has ruled on the installation of the original tank.

Mr. Clarke said that the original case had been heard both by the Board of Appeals and the Board of Supervisors and had been approved, that he had looked into the record of cases of this kind and was confident that the decision of the two Boards would be upheld by the Court. He asked the Board not to defer the present application.

Mr. Raugust said the only objection his clients had was with the proposed location of the installation, that many 40 and $45,000 homes were near and such use of this property would be a definite detriment to his clients homes, that this was a point of law which could be settled only by the Court. He requested a continuance.

Mr. Elgin moved that it be granted. Mr. Smith seconded. It carried.
Mr. Raugust asked what theBoard was voting on - his request for deferrment or the application itself.
Mr. Clarke asked permission to restate the motion: "That Fairfax Hydraulics, Inc. be granted permission to install a hydro-pneumatic storage and pumping station to serve Franklin Street, Beacon Field Airport, and property lying east of Highway No. 1 on Beacon Hill Road on the location where there is now located a 300,000 GAL. storage tank and if the Circuit Court determines that it shall be removed, then both the storage and pumping station will have to be torn down."

Mr. Raugust stated that it was in his opinion highly irregular that counsel for this case should make the motion. Mr. Clarke said he was only clarifying the motion - which he thought only fair to himself and to the interested parties.
Mr. Raugust stated that since the Board had not acted on his suggestion to defer the case he had not had a chance to present his case.

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He noted that an appeal would be made.

Mr. Clarke asked that the case of Mr. George Ford for permission to erect multiple housing on 110 acres on Fort Hunt Road 1 mile south of U. S. #1 be deferred until the next regular meeting. Mr. Elgin moved to defer this case, Mr. Smith seconded. It carried.

It was voted to adjourn.

Thos. J. Piggott.
~~S. Cooper Dawson~~, Chairman

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September 20, 1949

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, September 20, 1949, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs: Dawson, Brookfield, Piggott, Smith, with Mr. Elgin absent.

The case of Fred W. Peterson, for permission to build a garage with less setback than required on Lot 2, D. J. Smithers Subdivision, Dranesville District, was put at the bottom of the list as no one was present to present the case.

The Chairman read a letter from Mr. Carusillo's attorneys- withdrawing the case of Louis and Anna Carusillo for multiple housing on ground located on Route 7 - 1-1/2 miles south of Bailey's X Roads, Falls Church District.

Sydnor Pump and Well Company, for permission to locate a well for central water system on the north side of Wellington Road west of Mt. Vernon Highway, east of Fort Hunt Road, and

1. Sydnor Pump and Well Company, for permission to erect a pump house within 2-1/2 feet of the division line between Lots 39 and 40, Wellington Estates, north of Wellington Road, west of Mt. Vernon Highway, east of Ft. Hunt Road, Mt. Vernon District. These cases were handled together as they involved the same installation.

Mr. Sydnor Jr. represented the Company. He stated that this installation was necessary for the development of the Subdivision and that it was necessary that the well and pump house be placed within the subdivision, that the Health Department had approved the location of the well and had required a radius of 50 feet in which there could be no contaminating facilities. If the well were placed 2-1/2 feet from the

dividing line, it would give sufficient room on Lots 39 and 40 for the 50 foot non-contaminating radius. Mr. Brookfield moved that the company be granted the right to locate the well for central water on Lot 40 - 2-1/2 feet from the line of Lot 39 but treating lot 39 as part of Lot 40. Mr. Piggott seconded. Mr. Brookfield made the statement that the Board was handling the two cases as one with the understanding that the two lots (39 and 40) are regarded as one in order to protect the Zoning Ordinance. In the discussion there was no objection to the location of the well 2-1/2 feet from the line but the Board did not like the idea of the pump house not being located according to the Zoning Ordinance. Since the Board was against granting setbacks, Mr. Sydner asked there would be any objection to a completely underground installation. The Board thought not. The motion as stated was rescinded and Mr. Brookfield made the following motion: That a well and pumphouse, underground, no part of which shall appear above the ground may be installed 2-1/2 feet of the line of Lot 39 - to be built on Lot 40, 30 feet from the front property line of Lot 40. Mr. Piggott seconded. Carried. Mr. Sydnor asked the right to either build all installation underground 2-1/2 feet from the side line or to put the well down and locate the pumphouse and storage tank within the building restrictions. This was the final motion made by Mr. Brookfield and seconded by Mr. Piggott: That the pumphouse and storage tank, if constructed underground should be 2-1/2 feet from the line of Lot 39 and 30 feet back from the front property line, or if the pumphouse and tank are constructed above ground they should be 50 feet back from the front line and 10 feet from all property lines. It carried. Mr. Smith voted No.

2. Robert Linder, for permission to have three dwellings on 150 x 200 feet in Suburban Residence District, with less area and less frontage than required by the Ordinance, on Lot 648-A about 2/10 mile east of Prosperity Avenue on Lee Boulevard, Falls Church District. Mr. and Mrs. Linder appeared. They originally got a permit for a little house for a dwelling - then he got a permit for a garage which later became a dwelling. They then built a house in front and rented the garage and smaller dwelling - both as dwellings. Mr. McCreary represented opposition both for individuals and for himself. As a property owner near the Linders he objected to crowding dwellings on small lots in violation of health and zoning ordinances, and depreciating property in the area. Mr. Stockton suggested that the property might be cut into two lots making sufficient area for two dwellings only and that the Linders might discuss this with the

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Planning Commission. Mr. Brookfield said there was nothing the Board of Appeals could do. He moved that the application be denied. Mr. Piggott seconded. Mrs. Linder asked how long they would have to vacate the smaller dwellings. Mr. Brookfield suggested 60 days. All agreed. The motion was carried.

3. John P. Porter, for permission to construct attached garage to dwelling and to come 22 feet from side property line on Lot 25, Hallowing Point Estates, at the end of Gunston Hall Road, where it meets the river, Mt. Vernon District. Mr. Porter said he could not detach the garage from the house because of a steep terrace and it would not be practical. Mr. Brookfield moved that because of topographic reasons the application be granted. Mr. Piggott seconded. It carried.

4. James F. McFarland, for permission to construct addition to non-conforming building to come 3 feet from rear property line on Lots 9, 10,11,12,13, Maple Terrace, Providence District. The garage is already non-conforming, since it is located 3 feet from the property line. There were no objections to the addition. Mr. Brookfield moved that the application be granted. Mr. Piggott seconded. It carried.

5. Archie R. Fowler, for permission to erect detached garage within 2-1/2 feet of the side property line on Lot 54, Section 2, Tyler Park, Falls Church District. Mr. Fowler said there were lovely trees in the way of placing his garage in accordance with zoning requirements, and also that he would build the garage of cinderblock. Mr. Brookfield moved that the application be granted since there were no objections and it would be a hardship for Mr. Fowler to build the garage further from the line. Mr. Piggott seconded. It carried. Mr. Smith voted No.

6. Elmer E. Goyea, for permission to construct detached garage 2 feet from side property line on Lot 62, Section 2, City Park Homes, Falls Church District. Mr. Smith asked Mr. Stockton to give his opinion on this case - why the application had to come before the Board when it was obviously a violation of the Zoning Ordinance. Mr. Stockton said the Ordinance needs revising as far as garage setbacks is concerned and that it was not practical to require the 10 ft. setback always. He suggested that 4 feet of non-fireproof material and 2 feet of fireproof material, as being a sensible compromise. Mr. Goyea said he did not want to cut down trees and that placing thegarage 10 feet from the sideline would make a curve into his garage. Mr. Smith thought 2 feet would be a fire hazard. Mr. Brookfield moved that the application be granted. Mr. Piggott seconded. It carried. Mr. Smith voted No.

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7. Salvatore S. Fratoni, for permission to locate detached garage 2 feet from side line on Lot 21, Section I, Tyler Park, Falls Church District. There was no objection to this application. Since granting these garage setbacks has been done continually by the Board because of the impracticability of the Ordinance, Mr. Brookfield moved that the application be granted. Mr. Piggott seconded. It carried.

8. Chelsa L. Henson, for permission to come within 23 feet 4 inches of both side lines on Lots 125 and 126, Fairhill-on-the-Boulevard, Falls Church District. Mr. Stockton said these were lots of record-small and incompatable with present day building trends - therefore this variance was asked. There was no opposition. Since the lots were of record Mr. Brookfield moved the application be granted. Mr. Piggott seconded. It Carried.

9. Stacy M. Kauffman, for permission to build a detached garage with 3 feet side yard setback on northerly one half of Lot 361 and southerly one half of Lot 360, Block 100, Mason Terrace, Falls Church District This is a small lot with little room for a back yard. The applicant will use fireproof material. Mr. Brookfield moved the application be granted. Mr. Piggott seconded. It carried.

10. Wm. J. Woodson, for permission to come 45 feet from front line instead of 60 feet as required on ground located on east side of Route 653, approximately 300 feet from its intersection with Route 654, Le District. Mr. Woodson said the house was already built. He started ~~building in a hurry as he had to move with little notice.~~ No one was sure of the lines on this ground as there was no survey. Therefore, the house was incorrectly located. Mr. Woodson said he could not move the house back without distroying it entirely. Mr. Brookfield moved that the house be allowed to remain where it was until the road in front of it became so heavily traveled that it would require the proper setback and also because of topographic reasons. Mr. Smith seconded. Carried.

11. H. H. Henderson, for permission to operate a filling station and garage on Georgetown Pike, approximately 3/4 of a mile west of Forrestville school, on the left side of the road going toward Leesburg, Dranesville District. Mr. Henderson explained his plats. The Chairman asked for objections. Mr. Mooreland said he objected on the grounds that this would be spot zoning. It was brought out that there is business 1 mile east and 1-7/8 miles west, that this is a primary road with a great deal of traffic, the property is on a hill and might create a traffic hazard. Mr. Miller who owns 50 acres across from this property said he could not zone for business for these reasons and felt that planning should be consistent, it would detract

from the neighborhood to have spots of business. The applicant said he felt that there was a real need for this station. Mr. Smith moved to deny the application on the grounds that business should be grouped in order not to mar development. Mr. Brookfield seconded. It carried.

12. Franz N. D. Kurie, for permission to come 3 feet from the side line and 8-1/2 feet from the rear line with a detached garage on Lot 193 and part of Lot 192, Wellington Estates, on Fort Hunt Road, Mt.Vernon District. There were no objections. Mrs. Kurie said the garage would be made of fireproof material. Mr. Brookfield moved the application be granted. Mr. Piggott seconded. It carried.

13. Thomas W. Hutchinson, for permission to have two lots each with required area, 1/2 acre, but with less than the required frontage on one acre located on Hooes Road, approximately 1 mile south of the intersection with Route 617 - 1000 feet north of Accotink Creek, Mt. Vernon District. Mr. Stockton said the Planning Commission had discussed this case. It is possible to divide the lot cross wise allowing one lot in front and granting an easement to the rear lot - in this way giving the proper amount of frontage for both lots, but that the Commission thought that was bad planning and did not recommend it. There were no objections to granting the application. Mr. Brookfield moved that since this was apparently the only way to allow the applicant to divide his ground - for topographic reasons - the application be granted. Mr. Piggott seconded. It carried. Mr. Smith voted No.

14. Ernest F. Campbell, for permission to operate a filling station and sell accessories on Lot 4, First Addition to Leewood, at the intersection of Route 620 and 617, northwest corner, Falls ChurchDistrict. Mr. Campbell presented his case in the absence of his attorney, Mr. Clark. It was brought out that this was not far from an adequate business section at Annandale. Mr. Mullady presented a petition with 62 signatures opposing this application. He showed on the plat that the signers were owners of property very near the land of Mr. Campbell. The grounds for opposing were as follows: This is a good residential area. Residents want country life and not cluttered up with business. There is no need for business here. It would create a traffic hazard. Approximately 15 were present opposing. Mr. Campbell asked a continuance of the case in view of the fact that his attorney was not there. The Chairman said they could not continue in view of the strong opposition. Mr. Campbell said he would build a good looking place and he desired to be of service to the neighborhood, he wanted a place for his son and nephew to work. Mr. Mullady asked to present a resolution to rezone the property across the street from Mr. Campbell from Rural

Business back to Rural Residence since it had never been used. Mr. Stockton said that would have to go to the Board of Supervisors, the Board of Zoning Appeals had no authority to act in a rezoning. Mr. Smith moved that in view of Paragraph F, subsection c of the Zoning Ordinance, under powers of the Board of Zoning Appeals, that the application be denied. (Filling stations should be in compact groups in order not to create traffic hazards or impair residential development) Mr. Piggott seconded. It carried.

15. D and R Corporation, for permission to erect a 10 x 10 foot pump house on ground between Lot 34 and 35, Hollin Hills, Section I and 2 and to install a complete sewerage disposal plant on Parcel A, on Fort Hunt Road, Hollin Hills, Section I, approximately 1220 feet from Route 626, Mt.Vernon District. Mr. Davenport represented the Corporation. He said this was a necessary installation and was a distinct public service. They had plenty of area, this had been planned for in the development of the subdivision- all setbacks could be observed. The sewerage disposal plant would be built within the ground and 100 feet back. It would be shielded by a screen. There was no opposition. Mr. Brookfield moved and Mr. Smith seconded that the application be granted. It carried.

The case of George A. Ford, for permission to erect multiple housing on approximately 110 acres on two parcels of land on the west side of Fort Hunt Road, approximately 1 mile south of U.S.#1, Mt. Vernon District. Mr. Andrew Clarke represented Mr. Ford. He asked that Mr. Ballard representing the opposition to this case be heard first. Mr. Ballard asked that the case be put over since the opposition had been misinformed that this hearing was not to come up until October 18 and they had not had time to prepare a case. This case was put over at the last meeting at the request of Mr. Clarke because the Belle Haven opposition was not adequately represented. He thought if it was put over it should be at a special meeting. Mr. Ballard said that was satisfactory- the Belle Haven Citizens Association was willing to pay the fee. October 3rd was named as a tentative date for the special meeting. Mr. Brookfield moved that arrangements be made for a date satisfactory to both Mr. Ballard and Mr. Clarke. Mr.Smith seconded. Carried.

Mr. Brookfield moved that the case of Mr. Peterson be deferred until the special meeting - since he had not appeared to support his case today. Mr. Smith seconded. Carried.

It was voted to adjourn. (Mr. Brookfield and Smith)

* * *

S. Cooper Dawson

S.Cooper Dawson, Chairman

September 27, 1949

A Special Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, September 27, 1949, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Mrssrs: Dawson, Brookfield, Piggott, Smith. Mr. Elgin was not present.

Mr. S. Cooper Dawson requested Mr. H. W. Brookfield to take the Chair as he did not wish to preside.

1. Virginia Concrete Company, for permission to construct sand and gravel bin (containing 3 compartments) and to come less than 100 feet from joining residential property on property located on Gordon's Road, 150.37 feet from its intersection with Shreve Road- running back to Washington-Old Dominion Railroad, Falls Church District. No one was present to analyze the case. Mr. Piggott moved that this application be placed at the bottom of the list. Mr. Dawson seconded. Carried.

2. Lawrence L. Moise, for permission to come within one foot of the side property line with detached garage on Lot 185, Section 4, Tyler Park, Falls Church District. Mr. Moise said the ground from his house back had been made swampy and impractical for building a garage because of grading done by the Tyler Corporation. It was steep and would make it very hard to get into in winter. By putting the garage one foot of the side line it would clear the steep slope. Mr.Stockton said he had seen the lot and thought that topographically Mr. Moise was locating the garage in the most practical place. There were no objections. Mr. Dawson moved the application be granted. Mr. Piggott seconded, carried.

3. Falls Church Police Department and Fairfax County Police Department, for permission to have a pistol and shooting range on one acre, more or less, located in Falls Church District, the property of E.M.Chiles, on the east bank of Holmes Run, approximately 1350 feet south of Lee Highway, Falls Church District. Captain Howe, Chief of Police in Falls Church appeared before the Board. He showed the Board the contract with the Police Department and E. M. Chiles, Sr. which restricted the construction - no permanent structure on the land, to vacate on five days notice, and that the owner will not be liable in any case. The location is good for both counties, and the National Rifle Association will arrange and lay out the plat if the use is granted. This will assure safety and proper planning of the range. Mr. Smith said he was unable to find the posted notices. Mr. Stockton said to be entirely sure of proper posting he had asked the police to do it-which they did. Mr. Dawson moved that this use be granted permitting the use of a pistol range on the property described in the application, within the Chiles property, restricted by the Contract with Mr. Chiles-and

the range to be constructed under the rules of the National Rifle Association. (The terms of the Contract are made a part of these minutes) Mr. Piggott seconded. Carried.

Mr. Andrew Clarke was present to present the case of the Virginia Concrete Company. Lots 17, 18, and 19 are zoned Industrial and the entire installation will be on Lot 18. All property surrounding Lot 18 is zoned Industrial except Parcel B which is Residential. The Virginia Concrete Company owns this lot also - but is unable to set back 100 feet from the property line of Parcel B, therefore this application is requesting a variance on this setback. The installation will be more than 100 feet from all other property zoned residential. The gravel will be brought in on Gordon's Road, dumped into a bin which is set back 30 feet from the road, a conveyor belt will carry the gravel to the storage bins which will be located on Lot 18 immediately joining the railroad property. The cement will be brought in and both gravel and cement shipped out from the storage bins. This bin will necessarily be located 37.50 feet from the property line of Parcel B, which is residential property.
Mr. Himrod who owns Lot 26 and Mr. Steadman who owns Lot 2 both appeared with questions regarding the granting of this use. Neither was within the 100 foot restriction requiring 100 foot setback from all residential property, Mr. Clarke and Mr. Shepherd of Virginia Concrete Company explained the working of the entire installation. It was brought out that the installation itself was within zoning requirements the only objection one could make was on the setbacks. Mr. Himrod and Mr. Steadman both stated that the City of Falls Church was using Parcel A as storage of trucks and equipment. The Virginia Concrete Company had given the City of Falls Church the right to use Lot 17 for this purpose but Mr. Clarke said they did not have the same use on Parcel A. Mr. Clarke asked Mr. Shepherd to notify the City of Falls Church that they were to use Lot 17 only. There was considerable discussion of an old road through Lot 18 which was probably not properly abandoned. Mr. Shepherd said there was nothing in their deed to the lot to indicate a right of way for a road. It was discussed whether the front setback was sufficient. The road (Gordon's Road) right of way is 60 feet and the bin sets 30 feet from the front property line- thus making 90 feet from the lots across Gordon's Road. Mr. Clarke questioned whether or not the Ordinance took into consideration a road. Mr. Dawson stated that since the Virginia Concrete Company owns Parcel B (residential property) and this is the nearest residential property, the only one having bearing on this

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case, he would move that the application be granted. Mr. Smith seconded the motion. It carried.

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John W Brookfield. V6

S.Cooper Dawson, Cahirman

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October 7, 1949

A Special Meeting of the Fairfax County Board of Zoning Appeals was held Friday, October 7, 1949, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Dawson, Chairman, Brookfield, Smith, Piggott, and Elgin, and Mr. Stockton from the PlanningCommission.

Fred W. Peterson, Jr. for permission to build a garage with less setback than required by the Ordinance - garage located on the north side, Lot 2, southwest side of Seneca Road (602) about 200 feet north of Route 604, Dranesville District. Mr. Peterson was not present. Mr. Piggott moved and Mr. Brookfield seconded the motion that this case be put at the end of the list. Carried. (This case was deferred twice previously)

George A. Ford, for permission to erect multiple housing on approximately 110 acres located in two parcels on the west side of Fort Hunt Road, approximately 1 mile south of U.S. #1, Mt. Vernon District. Mr. Andrew W. Clarke represented Mr. Ford. Mr. Stockton read the report of the Planning Commission recommending granting the application on three conditions, minimum buffer strip of 500 feet next to Belle Haven, that the buildings conform with design submitted, and dedicated school sites. A telegram from New Alexandria Citizens Association was read - opposing the application because of lack of schools, devaluation of property, and traffic hazard.

Mr. Clarke gave a brief outline of the background of the entire Bucknell tract. Ground has been idle and unproductive. Syndicate formed (Banks, Gosnell, Somerville, Howard, Hessick, Shelton, Ford, and Cassidy) who will purchase ground for development. They presented Master Plan to PlanningCommission who after considerable study gave tentative approval - plan to include single family dwellings, multiple housing, schools, shopping facilities, recreational areas, community center.

Mr. Clarke showed area and neighborhood on plan and aerial map.

Mr. Ford: Stated that this development is planned by group of substantial men interested in progress of community. Plan desirable buildings of masonry construction and colonial design. It will be

built under strict supervision of FHA and will have permanent maintenance. Land has been studied for 3 years by planners and engineers and can only be developed sucessfully with multiple housing and with large recreational areas - the buildings will fit topography. This large undeveloped area has retarded the county development for 20 years. It can be beautiful and an asset if properly handled. Mr. Ford gave something of the background of the developers and noted their good reputation as promoters of large projects. They will install modern water and sewerage disposal plant, better transportation will result, better schools, and better roads. Multiple housing will be much more of an asset than cheap single family dwellings. This area is in the line of natural growth and it is natural to concentrate living units. Multiple housing is the most practical means of taking care of increased family needs.

Mr. J. W. Wyatt: Mr. Wyatt read a petition (which is a part of these records) opposing the use requested, with 368 names. He suggested that the ridge running through the Bucknell tract would lend itself to a development much like Belle Haven and stated that it would be much more satisfactory if the developers carried out this type of housing rather than multiple housing. As shown by the petition Mr. Wyatt stated no one in the community (except one or two) wanted this use. The promoters only are in favor of it- he stated that they are putting up no money because of practically 100 % financing. Mr. Wyatt read a letter he had written to FHA and their answers to questions he had asked. The letter stated that survey showed that there is no more need for multiple housing in this locality at this time, except for colored. This area is zoned Suburban Residence and the community desires to keep it so. Multiple housing will destroy the rural aspect. The neighborhood of Belle Haven developed on the theory of protection from crowded dwellings. Mr. Wyatt asked consideration for the wishes of the community. Fort Hunt Road, the principal outlet to U.S.#1, cannot take the extra traffic. Values would be devaluated.

Mr. Caton: Mr. Caton stated that Bucknell University, the actual owner of the ground, was not making the application - it was a syndicate purchasing on contract contangent upon this use being granted and that Bucknell was simply selling to the highest bidder. Land is topographically suitable to high class dwellings like Belle Haven. He showed the increase of taxes over a period of 20 years. If additional schools were built it would greatly increase taxes.

The following people went on record as opposing the application:

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Mrs. Newell, Mr. Lamont, Merle Thorpe, and Warren Granger.

Mr. Delaney stated that this was not a proper zone for multiple housing- it should be located in districts set aside for this purpose.

Gibson Douglas, Frank Craton, Mr. Donovan and Mr. Leamy opposed.

The Chairman asked the opposition to stand. Approximately 130 stood.

None stood in favor.

Mr. Clarke asked permission to correct some statements. He refuted the statement that the sundicate was purchasing contingent upon this use being granted. He stated that the syndicate was interested in future good development of the community, otherwise they would not risk depreciation of their investment. He suggested that if the ground were developed with the same restrictions as Belle Haven it would result in cheap housing with present costs, that low cost housing would depreciate values infinitely more than good, well planned, well designed multiple housing, that more taxes would be derived from multiple housing, that the developers would not put in inferior construction as they had no wish to depreciate their own investment with poor construction.

Mr. Peary said he would rather see small homes well designed than the present plan. Mr. Brookfield asked if this discussion and evidence brought out had changed anyone's opinion. It had not.

Mr. Smith moved that the application of George Ford be refused on the grounds that it affects adversely the use of neighboring property and because (Chap. 427, Acts of 1936 and April 1, 1938 - Chap. 415, Acts of 1938) it does not promote the general welfare of the community, in accordance with the aims of the Zoning Ordinance. Mr. Brookfield seconded the motion. It carried unanimously.

Mr. Peterson was not in the room. Mr. Brookfield moved and Mr. Smith seconded the motion, that this application be denied and dropped from the records. Carried.. Adjourned.

S. Cooper Dawson

S. Cooper Dawson, Chairman

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October 18, 1949

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, October 18, 1949, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Dawson, Chairman, Brookfield, Piggott, and Elgin. Mr. Smith was not present. Mr. White represented the Zoning Administrator.

Mr. Brookfield acted as Chairman at the request of Mr. Dawson.

1. Willston Apartments, Section "F", Inc. for permission to erect multiple dwelling F-1 at a setback of 30 feet from northeast property line instead of 50 feet as required - property located at Lee Blvd. and Patrick Henry Drive, Block F, Willston Subdivision, Falls Church District.

2. Willston Apartments, Section "G", Inc. for permission to erect multiple dwellings G-6 and G-8 at setback from northwest property line of 42 feet instead of 50 feet as required, property located on Patrick Henry Drive, Block G, Willston Subdivision, Falls Church District.

3. Willston Apartments, Section "H", Inc. for permission to erect multiple dwelling H-3 at setback of 42 feet from southeast property line instead of 50 feet as required, property located on Warren St. and Patrick Henry Drive, Block H, Willston Subdivision, Falls Church District.

These three cases were handled together as they involved the same type of variance and are all in the same development. Mr. Pierre Ghent and Mr. Frank Lunter represented the Corporation. Mr. Ghent explained the reason for these requests - to keep the proper balance in their buildings and for a better approach. These setbacks are requested only on side lines, not in front. All front setbacks will meet the 50 feet as required. Since granting these setbacks would not depreciate any other property and would add to the general architectural setup all three applications were granted. Mr.Piggott made the motion on the first two with Mr. Elgin seconding - Mr. Elgin made the motion on the third application, Mr. Piggott seconded

4. Edna Griffith, for permission to operate temporary lunch stand on the corner of Leesburg Pike and Argyle Drive, 1/4 mile north of Bailey's Cross Roads, Culmore Apartment Project, Falls Church Dist. Mr. Wilson Campbell appeared for Mrs. Griffith, who had operated the same kind of lunch room for the benefit of the workers on this project, at another location. Her lunch room is movable and she wished to locate it now nearer the construction. Mr. Piggott moved

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that the application be granted for a period of one year. Mr. Elgin seconded. Carried.

5. Lena S. Wyckoff, for permission to use part of an existing building for a post office on Route 660, Fairfax Station, ground being .75 of an acre, Centerville District. The P.O. building had been sold and the new owner does not wish the post office in the building. Mrs. Wyckoff is remodelling her house to take care of the post office. She has been granted permission from the P.O. Department to make the change. Mrs. Capon questioned the propriety of having a post office in a private home. There is nothing against this. Mr. Elgin moved that the application be granted. Mr. Piggott seconded. It carried.

6. A. R. Leudecke, for permission to come 3 feet from side property line with 7 x 12 foot addition to garage which is located 3 feet from the side line, Lot 17, Block B, 6035 Wooten Drive, Lee Blvd. Heights Subdivision, ProvidenceDistrict. Mrs. Leudecke explained her plats. The addition will be used for a tool shed. There were no objections and it was not shown that this addition would be a detriment to anyone. Motion to grant was made by Mr. Elgin, seconded by Mr. Piggott. Carried.

7. Prudence J. Thompson, for permission to erect detached garage within 2 feet of side line on Lot 7, Dominion Heights Subdivision, Providence. Mr. Thompson appeared to support his case. No obejctions. The garage will be frame with German siding and will be 200 feet from the neighboring house. Mr. Elgin moved the application be granted. Mr. Piggott seconded. Carried.

8. Raymond F. Bartelmess, for permission to come two feet from side property line with detached garage on Lots 56 and 57, Valley View Subdivision, 319 Hillcrest Drive, Mt. Vernon District. Mr. Bartelmess said if the garage were set back 10 feet from the line it would make a very bad curve to get into it and also that his septic field would be partly under the garage. It will be of masonry construction. No obejctions. Mr. Piggott moved to grant. Mr. Elgin seconded. Carried.

9. Lawrence J. Gray, for permission to construct dwelling 26 feet from side street instead of 40 feet as required by the Zoning Ordinance, Lot 29, Section I, Westhampton Subdivision, Greenwich Street, Providence District. Mr. Gray explained his case. His house is located 75 feet from Greenwich Street - the main travelled road. This would give greater visibility in the case of a less setback on Berkeley Street. Mr. Brookfield suggested that with this long setback he felt it was right to grant the 26 foot setback from Berkeley

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Street in order that the applicant be able to build on his lot, it would be a definite hardship ifhe observed all setbacks. Mr.Dawson moved that due to the width of the lot the applicant be allowed to locate his dwelling 26 feet from Berkeley Street and 75 feet from Greenwich Street - thus not creating a traffic hazard. Mr. Elgin seconded. Carried.

10. L. C. Elgin, for permission to locate detached garage 70 feet from Kathmoor Drive, on Lot 8, Kathmoore Subdivision, Highham Drive and Kathmoor Drive, Mt. Vernon District. There was no opposition. Mr. Elgin has a group of apple trees he wants to preserve. Mr. White suggested that a 10 foot setback variance would be satisfactory since there would be no traffic hazard. Mr. Elgin moved and Mr. Piggott seconded the motion. Carried.

11. John R. McGhee, Jr. for permission to construct detached garage within 2 feet of side property line and 74.6 feet from front line on Lot 30, Section 2, Braddock Acres, Falls Church District. MrMcGhee said he would build the garage of cinderblock construction - that his septic field was in the way of placing it back further and 10 feet from the line. No objections. Mr. Elgin moved and Mr. Piggott seconded the motion that the application be granted. Carried.

12. Robert Donaghy, for permission to come within 2 feet of side property line with detached garage and 74.6 feet from front property line on Lot 29, Section 2, Braddock Acres, Falls Church District. There was no objection. This property is neighboring to the McGhees lot - both garages are to be located the same distance from the road each just 2 feet from the party line. Mr. Elgin moved the application be granted and Mr. Piggott seconded. Carried.

13. Preston F. Clem, for permission to divide Lot 9, containing 43,560 square feet into two lots each containing 21,780 square feet with frontage, which is less than required in Agricultural Districts, Baughman Subdivision, Providence District, 4/10 mile south of 236, 1/4 mile west of Route 651, on a short dirt road. There were no objections. A lot was divided similar to this 2 years ago. Mr. Dawson moved that due to the shape of the acre lot it will deprive the owner of building 2 houses which is allowed on this amount of ground, therefore, the applicant beallowed to divide the acre into 2 lots with 72.5 feet frontage for each,provided the 25 foot side setbacks on any house built on the lots and 50 feet front setback from front property lines be strictly observed. Mr. Elgin seconded, carried.

14. City of Falls Church, for permission to construct garage and storage building to come 10 feet from side property line on Lot 17, Gordon's Addition to West Falls Church Subdivision, on Gordon's Road,

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Providence District. The required setback from side property line here is 100 feet (Industrial property joining residential). The applicants would like to come immediately on the line if possible - otherwise 10 feet from the line. They will use the building only for garage and storage and trucks, no manufacturing or other business. There was no opposition. Mr. Brookfield thought the Board did not have the right to amend the ordinance - another business there could be objectionable. Mr. Piggott moved to deny the application because the proper setback could not be observed. Mr. Dawson seconded. Carried.

15. George D. Walker, for permission to erect a garage 3 feet from side property line and 10 feet from rear property line on Lot 38, Brilyn Park, Providence District. There were no objections. The garage will be built of cinderblock. Mr. Piggott moved that the application be granted and Mr. Elgin seconded. Carried.

16. C. S. Burchell, for permission to build rambler with 15 foot side setback to adjoin Lot 4 and 23 feet side setback from Snowden Road, Lot 5, Boulevard Acres, corner Snowden Road and Mt. Vernon Memorial Highway, Mt. Vernon District. Mr. Brookfield asked if the house could be placed back far enough from the front property line to clear any possible traffic hazard. The house will be of fireproof construction. Mr. Dawson had seen the property and thought with the house back sufficiently far it would be satisfactory. The owner of Lot 4 was present and objected to the 15 foot setback from his line. Mr. Dawson made the motion: That the application be granted in this way - a 23 foot setback from Snowden Road, 15 ft. setback from side property line and that the house should set back from Mt. Vernon Boulevard at least 100 feet from the intersecting corner of Lots 4 and 5. Mr. Elgin seconded. It carried. Mr. Piggott voted No.

17. Williams Brothers, for permission to come 30 feet from Romney Street instead of 40 as required on Lot 54 Section, Westhampton Subdivision, Providence District. There were no objections. This is a narrow lot and difficult to observe proper setbacks on a corner. It was suggested that the applicant put the house back further from Greenwick Street in order to relieve the traffic hazard. Mr. Dawson moved that the applicant be granted right to locate the house 15 feet from the side line, 30 feet from Romney Street, and 60 feet ~~from~~ back from Greenwich street to eliminate any traffic hazard on the corner which might be created by a less front setback. Mr. Elgin seconded. The motion carried.

18. Wellman A. Hill, for permission to locate dwelling 30 feet from front property line instead of 40 feet as required on Lot 1-B, Block D, Section 3, Lee Boulevard Heights, Falls Church District. By putting

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the house back further it would make too much ground in front and bring the dwelling too close to neighboring houses. It is an old subdivision requiring less front setback than required by the Ordinance. The house on Lot 2 is located 30 feet back from the front line. Mr. Dawson made the following motion: That due to the peculiar shape of the lot and the fact that Lot 2 on the opposite quarter of the circle is 30 feet from the front line - the application be granted. Mr. Elgin seconded. Carried.

Mr. White asked the Board, at the request of Mr. Stockton, that they pass a resolution to be submitted to theBoard of Supervisors asking that they clarify Section 11, Paragraph 15, referring to lots of record as against the requirements of the Ordinance, and Section 13, paragraph 7. Mr. Dawson moved that the Board of Supervisors be asked to clarify and coordinate these two sections indicated above. Mr. Elgin seconded. Carried.

Meeting adjourned.

S. Cooper Dawson
S. Cooper Dawson
Chairman

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November 15, 1949

The regular meeting of the Fairfax County Board of Zoning Appeals was held November 15, 1949, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs: Dawson, Chairman, Brookfield, Smith, and Piggott. Mr. Elgin was also present. Mr. Schumann represented the Zoning Administrator.

Mr. Dawson asked Mr. Brookfield to take the Chairmanship.

1. City of Falls Church for permission to locate a pumping station on Section "B", Willston Subdivision, approximately 350 feet north of Lee Boulevard and approximately 250 feet east of Willston Drive, and an elevated tank immediately joining the Arlington-Fairfax County line, approximately 700 feet NE of John Marshall Drive in Section "D", Willston Subdivision and approximately 700 feet SW of Patrick Henry Drive, Willston Subdivision, Falls Church District. Mr. Dunn and Mr. Rector appeared for the City of Falls Church. Both pumping station and tank were located well away from homes and in the most logical place with relation to the area to be served. There were no objections. Mr. Elgin moved that the application be granted - since this is a necessary installation and not objectionable to anyone.

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Mr. Piggott seconded the motion. Carried, unanimously.

Mr. Schumann asked if the Board would care to reconsider the application of the City of Falls Church for less setback on Industrial lot in Gordon's Addition to West Falls Church which was denied at the last meeting and was to be appealed November 16, 1949 to the Board of Supervisors. The Board voted not to reconsider the case.

2. Annandale Water Company, for permission to locate a well and pumping station on part of Lot 2, Holmes Run Heights Subdivision, Falls Church District. Mr. McWhorter represented the water company. This well will serve Holmes Run Subdivision since they are too far from the present distribution system to be furnished. The nearest building would be located 2000 feet away from the site. Mr. Schumann had seen the ground and thought this the most satisfactory location from a topographic standpoint. Mr. Elgin moved that the application be granted. Mr. Piggott seconded. Carried, unanimously.

3. Lorenzo Kelly, for permission to operate a nursery school in home located on Lot 63, Section I, Westlawn Subdivision, 1005 Greenway Boulevard (Corner of Greenway and Westmoreland Road) Falls Church District. Mrs. Kelly appeared. She said this would be more of a day school than a regular nursery school. It would be especially for working mothers. She could take only about 5 children. There is no fence around her place now but she expects to have one. The Chairman asked if there was any opposition. Mr. Hoffman represented the opposition. He presented a petition with 15 names, opposing the application. He said it would be very annoying to him living next door and having to sleep during the day to have this next door and he also thought it was a breech of their covenants, to have a business in the subdivision, also that Mrs. Kelly did not have facilities for this installation. It was too close and crowded, that Mrs. Kelly already has 4 children of her own. The Chairman suggested that since there was a question of restrictions in the covenants the case be deferred until Mr. Schumann could look up the deed and report. Mr. Dawson made the motion and Mr. Piggott seconded. Carried.

4. Michael Hogan, for permission to come 2 feet from the side property line and 2 feet from rear property line with detached garage on Lot 168, Section 3, Westlawn Subdivision (located on Marshall Street) Falls Church District. Mr. Proctor represented the applicant. He said that a 10 foot setback would necessitate a bad curve into the garage. The Chairman asked for opposition - there was none. Mr. Dawson said that since we have felt these setbacks were sufficient as long as the roof of the garage would not cause water to fall on the neighboring lot he felt this should be granted. He made the motion.

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Mr. Elgin seconded. It carried, unanimously.

5. Beldon Lidyard, for permission to come 2 feet from side property line and 2 feet from rear line with detached garage on Lot 177, Section 3, Westlawn Subdivision, located on Marshall Street, Falls Church District. The same conditions prevailed here as in the last application and for the same reason Mr. Elgin moved to grant the application. Mr. Piggott seconded. Carried, unanimously.

6. Hirst Sutton, for permission to construct open carport and tool storage shed - 7 feet from side line and with enclosed tool storage shed 71 feet from Allan Avenue, Lot 7, Poplar Heights (1011 Allan Avenue) Falls Church District. Mr. Sutton appeared. Mr. Sutton stated that the enclosed part - the tool shed- would be the only part enclosed. It would be made of clapboards. The house is brick. The tool shed would be 5 feet from the house. Mr. Dawson thought that would be a fire hazard, especially if the neighbor on that side built near his line. Mr. Suttonsaid the house nearest is 17 feet from the line and the garage would go on the opposite side. There were no objections. The Chairman suggested that the only question seemed to be if the fire hazard was likely. Mr. Elgin moved that the application be granted. Mr. Piggott seconded. Carried, unanimously.

7. Horace C. Crowther, for permission to erect duplex dwelling on Lots 6 and 7, B.M.Smith Subdivision, on Marshall Street, Mt. Vernon District. The applicant has the required ground and frontage - the building will be located in the center line between the two lots observing all setbacks. The dwelling will appear more like a single family brick dwelling than a duplex and there were no objections. The house next door is a duplex. Mr. Elgin moved that since there were no objections and this dwelling will be comparable to others in the neighborhood the application be granted. Mr. Piggott seconded. It carried, unanimously.

8. D. O. Myatt, for permission to construct addition to present dwelling to come 34 feet from front line and 3 feet from side line on Lot 52, Section 3, Tauxemont Subdivision, corner Bolling Road and Westmoreland Road, Mt. Vernon District. Mr. Myatt showed a model of his present home with the proposed addition. The nearest neighbor is 38 feet from the proposed addition. The ground slopes toward Mr. Myatt's house creating no drainage problem. Mr. Smith suggested shortening the opening between the addition and the present house which Mr. Myatt had proposed to make into an open porch. Mr. Smith thought the applicant was attempting to put too much on a small lot. Mr. Schumann suggested that the neighbor might ask the same kind of variance which could bring the houses within 15 feet of each other.

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All agreed, however, that the addition would be a distinct improvement to the property. Mr. Dawson suggested a 7 foot setback and that Mr. Myatt either shorten up the space for the open porch or cut off the carport. He made the motion that the application be granted allowing a 7 foot side setback and 35 feet from Bolling Road. Mr. Smith seconded. Carried, unanimously.

Mr. Schumann returned with restrictions on the Kelly property: that the property in Section I, Westlawn Subdivision (located on Greenway Boulvd) Falls Church District shall be used entirely for residence. The nursery school would be a commercial use and the other residents could challenge this use. Mr. Piggott moved that the application be denied in view of the restrictions and objections of the neighbors. Mr. Dawson seconded. Carried, unanimously.

9. Douglas and Katherine Vincent, for permission to construct dwelling 51 feet from Euclid Street and 15 feet from rear line, on Lots 3 and 4, Maple Terrace, corner Route 123 and Euclid Avenue, Providence District. Since this is a corner lot the applicants are placing their rambler the long way of the lot and yet there is not room enough to observe all setbacks. The required setback from Route 123 is 60 feet. Mr. Dawson moved that due to the size of the lot the applicants be allowed to locate the house 70 feet from Route 123, 51 feet from Euclid Street, and 15 feet from the property line opposite Euclid Street. Mr. Elgin seconded. Carried, unanimously.

10. Idah S. Foster, for permission to locate a dwelling 30 feet from Lee Boulevard and 10 feet from side line and to locate two dewllings on 16,647 square feet of ground, Lot 18 and 7,353 square feet additional ground, Birch Subdivision, junction of Cherry and Lee Boulevard, Falls Church District. One house is being built on this ground with a 25 foot front setback which complies with the other houses on the street. The other houses are built on considerably less than the required amount of ground, which is 10,000 square feet, this is an old subdivision recorded before the Ordinance. The triangular piece of ground, 7,353 square feet, was a strip acquired after the highway was put through and was left over. It is unbuildable as it stands but with the division of this piece and Lot 18 Mrs. Foster could build two houses with less than the required amount but with more ground for each lot than the other lots in the subdivision. Mr. Dawson made the motion: Since the triangular shape of the lot shown on the plat (which was not included in the plat recorded by Mr. Berry December 20, 1929) in Mrs. Fosters name, lying along Lee Boulevard, is useless because of its shape, that Lot 18 and the triangular piece be included in one property

and be divided into one lot with 66 feet frontage on Cherry Street, 101.26 feet deep and 56 feet wide at the rear, on which a house is being constructed and a second lot to take the balance of Lot 18 and the triangular piece of ground mentioned above and a house to be located 30 feet from Lee Boulevard, 25 feet from Cherry Street and 25 feet from the original house. This 25 foot setback from Cherry Street is already established by other houses in the block. Mr. Schumann said the Board was justified in granting this as by not doing so it would work a definite hardship to the owner because of the triangular shape of the additional piece of property, See Section 12, subsection G. Mr. Elgin seconded Mr. Dawson's motion. It carried, unanimously.

It was voted to take up the Tucker case next.

13. Mrs. Doris W. Tucker, for permission to operate a kindergarten and nursery school on Lots 128, 129, 130, 131, Cameron Park Subdivision, Falls Church District. Mrs. Tucker has conducted a similar school in Alexandria for many years but they want more room and a location out farther. She intends to lease this property provided they can have the right to conduct this school. There were no objections. Mr. Dawson moved that since this was in installation which would be for the welfare of the community the application be granted. Mr. Elgin seconded. Carried.

11. T. J. Stockton, for interpretation of Section XIV, Subsection C of the Zoning Ordinance to determine if apartment units reserved for use of resident maintenance employees shall be included in the unit count relative to density. Mr. Schumann explained that the Zoning Ordinance sets up lot area requirements for apartments. The management of various apartment developments have requested that the unit count should not include the maintenance residents. The Chairman stated that he could see no difference with respect to density - whether an occupant was a regular renter or one living there doing work for the development. It was the opinion of the Board that every apartment occupied constituted a unit and should therefore be counted otherwise the area requirement would be broken down - thus disregarding the Zoning Ordinance requirements. Mr. Smith suggested that for health and safety reasons it was necessary to keep to the area required. Mr. Smith moved that Section 14, Subsection C be interpreted as stated in the Ordinance to include any and all occupied units because unless this is done the purposes of the Zoning Ordinance would be defeated. Mr. Dawson seconded. Carried, unanimously.

12. Mellie Morton, for permission to erect multiple housing on 1.28 [illegible] on the west side of a 15 foot road (Parker Lane)

November 15, 1949

approximately 1/4 mile south of Sherwood Hall Lane(Route 626) at Gum Springs, Mt. Vernon District. Mr. Lewis, the builder, appeared but he did not have a plan of the buildings. Mr. Dawson suggested that this case be deferred for the Board to see the property and Mr. Lewis bring his complete plans at the special meeting November 22 and the case would be heard. Mr. Dawson made this a motion. Mr. Elgin seconded. Carried.

It was voted to adjourn.

S. Cooper Dawson
S. Cooper Dawson, Chairman

* * *

November 22, 1949

A special meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, November 22, 1949, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Dawson, Chairman, Brookfield, Piggott, and Smith. Mr. Elgin was not present. Mr.Schumann represented the Planning Commission.

Charles J. Harnett, George A. Ford, and Robert B. Cummings, for permission to erect attached garages to be not closer than 6 feet from sideyard line, Bucknell Manor, Block A, Lots 1 and 2; Block B, Lot 7; Block C, Lots 1 - 9, inclusive; Block D, Lots 1 - 10, inclusive; Block E, Lots 1-12, inclusive; Block F, Lots 3 - 18, inclusive; Bucknell Manor, Section 1-A, Parcel i, Mt. Vernon Magisterial District Mr. Glenn Richard appeared for the applicants. He stated that this application was filed at the request of joining property owners (Mr. Landrith, one of the joining owners was present) and the developers. All had agreed that the addition of garages attached to the houses would be a distinct improvement to the entire development and neighborhood. The Board had viewed blueprints of the houses with attached garages and without. Mr. Richard stated that in all cases the actual house structures would be 30 feet apart or more. This would exclude the garage addition. There would be approximately 16 feet between structures including garage addition. Mr. Richard said these buildings will come under a Class A insurance - no additional cost because of the nearness of the houses. Also off street parking will be possible. There were no objections from anyone present. The Chairman asked if Mr. Schumann if the Planning Commission had made a decision on this. Mr. Schumann said not to his knowledge - it had never been decided

November 22, 1949

Mr. Brookfield confirmed this., it had not been taken up. Mr. Smith asked if this might be a case of amending the Ordinance. Mr. Brookfield thought it was entirely a matter of opinion of the Board. Mr. Brookfield moved that the application be granted since the addition of the attached garages would be a definite improvement to the general plan of the development. Mr. Piggott seconded. Carried, unanimously.

The case of Mellie Morton, for permission to establish multiple housing on 1.28 acres located on the west side of a 15 foot road (Parker Lane) approximately 1/4 mile south of Sherwood Hall Lane #626 at Gum Springs, Mt. Vernon District. This had been deferred from the November 15th meeting as the builder did not have his plans. Mr. Lewis, the builder, was present and showed the entire plan and layout of the project. The three proposed buildings will be served by an outside building for showers and toilets. The road in front of the development is now a 15 foot road but Mr. Lewis said the owner across the street would dedicate 15 feet making it a 30 foot road. The report of the Planning Commission was favorable to the project provided it met with the approval of the Health Department. Report from Dr. Bradford, of the Health Department, stated that he could not approve one septic tank to serve more than one building. Two septic tanks would be necessary. Mr. Brookfield moved that the application be granted subject to the approval of the Health Department and that construction should not begin until approval had been obtained from that agency, said application to be approved because it will improve housing in that locality and would work for the general welfare of the community. Mr. Piggott seconded. Carried.

The members of the Board adjourned to Mr. Stockton's office to read minutes.

S. Cooper Dawson
S. Cooper Dawson, Chairman.

* * *

December 20, 1949

The regular meeting of the Board of Zoning Appeals was held Tuesday, December 20, 1949, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Dawson, Brookfield, Piggott, and Smith. Mr. Elgin was absent. Mr. Schumann was present for the Zoning Administrator. Mr. Brookfield acted as Chairman.

1 - Charles J. Harnett, George A. Ford, Robert B. Cummings, Trustees, for permission to construct bay window on front of dwelling on each of the lots described below, said bay window to be 2 feet deep and 11 feet wide - bringing construction 33 feet from front setback line instead of 35 feet as required - property known as Lots 3 and 4, Block F, and Block C, Lots 3, 7, 8, Parcel I-A, Bucknell Manor, Mt. Vernon District. Mr. Harnett appeared for the Trustees. He stated that the windows would not jut out beyond the width of the buildings - that the houses had been planned by the architect to give the most pleasing effect - with the idea of giving variation to the small houses, facts which he considered a part of good planning. The other houses in the tract will be set back in accordance with the Ordinance, that is, the bay windows had been allowed for, but there was an error in staking off these few houses which did not allow sufficient setback. Mr. Dawson moved that the application be granted because of this error. Mr. Piggott seconded. Carried.

2 - Charles J. Harnett, George A. Ford, Robert Cummings, Trustees, for permission to locate dwelling 30.32 feet from property line of Harvard Drive, instead of 35 feet as required on Lot I, Block D, Bucknell Manor, corner Olmi-Landrith Drive and Harvard Drive, Mt.Vernon District. Mr. Harnett appeared for the Trustees. He stated that this pear shaped lot made it difficult to meet all setbacks. The house will set 60 feet from the junction of the two streets, giving sufficient visibility at the corner. This also was a error in laying out the location. There were no objections. Mr. Smith moved that the application be granted due to the irregular shape of the lot and the location of the building will not obstruct view. Mr. Piggott seconded. Carried.

3 - D. W. Hamilton and Mary Ball, for permission to live in present dwelling on .75 of an acre, located approximately 1/2 mile south of intersection of Route 641 and 123 on Old Ox Road, Lee District, until a second dwelling shall be completed, at which time original dwelling will be torn down. Mr. Hamilton appeared before the Board. There were no objections. The applicant said the old house would be torn down and used to help finish the new dwelling. Mr. Dawson moved that since the applicant wanted a new home he be allowed to

December 20, 1949

live in the old one temporarily provided the old building be demolished within 12 months from this date. Mr. Piggott seconded the motion. Carried.

4 - H. C. Bush, for permission to locate pumps for filling station 30 feet from Little River Turnpike right-of-way, on 1.760 acres - 1/2 mile west of Quaker Lane, Falls Church District. Mr. Bush appeared. A 50 foot setback is required for this Rural Business District. Mr. Dawson had a petition signed by 7 people in the immediate neighborhood objecting strenuously to this application- as a reduced setback would be detrimental to other residential property in the locality. Mr. Brookfield suggested that this road will certainly be widened in the future and every bit of the 50 foot setback would be needed, that it was the duty of the Board to guard all setbacks from this area in to Alexandria. Mr. Bush said that the land slopes up from the road and a great deal of excavating would be necessary to set back farther and it would be expensive. Also that his station could not be seen if it were back so far. It was brought out that Shirley Duke shopping center is 110 feet from the center of the road - that they had dedicated 40 feet extra for more road. Mr. Dawson moved that the application be denied because of crowding too close to the right-of-way and for prospects of future traffic. Mr. Piggott seconded. Carried.

5 - Mrs. Cora Jarmon, for permission to operate a tea room in dwelling located on 4 acres on Route 672 approximately 1-1/2 mile from the Town of Vienna, Providence District. Mrs. Jarmon appeared before the Board. She said she would not conduct a real tea room, that she would serve dinners from 2 to 8 p.m. on Sundays only. She had many friends coming out from Washington and could not afford to feed them free but wanted the right to make a charge legally. The business would be conducted in her dwelling. Mr. Gerkin objected. He said the area was entirely rural - farms and rural homes and a similar business had been denied a year ago. He saw no need whatever from local trade and such a business was contrary to the intent of the locality. That there were very few colored families near and that this was a bad prescedent. He was not afraid of what Mrs. Jarmon would do but granting this use would make it possible for someonelse to have an undesirable place. Mr. Dawson suggested they might give it to Mrs. Jarmon only. Mr. Schumann said the Commonwealth's Attorney would probably decide against the legality of that. Mr. Chilcott also objected as an undesirable use - would establish anopening wedge for others. A second Mr. Gerkin objected, saying the road was narrow and rough not suitable

for any amount of traffic. Mr. Smith suggested that the health department would have to give an ok. Mrs. Jarmon said she would check with them after the hearing if her application is granted. Mr. Smith said this would amount to spot zoning - off on a narrow bad road away from other businesses. Mr. Brookfield said he could see no need. Mr. Dawson suggested granting it for one year. Mr. Schumann thought the Commonwealth Attorney would object. Mr. Dawson moved to deny on the grounds that such a use would impair future development of this agricultural area, the road was not suitable for business and no need for such an installation in this community. Mr. Piggott seconded. Carried.

6 - Jefferson D. Broaddus, for permission to erect a detached garage within 5 feet of side property line and also 58 feet from Franklin Street, 1 mile south of Bailey's Cross Roads on west side of Seminary Drive, Falls Church District. Mr. Broaddus stated that Franklin Street was ded end and only 300 feet long, that he wants to enter the garage on Rt. 776 - 54 feet from Franklin Street instead of 58 feet feet in order not to have to back out on the road. Mr. Dawson moved that the applicant be allowed to build the garage 5 feet from the rear property line from Franklin Street, 54 feet from Franklin Street and 20 feet from his house. There were no objections. Mr. Piggott seconded. Carried.

7 - Burns N. Gibson, Jr., for permission to erect multiple housing on Lots 36-42, inclusive, Birch Subdivision, on the north side of Lee Boulevard, at Meadow Lane, Falls Church District. Mr. Gibson was not present - it was voted to put this case at the bottom of the list.

8 - Floyd Shanks, for permission to use an existing building on 3.75 acres located on the north side of Hooe's Road (Rt. 636) approximately 1/4 mile west of Route 617, for an automobile repair shop, Mt. Vernon District. Mr. Shanks appeared before the Board. There were no objections to this use. Mr. Schumann said that there had been no need indicated for such a use in this residential area. Mr. Smith stated that this was spot zoning which the Ordinance discourages. It was suggested that a permit might be granted for one year. Mr. Shanks said he could not quit his job for such a temporary thing but that he felt that there was a need - the nearest help for people in need of repairs to cars being Annandale. It was brought out that this is only one block from the Shirley Highway and would probably be a good development in the future and should not be cluttered up with repair shops etc. Mr. Dawson said

he was opposed to spot zoning but he moved that the application be granted since the shop would be located in the middle of a 3 acre lot which could not be subdivided. Mr. Piggott seconded. Carried. Mr. Smith voted No.

9 - Marlan Forest, Inc., for permission to come 33.50 feet from Marlan Drive instead of 40 feet as required with dwelling, on Lots 1 and 2, Block 2 (Part I) Section 2, Marlan Forest Subdivision, corner Marlan Drive and West Grove Boulevard, Mt. Vernon District. Mr. Harnett represented the Company. He stated that due to topography and good architectural planning a more pleasing effect would be arrived at by locating the dwelling nearer the street than required. This is expensive ground and the street would not be widened further. The contour and natural development would be better suited with the present plan. The location would not obstruct vision. There were no objections. Mr. Dawson moved that due to the topography of the ground the application be granted. Mr. Smith seconded. Carried.

10 - Richard Bower, for permission to erect detached garage 27 feet from front property line, on line with present dwelling, property located on Route 695 approximately 164 feet from intersection with Leesburg Pike, Providence District. Mrs. Bower appeared before the Board. She showed the natural slope of the ground which would make it practically impossible to get into a garage if it were placed back the required distance. Mr. Schumann had seen the ground and agreed with the applicant. The garages on other lots near are practically on the line because of the slope. The house is 15 years old and is nonconforming. Mr. Smith moved that because of a topographic condition - extreme slope in the ground the application be granted. Mr. Piggott seconded. Carried.

11 - George F. Titus, for permission to construct addition to dwelling (garage) to come 9 feet from side property line on Lot 6, Arnold Lane near intersection of Route 709 and Arnold Lane, Falls Church District. Col. Titus appeared before the Board. He showed a map indicating a topographic condition - low marshy land to the rear - and a drawing of the house as it would look with the addition. The neighboring house is 25 feet away. Six homes on the street are faced with this same problem. The Colonel suggested that this addition would add to the attractiveness of the subdivision and that this area was fast becoming suburban rather than rural. He felt that by adding to the homes to make them look larger and more expensive it would add to the general good planning of the

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entire tract. Mr. Smith said this would create a prescedent should the others ask for the same thing, that the Board should either follow the Ordinance or request larger lots in the future. Mr. Brookfield said the Board actually was already establishing a prescedent. Mr. Dawson suggested that this case be deferred until the January meeting to get a definite statement from the Planning Commission - should they hold consistently to the Ordinance on these setbacks or what the Board should do about this kind of setback. He made this a motion. Mr. Smith seconded. Carried. It was agreed that in deferring this case, if the setback wouldnt be granted, an alternative would be worked out.

12 - Walter C. Crain, for permission to come 21 feet from Fort Hill Drive with dwelling, Lot 12, Section C, Wilton Woods Subdivision, had been withdrawn.

13 - Albert Schwarz, for permission to construct addition to present dwelling to come 20 feet from Hillcrest Road instead of 40 feet, said addition to be used as garage, on Lot 34-A, Lincolnia Heights, on Hillcrest Road and Parramore Drive, Falls Church District. ~~The~~ As the applicant had the garage addition placed it would come out in front of the front line of the house which is against the Ordinance. Mr. Dawson suggested pulling it back farther toward the rear and on line with the front of the house. Mr. Schwarz said they had thought this would cut off the air from a bedroom. Mr. Dawson made the following motion: That the garage (20 x 25 feet) attached by a breezeway (10 x 14), due to the shape of the lot, be located with the 25 foot side facing Hillcrest Road, placed in line with the front of the house, approximately 30 feet from the rear line and 35 feet from Hillcrest Road. Mr. Piggott seconded. It carried.

14 - Milton G. Smith, for permission to come 7.7 feet from sideline with dwelling instead of 10 feet as required on Lot 1, Block B, Section I, Burgandy Village, Mt. Vernon District. This is a corner lot. In locating the house the proper distance from both streets the surveyor did not realize that the rear corner was too close. The lot line runs parallel to the side street and not at right angles to the front street which threw the back line closer to the rear corner. Mr. Dawson moved that theapplication be granted. Mr. Smith seconed It carried.

Mr. Gibson was not present - his case was continued until the January meeting since he was not present.

It was voted to adjourn.

S. Cooper Dawson

S. Cooper Dawson, Chairman.

January 10, 1950

A Special meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, January 10,1950, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs S. Cooper Dawson, Chairman, Brookfield, Piggott, and Smith. Mr. Elgin was not present. Mr. Schumann represented the Zoning Administrator.

10:00 Fairfax County Board of Supervisors, for permission to construct a garage in connection with the existing Dog Pound to be used solely for the purpose of maintaining County owned equipment on approximately 15 acres located on the east side of Jermantown Road - 3/4 mile north of the intersection of Route 50 and Route 655, Providence District. Mrs. Edna Bixler represented the Board of Supervisors in the absence of the Executive Secretary. She explained that the garage was to be used only for the maintenance of County equipment, police cars, sanitary trucks and dog pound trucks, that it was expensive now to send out all the maintenance work and caused delays which greatly hampered the police since they are limited in their number of cars, and often need them quickly. It would be a saving to the County. The dog pound had proved to be no detriment to the neighborhood since property values had greatly increased since it was put there. It was suggested that having the garage there might result in an automobile graveyard- junking old cars. Mrs. Bixler said there was no possibility of that as the County turned the cars in every year and they were never allowed to become delapidated. The place will be kept presentable, that there was no road equipment and no trucks over 2 ton - most of them were 1/2 ton.

Mr. Channing Bolton was spokesman for the opposition. He stated that his property is directly across from the dog pound, that he had bought not knowing that the dog pound was there - until he had moved in three days. He said, however, that the pound had been kept neat and clean but that it was not a good thing in a purely residential district, that Jermantown Road was developing into a section of nice homes. He presented a petition with 45 names objecting for the following reasons; It would depreciate the value of surrounding property, undesirable and heavy traffic would deprive residents of a quiet country life, and also that two years ago it was stated before the Board of Appeals that efforts would be made by the County to locate certain undesirable features of county business elsewhere than along Jermantown Road. Thus adding this feature was ignoring the intent or promise of the county. While this is

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not a rezoning it is in effect spot zoning.

Mr.Schumann read from the Zonin Ordinance the permitted uses of the Board of Zoning Appeals - that this was not a rezoning as stated in the petition but simply necessary to come before the Board in order to increase their present installation.

Mr. Bolton suggested that this broke down the general character of the locality - making it business in character. He suggested that there was a possibility that the dog pound may be moved in the future but that this extra building just helped to make it a more permanent thing. Mr. Bolton read a telegram from Mr. Hailman a near property owner opposing this installation.

Although the petition was wrong in stating that this was a rezoning it was felt to be the same in character, Mr. Bolton stated, and the more permanent the buildings put up - the more likely the Pound was to remain.

Mrs. Bixler said the County could own only a limited amount of ground and did not have sufficient ground now to move the pound and the law would not allow them to purchase more, that any business ground was too expensive to put a dog pound on.

It was siggested by Co. Fearing that the trucks might carry in garbage or septic tank refuse. The County does not do this, Mrs. Bixler said. Mr. Starnes objected and stated that theBoard should follow the desires of the neighborhood. Mrs. Neal suggested that this road would not be safe for children with the added heavy traffic. Mrs. Bixler thought this not a safe place for children under any circumstances. Mrs. Wallace objected. It was suggested that school busses might be kept here. Mrs. Bixler said the county had nothing to do with that. It was also brought out that the dog pound being located on this road had not depreciated property values, in fact they had gone very much higher. Mrs. Bruin objected. It was also suggested that neighboring owners should be notified of such a change. Mr. Schumann said the ground was posted in accordance with zoning requirements.

Mrs. Bixler showed the location of the proposed building and said that it would be of conderblock construction.

Mr. Smith said that since the Board had heard the expression of the people in the neighborhood who thought that the area would be hurt by this installation - that their wishes should be considered.

Mr. Brookfield moved that the application be granted. Mr. Piggott seconded. It carried. Mr. Smith voted No.

January 10, 1950

Officers for the new year were elected. Mr. S. Cooper Dawson, Chairman. Motion: Mr. Smith, seconded by Mr. Brookfield. Mr. Brookfield was elected Vice-Chairman. Motion: Mr. Dawson, second, Mr. Piggott. Carried.

It was voted to adjourn.

S. Cooper Dawson
S. Cooper Dawson, Chairman

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January 17, 1950

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, January 17, 1950, in the Board Room of the Fairfax County Courthouse at 10 a.m. with all members present: Messrs S.C.Dawson, Brookfield, Piggott, Elgin, and Smith. Mr. White represented the Zoning Administrator.

DEFERRED CASES:

Burns N. Gibson, Jr. for permission to erect multiple housing on Lots 36 - 42, inclusive, Birch Subdivision, north side of Lee Blvd. at Meadow Lane, Falls Church Magisterial District. Mr. Gibson appeared before the Board. The ground contains about 50,000 square feet. He plans to erect either a 2 or 3 story building, having either 16 or 32 units. Since there were no objections and the general location was well located for apartments, Mr. Brookfield moved that the application be granted. Mr. Elgin seconded. Carried. The PlanningCommission had recommended approval.

George Titus, for permission to construct addition to dwelling (garage) to come 9 feet from side property line, Arnold Park Subdivision, Falls Church Magisterial District. Col Titus appeared befor the Board. The Chairman stated that the opinion of the Planning Commission was that the Ordinance should be upheld in all cases except where it would work an extreme hardship, that a continuation of attached garages would give the appearance of row houses when it was the intent to keep this a rural section. It was brought out that the land to the back was low and marshy. Since this is the case Mr. Smith moved that the applicant be granted right to construct his garage 20 feet from the back line of the house and 9 feet from the side property line, due to topography. Mr. Brookfield seconded.Carried

January 17, 1950

NEW CASES:

1 - Samuel A. Anderson, for permission to come 34 feet from front property line with dwelling on Lots 6, 10,39,33, Block B. Wedderburn Heights, facing 2nd street, Providence District. Mr. Anderson said he had a mobile structure already on the ground. It had not been placed back as far as anticipated but that the ground is marshy and almost impossible to put the building any other place. The houses near are as close as 10 feet to the street. If he should set back the proper distance he would be looking into the outside toilet of his neighbor. Mr. Brookfield moved that since this was an old nonconforming subdivision the application be granted. Mr. Elgin seconded. Carried.

2 - Mary Lovell Valiton, for permission to construct addition (garage) to present dwelling to come 13-1/2 feet from side property line on Lot 2, Arnold Park Subdivision, Falls Church District. This was the same type case as Col. Titus. If the garage is put back the required distance it would be over the septic field. TheChairman suggested the Board grant the same setbacks as they granted Co. Titus. This was satisfactory to the applicant. Mr. Smith moved that the garage be built 20 feet from the back line of the house and 9 feet from the side property line, due to the location of the septic field. Mr. Elgin seconded. Carried.

3 - Alvin U. Brown, for permission to construct dwelling 25 feet from Ridge Road and 10 feet from side property line on Lot 145, Valley View Subdivision, corner Collard Street and Ridge Road, Mt.Vernon Magisterial District. This is a corner lot and many houses in the neighborhood are setting back 25 feet. It was suggested that the applicant face his house on Ridge Road. Even this would not give the proper setbacks. The lot was bought before the Ordinance. Mr. White stated that in his opinion it would be a distinct hardship to deny this application - that there was no traffic hazard nor did it obstruct visibility. Both roads are dead end. Mr. Elgin moved to grant the application due to the fact of no traffic hazard and undue hardship not to grant. Mr. Piggott seconded. Carried.

4 - J. F. Thomas, for permission to construct detached garage 2 feet from side property line and 2 feet from rear property line on Lot I, Section I, City Park Homes, corner Lee Blvd. and Greenway, Falls Church District. No one was present to support the case. It was voted to defer until the February meeting.

5 - Thomas R. McMahan, for permission to construct second dwelling on Lot 26 and to live in present nonconforming dwelling until second dwelling is completed, Lorfax Heights, on Hooe's Road, Lee District. Mr.

Brookfield asked how long the applicant wished to take to cuild the house. He said one year would be sufficient. Mr. Brookfield moved to grant permission to live in the temporary dwelling for one year, during which time the new dwelling would be completed. Mr. Elgin seconded. Carried.

6 - Charles S. Starkey, for permission to come 17 feet from side property line with attached garage on Lot 513, Block 6, Hybla Valley Farms, Gunston Drive, Mt. Vernon District. It was suggested that the garage be built without the breezeway and attached direct to the house. The applicant said it would cut off air from the bedroom. He also stated that many houses in the neighborhood were attaching garages in this way. It was agreed that the case be deferred to the February meeting until Mr. White could check and see if other houses in the neighborhood were violating the Ordinance. Mr. Brookfield made the motion and Mr. Smith seconded.

7 - Howard W. Smith, for permission to erect multiple housing on two tracts, one 67 acres and the other 23 acres (approx.) located at the junction of Shirley Highway and Route 648, Falls Church District. Mr. Brookfield disqualified himself to vote. Mr. E. H. Threadgill appeared for the applicant. He showed a plat and renderings of the buildings and elevations. Seven acres will be set aside for school site. They will allow more right of way for Edsall Road to take care of extra traffic. Sewers will be worked out with developers in the immediate neighborhood. The actual buildings will set back about 30 feet from Shirley Highway right of way. Apartments will rent for $55 to $75. Buildings will be of brick or masonry. Several people in the neighborhood appeared to ask questions: Mrs. Kingsbury, Mr. Tooms, and Mr. Lynch and son. It would be financed by FHA and would meet their requirements in every way. Mr. Tooms asked about a shopping center. Mr. Threadgill said they would ask for that later. The hazardous condition of the gravel pit below this proposed development was discussed. Mr. Haley, Mr. Smith's secretary, said they were negotiating now to have this filled in. Sufficient park and recreational area will be provided. Mr. Lynch said he thought it would be a good development although he was opposed to this kind of thing - if we had to have it- this seemed satisfactory to him as it would bring development to the neighborhood-sewer and water and would be an addition to values generally. The sewer cost will be assumed by the developers - not the county. Mr. Smith said he thought the Shirley Highway should be kept beautiful and he wished the Board would request a farther setback from the Highway,

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~~[illegible]~~, and a buffer strip between the Highway and buildings. He made the following motion: That the application be granted provided all setbacks from the Shirley Highway be not less than 100 feet from the right of way line and that land be reserved for dedication for an access road to Edsall Road from the Shirley Highway going west into Edsall Road, this to be subject to approval of the Virginia State Road Department, and that this development would be an asset to the County since it does not impair proper development of the area. Mr. Elgin seconded. It carried, unanimously.

It was voted to adjourn.

S. Cooper Dawson
S. Cooper Dawson, Chairman

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February 6, 1950

A Special Meeting of the Fairfax County Board of Zoning Appeals was held Monday, February 6, 1950, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Dawson, Brookfield, Piggott, Smith, and Elgin. Mr. White was present for the Zoning Administrator.

1 - Paramount Communities, Inc., for permission to locate gas pumps for filling station 19 feet from dedicated right-of-way on 1.6375 acres on Leesburg Pike, Claremont Subdivision, Falls Church District. Mr. Claude Thomas appeared before the Board. He stated that they had dedicated an extra 25 foot strip for a road which dedication has been recorded but that the state had not used it. The filling station itself is located 68 feet from the road (the right-of-way that is being used) and this application requests a 19 foot setback for the pumps - from the right-of-way including the 25 foot strip dedicated and 44 feet from the presently used right-of-way. The pumps could not be moved back, Mr. Thomas said because of restrictions of the oil company - who require the pumps and building to be 37 feet apart. Mr. White thought 19 feet was too close, that the pumps should be back 50 feet from the newly dedicated strip. Mr. Dawson suggested this 25 foot strip might never be used by the state. Mr. White said the ground was between two hills and an incoming road- 21st street- and would no doubt carry a great deal of traffic when 21st street is used to full capacity. Mr. Brookfield said he did not consider pumps a structure and thought the 19 foot setback was sufficient. He moved

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that the application be granted because it would not be a traffic hazard and that the pumps were not - to his mind- a structure. Mr. Elgin seconded. Carried.

2 - May and Deem, for permission to locate dwelling on Lot 42 and dwelling on Lot 5, Section 3, Delta Subdivision, 30 feet from front property line instead of 35 feet, Falls Church District, Lot 42 faces Ft. William Drive and Lot 5 borders Ft. William and Route 236. Mr. Deem appeared. He stated that the engineer had not observed the required setback on these two houses - that they had figured on a 50 foot road instead of a 60 foot road. This application was put in to clear the property for loan purposes. Mr. Brookfield suggested that variances were asked too frequently to cover engineering mistakes. Mr. White thought this was an honest mistake and that it would create no traffic hazard. Mr. Smith moved to grant the application because it was the opinion of the Board that it would not create a public hazard and would work a distinct hardship since the buildings were already built. Mr. Elgin seconded. It carried. Mr. Brookfield did not vote.

3 - Willston Apartments, for permission to locate Building E-7 - 47 feet from the property line; Building E-6 - 44.8 and 38.7 feet from the property line; Building E-5 - 49.2 feet from the property line and Incinerator building in rear of Building E-5 - 23.6 feet from property line. In Section D, Building D-2 a variance is requested of 22 feet and 21.6 feet from property line; Building D-1 a variance to permit 25 foot setback; and Building D-6, a variance for 30.2 foot setback, Willston Apartment Project, Falls Church District. Mr. Massey introduced Mr. DeLashmutt who went over the errors in engineering. All were laid out correctly in the first place but were not followed exactly. There were no objections. Mr. Smith moved that the application be granted because the Board has the right to relieve a hardship which would not be a detriment to other property and where it does not conflict with the Zoning Map and Ordinance. Mr. Elgin seconded. Carried.

4 - Virginia Power and Electric Company, for permission to erect substation on Lot 153.77 x 150 feet on the south side of Little River Pike approximately 1/4 mile east of Route 657, Centerville District. Mr. Anderson appeared for the Power Company. He showed the type of substation they would build - no variances are required - this is simply a request for the use. Mr. White had seen the location and thought there were no objections to it. Mr. Brookfield moved to grant the application since this was a necessary installation and

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and there were no objections. Mr. Elgin seconded. Carried.

5 - Virginia Electric and Power Company, for permission to erect substation on lot 70 x 218, on Shirley Duke Apartment Project., approximately 98.66 feet west of Donmanton Boulevard, Falls Church District. Mr. Anderson located the proposed substation on the plat. There were no objections. Mr. White thought it a satisfactory location. Mr. Smith suggested that it be placed 25 feet from the property line. Mr. Anderson said the Federal Government required it to be on the property line and that they had had a hard time convincing them to allow it 15 feet from the line. Mr. Brookfield moved to grant the application since there were no ojbections and to allow 10 feet from both side property lines. Mr. Elgin seconded. Carried.

6 - John Dowden, for permission to erect multiple housing on approximately 70 acres on Columbia Pike (east side) at Holmes Run, Falls Church District, across from the Dam, approximately 1 mile west of Bailey's Cross Roads. Mr. Calvin Black appeared in support of this case. He said certain changes would have to be made for an entrance to the school site. (Ground has been set aside for a school) This was recommended by the Planning Commission. Mr. Brookfield said he thought this a good location for multiple housing as it could not economically be developed for homes. There were no objections. Mr. Dawson suggested a 100 foot setback from Columbia Pike. Mr. Black agreed to this. (Mr. Brookfield had previously made a motion to grant the application - it was seconded by Mr. Elgin. Mr. Brookfield withdrew his motion) Mr. Brookfield then moved that the application be granted subject to a 100 foot setback from Columbia Pike, subject to a reservation of a 7 acre school site - because this ground is peculiarly well located for this type of development, Mr. Elgin seconed. It Carried. (The project plans 1000 units)

S. Cooper Dawson
S.Cooper Dawson,
Chairman

* * *

February 21, 1950

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, February 21, 1950, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present; Messrs Dawson Brookfield, Piggott, and Smith. Mr. White, Zoning Inspector, and Mr. Schumann, Zoning Administrator, were present. Mr. Brookfield acted as Chairman.

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DEFERRED CASES:

J. F. Thomas, for permission to construct detached garage 2 feet from side line and 2 feet from rear line on Lot I, Section 1, City Park Homes, corner Lee Boulevard and Greenway Boulevard, Falls Church District. Mr. Thomas was not present. It was voted to put his case at the end of the list.

Charles S. Starkey, for permission to come 17 feet from side line with attached garage, Lot 513, Block 6, on Gunstan Drive, Hybla Valley Farms, Mt. Vernon District. This case was deferred for inspection of the property. Mr. Starkey said he wanted his garage attached by a breezeway, that many other houses in the neighborhood were having this arrangement. Mr. White had posted the property and found all other houses on the same street meeting required setbacks. The breezeway as shown on the plat is 8 feet wide. Mr. Brookfield suggested making it 4 feet - to reduce the necessary variance and bring the garage closer to the house. Mr. white thought that granting this would establish a prescedent for others in the neighborhood, since the others had not asked for variances. Mr. Dawson moved that the applicant be allowed to build his garage 4 feet from the right side of his house - the garage to be attached by a breezeway 4 feet wide and the garage not to come closer to the sideline than 21 feet, making a variance of 4 feet because to deny the application would work a hardship as the lot is not wide enough. Mr. Smith seconded. It carried.

NEW CASES:

1 - George A. Passela, for permission to construct attached carport 5 feet from side line and an addition of two rooms and half bath to dwelling to come 14 feet from side line on Lots 11 and 12, First Addition to Fairland, Falls Church District, on Fairland Street. Mr. Passela showed pictures of his lot. It slopes very steep immediately back of the house, the ground running to a stream. The well is between the carport and the house making it necessary to have an open space between the house and the carport. The addition on the other side of the house is the only way he can enlarge his house. Mr. Dawson said he thought this was too much on a small lot and he would like to look at it. Mr. White said he thought it was all right since the ground did slope very badly. Mr. Smith moved that the application be deferred for inspection. Mr. Piggott seconded. Carried.

2 - Harry R. Crouch, for permission to construct garage for repair shop and filling station, garage to be located 75 feet from front property line on approximately 3 acres located on Route 658 (So. side)

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approximately 1/4 mile east of the junction of 659 and 658, Centerville District. There were noobjections. Mr. White said he could not see a need for such a business in this sparsely settled locality that there were no other businesses near. Mr. Crouch said he could repair any kind of machinery, that he was 3 miles from Centerville and 7 miles from Manassas, that there were farms around from whom he could get farm machinery repair work and from neighbors who needed work done and couldnt get so far for repair. He could set back 100 feet from all sidelines and 100 feet from the highway. Mr. Schumann read restrictions on this kind of installation from the Ordinance. Mr. Smith said it was the spirit of the Ordinance to keep business in a compact group and he could see no possibility of a need for a business here,no travelling public. Mr. White said the gound was not good for making a living since it was low and marshy. Mr. Smith moved that the application be granted, since there were no objections, subject to the conditions that no storage of cars nor wrecked cars nor wrecking of cars should take place on the premises - with a 100 foot setback from the road. Mr. Brookfield seconded. Carried. Mr. Crouch had presented statements from joining property owners showing no opposition.

3 - Eakin Properties, Inc., for permission to erect a post office building on the south east corner of Lee Blvd. and #649, Falls Church District. Mr. Jack Eakin represented the applicant. He said that the government had determined to locate a sub-postoffice in this district and had asked for bids to rent a building. There were two bidders- Eakin Properties and Mr. Rose. The contract was awarded to the Eakin Properties. He is now under a lease contract to locate the building on this spot. Bringing this case before the Board of Appeals is a requirement of the Ordinance - not the government - it is in a General Business District and everything has been approved by the P.O. Department. A shopping center will be built on this site also. The layout of buildings and entrances and exits will be approved by the State Highway Department and the Planning Commission. The Chairman asked for objections. Mr. Lewis, attorney for objectors, spoke. He said thepeople on the north side of the Boulevard objected strenuously as they did not want anything so essential as a post office to be on the side of the boulevard where much dangerous crossing is located. They thought it should be in connection with the already existing shopping center. Mr. Dawson suggested that the traffic light would take care of that. Mr. Eakin said a post office was located for the best interests of the people and the other subdivisions on the

south of Lee Boulevard would also be served. Other tracts would be developed and they too would help to balance the general area- that is, located the P.O. here would be a central location for future development. Mr. Lewis said this was simply a financial deal as far as Eakin Properties was concerned, that no one was concerned with probabilities of the future, that no shopping center was definitely planned in this area - only a general statement that one would be built, and that they were concerned only with needs at present and convenience of the people concerned. He presented a letter from the local citizens association, opposing the installation.

The following women spoke - objecting: Mrs. Alger, Albers, Kahn, Ward, Citron, all enlarging on the objections previously stated.Mr. Eakin said Mr. Rose had bid on the post office and been turned down There was no other consideration by the P.O.Department since there had been only the two bids and no one could force the government to locate a post office where they did not choose, that the Department had considered mail distribution, delivery, general suitability, proper accessibility etc. and they awarded the contract after a careful study. Mr. Smith said the main objections he could see was the street crossing, and that someone would have to cross the street. Mrs. Ward said the other subdivisions were farther away and could come there by car but that they walked or sent their children and it was dangerous for them. Mr. Eakin said parking arrangements would be made, a service road and good accessibility and that it was out of the jurisdiction of the public to determine the location of a post office. Mrs. Albers suggested that they might see the Post Master General, also she asked when the shopping center would be built. Mr. Eakin said when the need arises, and all the necessary facilities will be installed in the shopping center, but that they did not wish to overload the area with shopping centers. Mr. Brookfield asked for the part of the Ordinance requiring this to come before the Board.Mr. Schumann read the section. Mr. Smith moved that the application be granted since this property was already zoned for business and that the plans be approved by the State Highway Department, which controls the traffic hazard, and by the Planning Commission, since this was the site chosen by the Federal Government. Mr. Dawson seconded. Carried.

4 - Ralph E. Sharp, for permission to construct garage addition to present dwelling to come 10 feet from side line on Lot 25, Section 2, Braddock Acres, Falls Church District. Mr. Sharp said his well

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and drain field were immediately back of his house and this was the only place he could put his garage - the lot is very narrow toward the back. The addition would be of cinderblock construction. Mr. Dawson moved that due to the shape of the lot and topography of the ground and the position of the drainfield and well the application be granted. Mr. Piggott seconded. Carried.

5 - John A. Massie, for permission to locate detached garage 75.2 feet from front property line on Lot 8, Section I, Braddock Acres, Falls Church District. Mr. Massie had the same situation as Mr. Sharp- his drainfield is directly back of his house also by putting the garage back farther he would have to change his driveway to get into it and change his fence. The garage would be cinderblock. Mr. Dawson moved that the application be granted due to the position of the drainfield - a garage 18 x 22 ft. to be built 10 feet from the house and 10 feet from the sideline. Mr. Piggott seconded. Carried.

6 - Harry E. Sparshott, for permission to construct garage 45 feet from Ingleside Avenue and 57 feet from Oak Street on Lot 6, MacNall's Add'n to West McLean Subdivision, corner Ingleside and Oak St., Providence District. There was no opposition. Mr. Dawson moved that due to the shape of the lot the application be granted - garage to be located 45 feet from Ingleside Avenue , 57 ft. from Oak Street and 12.6 ft. from the rear line. Mr. Piggott seconded. Carried.

7 - R. W. Fitzpatrick, for permission to construct chicken house 17 ft. from side street and 4 ft. from rear property line on Lot 398, Mason Terrace Subdivision, Falls Church District. There was no opposition. Mr. Fitzpatrick said he would tear down the two old buildings now existing and make one good one - approximately 11 x 18 feet. This building should be 40 feet from the road- according to the Ordinance. The Chairman asked Mr. Schumann to investigate the deed restrictions regarding accessory buildings. This side street was a new street which had caused the buildings to be located too close to the line. The case was put over for Mr. Schumann's report.

8 - Robert D. Vaughn, for permission to construct detached garage 2 ft. from side property line on Lot 197, Section 3, Westlawn Subdivision, Falls Church District. There were no objections. Mr. Vaughn said if he put the garage 10 feet from his sideline he would have to make a very sharp turn to get into it. It would be cinderblock. Mr. Dawson moved that the application be granted since it would work a hardship to locate it properly and since it was fireproof construction. Mr. Piggott seconded. Carried.

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9 - C. B. O'Shaughnessy, for permission to operate a gravel pit on 6 acres approximately 516 feet north of Leesburg Pike, approximetely 1/2 mile east of Bailey's Cross Roads - opposite Washington-Virginia airport, Falls Church District. This case was deferred, at the request of the applicant.

10 - W. H. Craven, for permission to construct addition which will connect two existing buildings (gas station and tool and greas shed) on 17.6501 acres on the north side of 211, approximetely 4-1/2 miles west of Centerville, adjacent to Bull Run, Centerville District. This is a nonconforming use granted originally by the Board of Zoning Appeals. There would be no change in setbacks. Mr. White thought it all right. Mr. Smith moved that the application be granted since it would in his opinion improve the property and will not adversely affect other property in the locality. Mr. Piggott seconded. It carried.

11 - Alice W. Smothers, for permission to erect a duplex dwelling on one acre on Route 600 - .4 mile west of U.S.#1, Lee District. Mr. Smith read the section from the Ordinance allowing a duplex dwelling. Also he read the second definition of a duplex dwelling which covers Mrs. Smothers' type of building. There was no opposition. Mr. Smith moved the application be granted because it does not adversely aff ect the neighborhood and the applicant can observe all proper setbacks and has sufficient area. Mr. Dawson seconded. Carried.

12 - Emma V. Scott, for permission to erect multiple housing on 8-1/4 acres immediately joining Hillwood Square Defense Project, approximately 600 feet from Cherry Street and approximately 350 feet from Shreve St., Falls Church District. This case was deferred at the request of the applicant.

13 - Bernard Cornelius, for permission to operate a gravel pit on 8 acres approximately 2000 feet east of intersection of Shirley Highway and Rt. 236 and SW approximately 650 feet to point of beginning, Falls Church District. Mr. Moncure represented the applicant and Mr. Chamblis represented the opposition. Mr. Chamblis presented a motion to dismiss the case since it was not, in his opinion within the power of the Board of Zoning Appeals to grant a gravel pit in a Rural Residence District, according to the Ordinance. Mr. Marsh was present and concurred in Mr. Chamblis' opinion. Mr.Chamblis said the Board had the right to grant a gravel pit only in an Agricultural District. Mr. Moncure said he did not know of the opposition to his case and asked for a deferment in order to prepare a case. Mr. Chamblis objected. Mr. Brookfield said this was too

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important a case to hear without viewing the property, and he thought a deferment might be the answer. Mr. Moncure said this ground was used as a gravel pit before the Ordinance. Mr. Brookfield thought it was started by the Federal Government when they wanted gravel for the Quartermaster building and they just started taking gravel without a permit. Then others continued to use it, without a permit. Mr. Moncure read from the Ordinance, Page 19 - G. Powers to grant Variances. Mr. Marsh said this was not applicable to this case, that unless this use was in operation before the Ordinance it was illegal and that the Board did not have the right to grant the use, that it was the intent of the Ordinance to exclude gravel pits from residential districts, and had the power to grant gravel pits only in those rural sections, known in the Ordinance as Agricultural District. Mr. Moncure said it would work a great hardship to the applicant to deny this case and again requested a continuance. Mr. Dawson moved that the case be deferred until the next meeting for further study. Mr. Piggott seconded. It carried.

14 - Warren Nowlin, for permission to construct addition to nonconforming dwelling to come 26 feet from right-of-way line on 1/2 acre just south of Rt. 629, approximately 1/2 mile east of intersection of #629 and 241, Mt. Vernon District. There were no objections. The road from which the setback is requested has never been opened, it is a dedicated road but probably will never be opened, since the original owner of this ground has indicated he will open a road on the west side of Mr. Nowlin's property and abandon the present outlet. Mr. Dawson moved that the application be granted - a 14 x 28 foot structure to be placed east and west on the property and located 26 ft. from the right-of-way line, since it does not adversely affect other property owners and since the applicant can meet the required setback from the new road, if it is built. Mr. Piggott seconded.Carried.

15 - John E. Neal, for permission to locate dwelling 19 feet from each side line instead of 25 feet on Lot 3, Boulevard Acres, on Mt.Vernon Highway, 216 feet north of intersection of Mt. Vernon Highway and Rt. 628 intersection, Mt. Vernon District. Mr. Neal purchased this lot thinking the width was 103 feet but at the building setback line it is only 94 feet. The house is 56 feet wide which would not allow proper setbacks at the building setback line. There were no objections. Mr. White said this would not create a traffic hazard. Mr. Neal showed his plans. Mr. Smith suggested Mr. Neal buy more ground. It is not available, Mr. Neal said. Mr. Dawson moved that the application be granted because the type of house to be built is a distinct

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improvement and asset to surrounding neighborhood and in keeping with present development and due to the narrowness of the lot, setbacks to be 19 feet on each side. Mr. Piggott seconded. Carried.

Mr. Thomas was present - the Chairman called his case. The garage will be of conderblock construction and is the only place the applicant can place it on the lot. Mr. Dawson moved to grant the application, garage to be cinderblock, and 2 feet from side and rear lines since there is no other way a garage can be built meeting requirements in setbacks. Mr. Smith seconded. Carried.

Mr. Fitzpatrick's case was brought up again. Mr. Schumann showed a plat of the entire subdivision. The lot in question faces a quarry. There were no objections and nothing adverse to granting the application in the deed restrictions. Mr. Piggott moved that the application be granted - an 11 x 18 ft. chicken house for family use only, 20 feet setback from the street right-of-way and 4 feet from the rear line, since this was an improvement on the present buildings. Mr. Dawson seconded. Carried.

Adjournment.

John W. Brookfield.
S.Cooper Dawson, Chairman

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February 28, 1950

A Special Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, February 28,1950, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs: Dawson, Brookfield, Piggott, and Smith. Mr. White was present for the Zoning Administrator.

Atlas Motor Sales, Inc., for permission to construct sales office building 10 feet from the right-of-way line of Roanoke street, on Lots 2, 3, 4, East Fairfax Park, at Fairfax Circle, Providence District. Mr. John Webb represented the Company. He said they wanted just a temporary building to use for sales of second hand cars - the permit to run for one year only. They asked this variance to give more room to park the cars and not give the lot a cluttered up look. It balanced the buildings better to have it off to one side. Roanoke street has never been opened nor used, therefore it would not create a traffic hazard. Mr. Webb said he really wanted a 40 foot setback from Lee Boulevard too but the Board agreed that the front setback could not be granted. Mr. Dawson said he did

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not like to put even a temporary building in a location like that as it was always difficult to get it removed. Mr. White thought the district was destined to build up as a major business center and Roanoke Street would then be an important street - it might cause a hazard from the standpoint of visibility. Mr. Webb said when that time came they too would want to move the building and anyhow the Board had the control and could have the building removed if it was a nuisance. Mr. Smith thought this would create a general request from others for less setback. Since the permit was requested for only one year, Mr. Smith moved that the applicant be granted the right to build a 20 x 14 foot building with a 50 ft. setback from the right-of-way of Lee Boulevard and a 15 foot setback from the right-of-way of Roanoke Street, the permit to be granted for a period of one year only because it does not affect adversely the present development and use of adjoining property. Mr. Piggott seconded. It. carried.

Adjournment.

S. Cooper Dawson, Chairman

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March 21, 1950

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, March 21, 1950, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Dawson, Brookfield, Piggott, and Smith. Mr. White, Zoning Inspector, and Mr. Schumann, Zoning Administrator, were present.

The following cases had been deferred to this meeting:

Emma V. Scott, for permission to erect multiple housing on 8-1/4 acres located immediately joining Hillwood Square Defense Project, Falls Church District. This case was deferred because plats and layout were not present. Mr. Brookfield moved to defer. Mr. Piggott seconded. Carried.

George A. Passela, for permission to construct attached garage carport 5 ft. from side property line and to add 2 rooms to dwelling to come 14 feet from side line on Lots 11 and 12, First Addn. to Fairland, Falls Church District. Mr. Passela said it was impossible to build any other place because the ground slopes very quickly from his house. Mr. White had seen the property and agreed. Mr. Smith moved to grant the application be cause of topography. Mr. Piggott

seconded. Carried.

The case of Bernard Cornelius, for permission to operate a gravel pit on 8 acres near intersection of Shirley Highway and Route 236 was withdrawn.

C. B. O'Schaughnessy, for permission to operate a gravel pit on 6 acres located approximately 516 ft. north of Leesburg Pike, approximately 1/2 mile east of Bailey's X Roads, Falls Church District. Mr. Andrew Clarke appeared as attorney for the applicant. Mr. Clarke showed the general location of the property with relation to surrounding ground and roads. The original pit has been in operation since 1937 and the applicant is asking for an extension of the gravel pit on 6 acres adjoining. When the gravel is all taken out the applicant will level the ground in accordance with zoning regulations. Mr. Clarke presented a letter from Blanche Adams and Daniel Bell, joining property owners stating that they had no objections to digging gravel on the O'Shaughnessy ground. Mr. Harrison also spoke - not objecting. His property is very near the gravel pit. Also Mr. Ben had no objections.

The Chairman asked Mr. Schumann if he had a report from the Planning Commission. Mr. Schumann said not as a body but the question had been brought up whether or not the Board had the authority to grant a gravel pit in any district other than an Agricultural and this question had not been settled.

Mr. John Rust appeared representing opposition. He said the original pit had been operated by the Northern Va. Construction Company on a non-conforming basis and had been stopped by Mr. Stockton That Mr. O'Shaugnessy had also been stopped for operating without a permit, that Mr. O'Sh. had done some leveling - under pressure from opposition, that he was presenting a petition signed by 38 residents in the neighborhood and Virginia Heights opposing the continuance of the operation. The petition is made a part of these records. The petition states that expansion of the gravel pit was a detriment to the health and safety of adjacent residents and to the general detriment of adjacent values. Mr. Rust stated that the Vetrans Administration and FHA had refused to approve loans on adjoining property until the ground (gravel pit) was graded and leveled in conformance with what they considered proper for safety and health. He also questioned the authority of the Board of Appeals to grant a gravel pit in a Suburban Residence District, that clarification of this question should be made before the Board had a right to grant this application. He stated that Mr. Marsh was not in at

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present but that Mr. Gibson would come before the Board and state Mr. Marsh's opinion that the Board had no right to grant this application. The Chairman asked for Mr. Gibson to appear. Mr. Rust said there was standing water on the ground- holes that were dangerous.

Mr. Clarke said he had understood from Mr. Rust that FHA would not approve loans until the ground was in proper condition and that Mr. O'Sh. had agreed to level the ground and drain it, in fact he was already doing that - therefore there would be no reason for the loans not being accepted. Mr. Clarke also stated that Mr. O'Sh. had been told that he could go ahead with the gravel pit after he had bought the ground from the Northern Virginia Construction Company.

Mr. Gibson came in at this time and stated Mr. Marshs' opinion that this ground would have to be rezoned to an agricultural district before the Board could grant a gravel pit. The original ground was used under a non-conforming use - Mr. Brookfield siad - and where does the non-conforming use stop. Mr. Gibson said - when it reaches the property line.

Mr. Clarke read from the Zoning Ordinance, Page 19, Sect. G, which section he believed allowed the Board to grant this use. Mr. Gibson's opinion was that the Board could not grant an exception which was already covered by the Ordinance.

Mr. Brookfield asked how long the grading would take. Mr. O'Sh. said he was grading and leveling as he went along but that it should take about a year. Mr. Rust said that that meant no loans could be made and no construction in the Virginia Heights Subdivision could take place for a year. Mr. Rust said Mr. O'Sh. had no right to go into the 6 acres and if the Board granted this right their only recourse would be to the courts.

Mr. Gibson thought the final determination should be made by the Courts - just how far the Board of Appeals could go, that this was amounting to a rezoning. Mr. Smith recalled that a rezoning is a permanent thing and a use permit temporary.

Mr. Payne who owns 10 acres near the gravel pit had no objections- he had seen no damage from the already operating pit.

Mr. Clarke stated that zoning was for the purpose of protecting joining property - that there is nothing to restrict a man from taking anything off his ground- restrictions can be placed on the condition the ground is left in- but that is all. This is merely extending a use and under the Zoning Ordinance the applicant can be required to leave the ground with a proper finish, well sloped and drained, but

that the Board has the right to grant this use under conditions.

FHA had stated in a letter that they would approve loans provided the ground is graded - 1 and 2 with a 4 ft. shoulder of if a 4 ft. archer wire fence is put around the property.

Mr. Brookfield moved that the application be granted provided Mr. O'Shaugnessy put the ground in condition which FHA and the County Zoning Ordinance will approve (see Section F, 1-e of the Zoning Ordinance) and that the permit be granted for 1 year. Mr. Piggott seconded the motion. Mr. Rust was asked if this motion would be acceptable to his people. He said it would not be acceptable, that building would be held up during that one year period. Mr. Brookfield added the following reasons to his motion: That the County Zoning Ordinance requires property to be put in shape not to be a detriment to the ground and left in a safe condition for building purposes and that grading cannot be done without considerable loss to Mr. O'Shaughnessy unless he can take the gravel off of his ground and sell it. Mr. Piggott, Brookfield, and Dawson voted to grant the application. Mr. Smith voted No.

New cases:

1. - Wm. M. Smith, for permission to locate garage 28 ft. from street right-of-way on Lot 32, Burnley View Subdivision, on Burnley Lane, Falls Church District. Mr. Smith said the foundation and well were in when he bought the ground and he dad no idea but what he could build, that many houses in the neighborhood were close to the front line. Mr. Smith moved that the application be deferred until Mr. Brookfield could view the property. Mr. Piggott seconded. Carried.

2. - Woodlawn Water Co., Inc., for permission to put in central water system with overhead tank which holds 250000 gallons, on Lot 8, Block I, Rolling Hills Subdivision, on Buckman's Road, Mt.Vernon District. A letter was made a part of these records showing requirements of the Health Department. Mr. White thought the location very good as it is high and no buildings are near. There was no opposition. Mr. Brookfield moved to grant the application subject to requirements of the Health Department. Mr. Piggott seconded. Carried.

3. - A. D. Jerkins, for permission to erect dwelling within 10 feet of the side property line on Lot 8, Section 2, Wellington Heights, Mt. Vernon District. There were no objections. Mr. Smith suggested that the building be put back farther on the lot since the lot widens toward the rear. Mr. Jerkins said he was already back 75 ft and to go back farther would spoil his lot. Mr. Brookfield moved

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to grant the application because of the peculiar shape of the lot and it being a corner lot. Mr. Piggott seconded. It carried.

4. - Dunn Loring Volunteer Fire Co., Inc., for permission to construct addition to present fire house to come 18 feet from road abutting on the south, Lot 8, George A. Merry Subdivision, on the west side of Dunn Loring Road, #650, at intersection with Hunter Road, 698, Providence District. Mr. Stickley represented the Company. This should be a 45 ft. setback from a 30 ft. road. The addition will be approximately 50 x 64 ft. Mr. Smith suggested that there would be no traffic hazard because this was naturally a caution area. There was no opposition. Mr. Stickley said that this is a fast growing area and the Company is looking toward the time when a paid fire department will be needed. Mr. Smith moved to grant the application because it is a lot of record and the addition will not jeopardize adjacent property nor create a hazard. Mr. Brookfield seconded. It carried.

5. - James A. McWhorter, for permission to erect building for storage and insulating materials, on part of Lot 15, Frank Hannah Subsivision, on Little River Pike at Annandale, Falls Church District. Ground contains 19,764 square feet. Mr. McWhorter explained his plats. This ground is left over from the division of very large lots, in the rearl It has been used for the storage of lumber and water ~~fire~~ pipe. The building to be erected would be approximately 30 c 60 feet. The ground is of no use for residential purposes. A right-of-way has been left for entrance from McWhorter place. But Mr. McWhorter wishes to have a right-of-way from Little River Pike. They will store insulating materials and some lumber in the building. This lot was planned originally for a water tank because of its high elevation. There were no objections. The Zoning Administrator could not give a permit for this use - therefore the recourse to theBoard of Appeals. Mr.Schumann read Section XII Par. G from the Ordinance under which regulation the Board might grant this use. Mr. Mc Whorter said the ground would not be used for active business since it was so poorly located.It would be used only for storage of materials until they could be used elsewhere. He would need this use for approximately 3 years. Mr. Smith said he was not in favor of a commercial use here but as this was an enclosed area and not planned to be used actively commercial it probably was all right. He moved to grant the application in accordance with the application presented, the permit to be granted for a period of 3 years, the building to conform to all setbacks and regulations as required by the Ordinance, granted due to the specific location of the property. Mr. Brookfield seconded. Mr. Schumann said this was not an accessory

building and would have to observe a 15 foot setback on the sides. The motion carried.

6 - Bernice Ferrand, for permission to erect an attached garage within 10 feet of the side property line on Lot 31, Merry Oaks Subdivision, 1/4 mile south of Route 7 on the west side of Rt. 650, Providence District. Capt. Pfalsgraph, the next door neighbor, objected to the dwelling being extended to come 15 feet of his line, as it would cut off his view of his back yard from the front and devaluate his property. Mrs. Ferrand said she could not have a detached garage as it would be over the septic field. The Captain presented a petition against the construction. The application was denied - Mr. Smith made the motion and Mr.Brookfield seconded. Carried.

7 - H. Walter Price, for permission to construct addition to dwelling to come 19 feet from side property line and 50 feet from front property line, on Lot 24, Section 2, Braddock acres, on Braddock Road, Falls Church District. There were no objections. Mr. White had seen the property and saw no reason to object since the back yard has the septic field and the applicant cannot have a detached garage. Mr. Brookfield moved to grant the application and Mr. Piggott seconded, since this is the only way an addition can be placed.

8 - Charles B. Fox, Jr., for permission to locate dwelling 36 feet from front property line instead of 50 feet on Lots 92 and 93, Valley View Subdivision, on Hillcrest Drive, Mt.Vernon District. The back of the lot slopes to a ravine making construction too expensive if the house were located in accordance with the Ordinance Since there was a question about the other lots and the roads in the locality, Mr. Schumann offered to get the plat of the Subdivision. The case was deferred until later in the day.

9 - D. W. Hamilton and Mary Ball, for permission to locate dwelling 42 feet from front property line, approximately 1/2 mile south of intersection of #641 and #125, Lee District, located on Old Ox Road on the left side going south. The applicant has a very narrow strip of land and cannot meet the setback requirements. There are about 5 acres between him and the new Ox Road, 123. Mr. White said the old house was non-conforming and the applicant simply wanted to put on an addition, and it would work a hardship if denied, he thought this was an honest request for relief. Mr. Brookfield said he did not think the Board had the right to deny this application since the lot was so shallow. There was no opposition. Because of the shape of the lot, Mr. Brookfield moved to grant the application and Mr. Piggott seconded. It carried.

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Mr. Schumann brought the plat for Mr. Fix' application. There were no objections. Mr. Brookfield moved to grant the application due to the peculiar topographical conditions. Mr. Piggott seconed. It carried.

10 - Belle Haven Realty Corporation, for permission to have less than required setback on pump islands, permitting northerly pump island centerline to be approximately 40 feet from edge of paving, and southerly pump island centerline to be approximately 47.5 feet from edge of paving, on lot 82' x 293.91' x 242.45' x 210.59' at southerly corner of Ft. Hunt Road andU. S. #1, Belle Haven Subdivision, Mt. Vernon District. There was no opposition. Mr. Schumann said no setbacks were figured from the edge of the paving - that the building itself would have to have a variance which the applicant had not asked for and the applicant would also have to have a variance from Ft. Hunt Road which was not covered in the application. Mr.Dawson said there was plenty of visibility at this corner - but that the applicant had not asked for the proper setbacks under this application, therefore the Board could not grant these setbacks. It was moved to defer the application. Mr. Brookfield moved the deferrment and Mr. Piggott seconded. Carried.

11 - Edward P. Doran, for permission to locate gasoline pumps for filling station, 37 feet from right-of-way of U.S.#1, Parcel No. I, Barley Farms Subdivision, SE corner of U.S.#1 and Forrest Drive, Mt. Vernon District. Mr. Dawson said there was plenty of view and no traffic hazard. The building is back a sufficient distance. Mr. Brookfield moved to grant the application since it is not objectionable and not a traffic hazard. Mr. Piggott seconded. Carried. Mr. Smith suggested that theBoard adjourn for lunch. Mrs. Page said she had small children and asked if her case could be heard. There were no objections.

15 - Frank C. Page, for permission to remodel dwelling into duplex dwelling, on the east side of Rt. 650 between Old Dominion Railroad and Rt. 695, approximately 650 feet from railroad tracks, Providence District. Mrs. Page said they had a large house and wished to fix it to bring in some income. Mr. Smith said since semi-detached houses were allowed only in an urban district - could the Board act on this? Mr. Schumann said the amendment to the Ordinance of December, 1949 was written to cover semi-detached houses on large developments and not a single duplex on an individual lot. Mr. Smith thought this should be clarified by the Board of Supervisors before the Board act. There were no objections. Mrs. Jackson, a neighbor and Mrs. Black said they were perfectly in accord with Mrs. Page having the duplex, that apartments were already in the neigh-

borhood and it would not hurt anyone to have this duplex. Mr. Piggott moved to defer the case until clarification could be had from theBoard of Supervisors. Mr. Brookfield seconded. Mr. Smith moved that Mr. Schumann be instructed to get the information requested from the Board regarding the authority of the Board of Appeals to act on duplex houses. Mr. Brookfield seconded. Both motions carried.

12 - General Industries, Inc. This was deferred as the applicant could not be present. Mr. Piggott made the motion to defer, Mr. Brookfield seconded. Carried.

13 - The case of Julius Wadsworth was withdrawn.

14 - Groff and Anderson, Inc., for permission to erect a 40 x 20 foot addition to present shed on property line, 2406 Duke Street (So. side). Falls Church District. This is an addition to a non-conforming building on the line - Roberts Lane. Mr. White and Mr. Crain both thought Roberts Lane would never be used to any extent as it leads immediately to the railroad tracks. There were no objections. Mr. Brookfield moved that the application be granted. Mr. Piggott seconded. Carried. (reasons - the road is practically unused and would not be a traffic hazard)

16 - Brown Rolston, Jr. for permission to construct garage with one room over it as addition to present dwelling, to come 15 feet from side property line on Parcel D (approximately 5 acres) approximately 1350 feet south of Route 683 and 3/8 mile west of intersection of 683 and 676, Providence District. Mr. Rolston presented a letter from Admiral Miller the only near neighbor affected saying he had no objections to the addition. He/Mr. Rolston showed his plans and the general layout. According to the applicant this is the only place an addition could be put on the house without either cutting off the air or light from other rooms or obstructing the view. It is the logical place as it borders the kitchen and would be in proper relation to the other rooms. This ground is broken up into large tracts and no other houses would be built near. Mr. White saw no objections. Mr. Smith suggested the applicant might buy a 10 foot strip from the Admiral in order to meet the setback. Mr. Rolston thought that would not be possible unless perhaps he could trade some land at the end of the acreage. Also the land falls away quite abruptly and is not practical for building. Since there was the possibility of Mr. Rolston buying the 10 foot strip to meet his setback, Mr. Brookfield moved to deny the application. Mr. Smith seconded. Carried.

17 - Peter Chaconas, for permission to construct duplex dwelling on the north side of Rt. 709, approximately 1/2 mile west of intersection

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with Route 649, Lot 9, Holmes Run Acres, Falls Church District. The Chairman suggested that this case be handled the same as the Page case - to hear it but defer decision until final word from the Board of Supervisors on theBoard of Appeals' authority to act. There were no objections. Mr. Schumann asked the applicant if he had obtained an ok from the Health Department. He had not. He was asked to get this and a decision will beforwarded to him after word from the Board of Supervisors. Mr. Brookfield moved to defer the application and Mr. Piggott seconded. It carried.

18 - Charles J. Harnett, George Ford, Robert Cummings, Trustees, for permission to locate attached garage on each of the lots described below, 6 feet from the side property line, all in Parcel 3, Section I-A: Lots 13-41, incl., Block E; Lots 19, 20, Block F; 1-11, incl., Block G; 108. Block H; 1-11, incl., Block K; 1-21, incl., Block L; all in Bucknell Manor, Mt. Vernon District. Mr. Harnett represented the Trustees. The first part of this Section was approved for this same variance by the Board and this application as asking for the continuance of that already approved section. This was not applied for at that time as the plat was not prepared. Mr. Harnett said they were planning to carry out the same idea as in Section I-A, that the homes would be uniform and in harmony with good planning, that fire protection was already installed - which would not increase insurance rates. Mr. Smith asked why the applicant could not conform to the regulations since this subdivision was set up after the Ordinance went into effect. Mr. Harnett said there had been some discrepancy in the layout. Mr. Smith said the developers had taken it for granted that their variance would be granted - that this would have the same affect as row houses. Mr. Dawson said the other section, developed in this way, did not give a crowded impression- in fact it was very attractive. Mr. Smith said theBoard was laying itself wide open for others to come up with the same request. Mr. Dawson said if they didnt grant this - we would have a long list of individuals coming up for variances which the Board would almost have to grant - either detached or attached garages. Mr.Smith said he thought they were crowding too much on such small lots and the Board was going too far to reduce the requirements to this extent. Mr. Harnett detailed the expenses to the developer and stated that they could not economically develop on larger lots, and still sell inexpensive homes - they were trying to serve people in the lower or medium income group - that this was naturally an Urban district, the pattern is already set by Section I-A, that this was simply a parallel request to the first application. Mr. Smith moved that the application be deferred. Mr. Brookfield seconded. Carried.

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19 - Charles J. Harnett, George Ford, Robert Cummings, Trustees, for permission to locate detached garage 20 feet from rear line (Quander Road) and 6 feet from side line on Lots 13-41, incl., Section L-A, Block E, Bucknell Manor, Mt. Vernon District. This application was deferred also to be taken up in connection with the similar application by the same applicant. Mr. Smith made the motion and Mr. Brookfield seconded. Carried.

20 - Walter C. Crain, for permission to complete dwelling to come 15 feet from right-of-way line of Fort Hill Drive, Lot 2, Section C, Wilton Woods, on Wilton Road and Fort Hill Drive, Mt. Vernon District. Mr. Crain explained his plats. When the survey was made it did not follow the original road. The dwelling across the street from the one in question was planned to fit the ground but it was found that the house did not meet the required setbacks. The road was moved to give the proper setbacks on the first house in order to clear the property for loan purposes. The second house was started and is too close to the road. This serves only the two houses and would not create a traffic hazard. There is sufficient ground in the lot to meet requirements. The ground slopes making it difficult to place the buildings in any other location. Mr. Smith moved to grant the application because of topography and the fact that the lot was of record prior to the Ordinance and it would not create a traffic hazard and because of the naturally restricted use of this side street. Mr. Brookfield seconded. Carried.

21 - Bernice Carter Davis, for permission to subdivide part of Lots 51, 52, 53, and possibly parts of 50 and 55, on the southwest corner of Mt. Vernon Memorial Highway and Virginia Avenue into lots two of which will contain less than the area requirements of the Zoning Ordinance, Mt. Vernon District. Mrs. Davis said she had commitments for water to be furnished to these lots. The Health Department had given ok for septic tanks. She had the lots divided tentatively giving a good frontage but not sufficient area. Mr. Dawson said he thought this would be all right but he wanted to see an exact survey of the lines of the lots. Mrs. Davis said an accurate survey would be made immediately if this were granted. Mr. Dawson said he thought the Planning Commission should approve the plat before the Board passed on it. Mr. Brookfield moved that the application be deferred for a surveyors plat. Mr. Smith seconded. Carried. This will be taken up on April 4 when the plats are to be presented.

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22 - Arthur Pomponio, for permission to erect dwelling with a 23 foot rear yard instead of 25 feet as required by the Ordinance on 13,532 square feet located at the northeast corner of West Street and the proposed Arthur Drive, Falls Church District. Mr. Pomponio was not present. Mr. Cunningham appeared since his property backs up to the Pomponio property and he had questioned the rear setback on this property. Mr. Schumann said there was no definite determination in the Ordinance on which was the rear yard on corner lots. That Mr. Pomponio was moving the foundation or the part of the house that violated the setback, making it conform to a 25 foot setback. He asked the Board to suggest an amendment to the Ordinance to clarify which was the back yard on corner lots. It was suggested that the narrow side of the lot be considered the front and the back yard opposite this narrow side, if the lot is square the street with the most development should be considered the front. Mr. Brookfield suggested that this amendment be prepared and submitted to the Board of Zoning Appeals for approval.

23 - The case of C. A. Seoane, for permission to operate a golf driving range was withdrawn.

Mr. Brookfield moved that any member of the Board of Appeals who had an idea for amendments to the Zoning Ordinance to contact Mr. Schumann to contact Mr. Schumann so the amendment could be presented to theBoard April 4. Mr. Smith seconded. Carried.

24 - Mr. Brookfield moved and Mr. Smith seconded the motion to defer the case of Paul T. Stone for permission to erect multiple housing.

Mr. Brookfield suggested that a resolution be prepared for the Board of Supervisors and Planning Commission for discussion regarding the future policy toward gravel pits. ~~Off the record of gravel pits followed~~. See B.

S. Cooper Dawson

S.Cooper Dawson, Chairman

* * *

April 4, 1950

The Regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, April 4, 1950, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Dawson, Brookfield, Piggott, Smith. Mr. White, Zoning Inspector and Mr. Schumann, Zoning Administrator were present.

1 - Lee Boulevard Baptist Church, for permission to erect addition to present building with less than the required setback on the northwest corner of Lee Boulevard and Westcott Street, Falls Church District. Mr. Franks appeared for the church. Mr. Frank said the church was only temporary - it was built during the early construction of the subdivision and is too close to Lee Boulevard. They want to extend the church along Lee Boulevard with an addition of 48 x 32 feet. The service drive has never been put in in front of the church and the Highway Department said it would not be put in because of a steep slope in the ground. Mr. Dawson thought this might be a traffic hazard. Mr. Brookfield suggested that it might be well to give a temporary permit for one or two years. Mr. Frank said they wanted to build a permanent building on this same ground which would be properly located according to setbacks and a limited permit would suit him. Mr. Brookfield moved that the applicant be granted a permit for one year to construct a frame addition 48 x 32 feet - to come 10 feet from the service drive right-of-way, which would be 30 feet from the Lee Boulevard right-of-way, the addition to be adjoining and connected to the present temporary structure. Mr. Smith seconded the motion. It carried.

2 - Brown Rolston, Jr. for permission to construct garage with room over it as addition to dwelling to come 15 feet from side line on 5 acres approximately 1350 feet south of Route 683 and 3/8 mile west of intersection of 683 and 676. Mr. Brookfield moved to reopen this case which had been denied at the last meeting because of new evidence. Mr. Smith seconded. Carried. Mr. Rolston showed his plats and photographs of his house from different angles. Admiral Miller's house is the nearest residence to Mr. Rolston's and the only house affected. The two buildings are 100 feet apart. The Admiral was present and had no objections. In fact he said that building the garage in the location required by the Zoning Ordinance would definitely be a detriment to his property as it would cut off his view which was the important feature of his land - large windows look over this view. As Mr. Rolston had planned the addition it was no obstruction and was a definite improvement to the house. The pictures showed a shed which is located in the line of vision of the Admiral's view. Mr. Brookfield

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thought the shed was just as detrimental to view as a detached garage would be. He moved that the application be granted provided this shed be torn down within a year, the application to be granted because of the peculiar position of the two houses and the addition be allowed to come 15 feet of the side property line. Mr. Piggott seconded. It carried.

3 - Mr. and Mrs. E. B. Montgomery, for permission to operate a summer theatre for approximately 9 weeks during the summer season on ground owned by the applicants and known as Collingwood, located approximately 1350 feet east of Mt. Vernon Memorial Highway, near the junction with Route 628, Mt. Vernon District. Mr. Smith said that according to the Ordinance he could not see where the Board had the right to grant this application - that theatres were listed only under General Business Districts and it was entirely out of the jurisdiction of the Board to grant a General Business use in a Rural Residence District. In fact, that there is nothing in the Ordinance about a temporary theatre. Mrs. Lawson said Mr. Schumann had suggested that the Montgomerys come before the Board just for that reason - there was nothing in the Ordinance to allow this use and neither he nor the applicants wished to re-zone the land to General Business. The Board could restrict the use for a summer theatre only. Mr. Smith thought there might be repercussions if the Board over stepped its jurisdiction. Mr. Brookfield thought that since there was nothing conflicting in the Ordinance the Board did have a right to handle this. Mr. Schumann came in at this time and restated his reasons for asking the Board to act on this. He said that the Board had acted in similar cases-granting certain uses rather than to throw the ground open to any business use which re-zoning would do. Mr. Brookfield moved that it was the opinion ov theBoard that since there was no other conflicting clause set forth in the Ordinance, the Board had the right to act because of precedence set by former actions taken by the Board. Mr. Piggott seconded. It carried. Parking was discussed, adequate space is already provided and in use for the restaurant, the entrances and exits are very well established and not in any sense hazardous. The theatre itself would be back about 1000 feet from the Highway with the stage approximately 20 x 40 feet and a seating section of approximately 50 x 70 feet. No loud amplifier will be used, only a microphone such as is used in any theatre.

Mr. R. P. Stevens from National Capitol Parks was present to represent the interests of that body. He said they wanted to go on record as opposing a rezoning. Entrances were discussed. The installation

of the theatre will be practically screened from the Boulevard by trees and shrubs.

Mr. Herbert Newell was present from the Mt. Vernon Citizens Association. He said that since the Association was very evenly divided regarding therei feeling about the theatre (half for and half against) they did not pass a resolution but were simply stating their opposition to a re-zoning and wanted the time of the permit limited.

Mrs. Bernice Davis also spoke - wanting to know if food and drinks would be served after the theatre. Mr. Montgomery said they had no thought of serving anything after the theatre was out.

Mr. White thought the intent of the Ordinance was to give relief in temporary cases of this kind, that it was fair to grant this under restrictions. Mr. Brookfield moved to grant a temporary permit for a theatre to be located on approximately 8 acres and not less than 1000 feet off of Mt. Vernon Highway, on the east side, at Collingwood and that the permit be good until January 1, 1951. Mr. Smith seconded. It carried.

4 - The case of Bernice Davis had been deferred from the last meeting for a plat showing the exact sizes of the lots involved. (Lots located on the southwest corner of Mt. Vernon Memorial Highway and Virginia Avenue) Mrs. Davis showed the plats with division into lots under the half acre size. Mr. Schumann scaled one of the lots which he said would be very difficult to get a house on. He suggested that Mrs. Davis take 10 feet away from the neighboring lot to give more width to this smaller lot. This was satisfactory to Mrs. Davis. Mr. Schumann drew the lots with this additional width - and the bordering lot will less than the 10 feet in width. Mr. Schumann worded the motion for Mr. Brookfield (in order to make it perfectly clear) that the application be granted subject to subdivision of the lots in accordance with the plat attached because this division was in harmony with the Subdivision Ordinance. Mrs. Davis said she would have Mr. Swetnam make a print of the plat as revised and give it to the Zoning orfice for their records to use for future building permits and reference to proper lot sizes. Mr. Piggott seconded the motion. Carried.

5 - Alfred Kidwell, for permission to construct commercial dairy barn to be located nearer to property line than required by the Ordinance, on 200 acres located on the north side of Hunter Mill Road, 1 mile west of the W & O D Railroad. Mr. Smith had seen the property and drew a diagram on the board showing location of all buildings. The addition would be a barn 110 feet long - located 50 feet from the

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house and 76 feet from the property line instead of 100 feet as required. If the barn were located in the only other possible place, it would be too far away from the other buildings to be practical. The ground is sloping and the usable ground would not give width enough to meet the required setback without working a district hardship for the applicant. The District Health Department requires that a dairy barn be at least 50 feet from the house. Mr. Smith moved to grant the application - the building to be located 76 feet from the adjoining property line, due to the topography and narrowness of the property and in order to meet the requirements set by the District Health Department, which requires the barn to be 50 feet from the house. Mr. Brookfield seconded. Carried.

Mr. Dawson suggested that regarding Mr. Harnett's applications for attached garages to come too close to the side lines and which were deferred at the last meeting to April 18th, he had thought this over very carefully with reference to the appearance of these garages as compared with similar developments with attached garages. He thought the attached garages with less than the required setback made a much more attractive setup than detached garages which met the setback requirements. He invited the Board of Appeals, PlanningCommission, Board of Supervisors, and Mr. Schumann to view various subdivisions with this type of development in mind and to have dinner afterwards at Penn Daw. The time for this meeting will be set later - each one would be notified.

Informal discussion - ~~off the Record~~ SCD on gravel pits followed.

Voted to adjourn.

S. Cooper Dawson, Chairman

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(See Page 183 for minutes for April 25, 1950)

May 2, 1950

A Special Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, May 2, 1950, in the Board Room or the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs S.Cooper Dawson, J.W.Brookfield, W.S.Elgin, T.I.Piggott, and Verlin Smith. Mr. H.F.Schumann, Zoning Administrator and E.R.White, Zoning Inspector were present.

Mr. Brookfield acted a s Chairman

May 2, 1950

The case of Sam W. Cox for permission to live in garage until dwelling is completed, which expires this month was extended for one year - until May 2, 1951, at the request of Mrs. Cox. Mr. Dawson made the motion Mr. Piggott seconded.

1 - Ida S. Foster, for permission to locate dwelling approximately 25 feet from Lee Blvd. instead of 30 feet on part of Lot 18 and 17,353 square feet, Birch Subdivision, Falls Church District. Consul General Foster appeared. The Board had previously granted a 30 foot setback on this lot and the Zoning office gave approval of foundation check. The house was located and completed. The title Company discovered that the setback was 25 feet instead of 30 ft. at one corner of the house. Mr. White said he had inspected the location and could not measure it properly because the ground was very rough so he took the word of the builder that the setback was in accordance with the plat. Mr. Dawson said that it would certainly be an expensive proposition to move the house and since there were no objections and there was no obstruction to traffic or visibility he moved to grant the application, and since there was an error in the inspection. Mr. Elgin seconded. Carried.

2 - Mary F. Shultz, for permission to erect tourist cabins on Lots 9,10, 11, and 12, Crystal Springs Subdivision, Centerville District. Mr. and Mrs. Shultz appeared before the Board. They showed the general plan of proposed development - meeting all setbacks and setting the buildings 100 feet back from the boulevard. Mr. Roy Swazey appeared in opposition representing property owners in Crystal Springs. He showed a plat of the subdivision and indicated the position of the dwellings which would be behind this business development making a bad entrance to the residential section. He stated that much of the subdivision is not yet built on and this business would discourage people from putting up nice homes and would ultimately depreciate the value of the entire section. This too would be an opening wedge to other business which it is not believed is needed nor is it wanted. Also he stated that this was in effect spot zoning which is definitely discouraged by the Planning Commission. Mrs. Ferguson who owns ground joining this proposed court spoke in opposition. She recalled that this same ground was up for rezoning in June 1947 and refused by the Board of Supervisors. Mr. Swazey called on the following residents to express their opposition: Mr. Smith, Mr.Zolkin, Richardson, Thomas and Botts all stated that this would detract from their property values and that it was not in keeping with a purely residential section.

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Mr. Swazey offered a petition opposing and filed letters with the case from various people in the neighborhood opposing.

Mr. Shultz said there were other tourist courts near and the lots were not good for residential use since they were directly on the busy boulevard and subject to noise. He felt that in the future it would be business all along the boulevard. He felt that an attractive installation would not be a detriment.

Mr. Smith read from the Ordinance and suggested that the Board had no right to create more business since there was apparently no need for further business at this point. Mr. Elgin moved to deny the application since it was not in keeping with the general intent of the Zoning Ordinance. Mr. Piggott seconded. Carried. Mr. Shultz noted an appeal would be made.

3 - Centerville Volunteer Fire Department, for permission to erect fire station with less than required sideyards on part of a 5 acre tract located on the west side of Rt. 28 about 600 feet south of Lee Highway, Centerville District. Mr. Dye had donated the lot for the fire department and had no objectionsto the building being put on the line as he expects to ask for business zoning on this lot bordering the fire department lot. Mr. Brooke on the opposite side does not oppose the installation. There were no objections. Mr. Elgin moved to grant the application as he thought it an asset to the community - but made it contingent upon Mr. Dye requesting business zoning on his lot. Mr. Smith thought this was not necessary since this is really a community building. Mr. Piggott seconded. The idea of the rezoning was stricken from the motion. It carried.

4 - J. W. Crown, for permission to erect attached garage within 4 feet of the sideyard and an addition to present dwelling to come 13 feet from side property line on Lot I, Block B, Alpine Subdivision, Falls Church District. There was no opposition. The construction would be all brick. It is joining commercial property on one side - all commercial to Annandale. The applicant cannot go back further with the addition because of the septic field. He wants the garage on this side to shield his home from any possible commercial development on that side of his property and it would add to the attractiveness of his house. Mr. Dawson moved that due to the location of the septic tank and field the applicant be granted a 13 foot setback from the east line and a garage 4 feet from the west line - all construction to be masonry. Mr. Elgin seconded. It carried.

5 - C. B. Miller, for permission to construct addition to existing nonconforming restaurant with less setback from front right-of-way than

required, setback to be the same as existing building, on 6.628 acres on the south side of Lee Highway, approximately 1-1/2 mile west of Kamp Washington, Centerville District. There was no opposition. Mr. White said a consistent policy by the Board would reject this application since it was the intent of the Ordinance to get rid of non-conforming businesses instead of adding to them, but that if the Board denied this application it was penalizing a man for having a growing business. Mr. Miller said he could not go back further with his addition as there were several very large trees he did not wish to take out. Mr. Miller told of a misunderstanding in the zoning office - when the Inspector told him to go ahead with his footings. He bought the material and when he asked for a building permit he was told he would have to go before the Board. The materials were in his yard waiting the result of this hearing. Mr. White had no recollection of having told Mr. Miller to go ahead. Mr. Elgin moved that the Board grant the application. Mr. Piggott seconded. Mr. Smith and Dawson voted No. Mr. Elgin and Piggott voted Yes. Mr. Brookfield voted to deny the application which was the deciding vote and the application was denied.

6 - Sol Netzer, for permission to locate gasoline pumps 26 feet 6 " from Leesburg Pike right-of-way instead of 50 feet on 29,973 square feet on the north side of Leesburg Pike, approximately 175 feet from intersection with Powell Street, Falls Church District. Mr. Lewis Leigh appeared with Mr. Netzer. This is across from Culmore next to a general business lot. Since the applicants ground is zoned rural business it makes his front setback 50 feet from the property line while the lot joining has a setback of 30 feet. He wants the same setback as the general business lot. Mr. Dawson moved that due to the fact that Standard Oil was locating gasoline pumps on the joining lot 30 feet from the front property line - the applicant be granted the same setback. There were no objections from those present. Mr. Elgin seconded. Carried.

7 - Hilda Cohn, for permission to locate detached garage 2 feet from side property line and 2 feet from rear property line on Lot 22, Block6, Fairhaven Subdivision, Mt. Vernon District. Mrs. Cohn said it was impractical to locate the garage 10 feet from the side line because it was too near to an extension on the rear of her house - the car could not get in and out. Mr. Dawson moved that due to the fact that theBoard had granted many applications like this because of the narrowness of the lot and impossibility of getting the car into the garage the application be granted. Mr. Elgin seconded. Carried.

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8 - The case of Charles B. Overly for permission to come 7 feet from side property line on Lot 8, City Park Homes was withdrawn.

9 - Mrs. Eugene McWheaton, for permission to construct addition to tourist cottage to come 18 feet from street right-of-way on ground located on the west side of U.S.#1, 1/4 mile south of Mt. Vernon High School, Mt Vernon District. This court is known as Twin Oaks. The street dead ends at this building. There were no objections. This is an old building and this one side is the only place an addition can be put. Mr. Dawson moved that the application be granted according to the plat - 18 feet from the rear property line, due to the drainage field which is on the north side of the building. Mr. Elgin seconded. Carried.

10 - James Pichowske, for permission to erect sign approximately 68 sq. ft. which is larger than allowed by the Ordinance. The sign purchased Nov. 21, 1949 - after the sign amendment was passed. Ground located on east side of U.S.#1, 1/2 mile north of Penn Daw, Mt.Vernon District. Mrs. Pichowski said they purchased the sign not knowing about the sign amendment. It was actually 64 square feet with the cutouts. Mr. Dawson moved to grant the application. Mr. Elgin seconded. Carried.

11 - John and Carole Whitlock, for permission to construct porch and garage addition to come 6" from side line on Lot 31, Section 3, City Park Homes, Falls Church District. Mr. Whitlock said they intended to use asbestos shingles. Mr. Dawson thought this was too close for a non-fire proof construction. He moved to grant the application because of the narrowness of the lot - the construction to be masonry. Mr. Elgin seconded. Carried.

12 - John Loughran, for permission to erect multiple housing on 16.402 acres on the south side of Little River Pike, adjacent to Lee Jackson School property, approximately 210 feet west of Seminary Rd Falls Church District. There was no one present to represent this case so it was not officially heard. However, there was considerable opposition present and the Chairman asked if they wished to be heard informally. The following spoke against the proposed use: Mrs. David Rodway, Mrs. Newell Blair, Mrs. Dean Snyder, Mrs. Arthur Richardson. They protested the already crowded schools. Mrs. Rodway said the developer should be required to provide adequate schools for the added children which a development of this kind would bring. The case was deferred.

The following cases had been deferred from previous meeting:

Two cases of Charles Harnett, George Ford, and Robert Cummings were

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taken up although Mr. Harnett was not present.

1. For permission to locate attached garages 6 feet from side line on Section I-A, Parcel 3 - Lots 13-41, incl. Block E; 19-20, Block F; 1-11 incl. Block G; 1-8 incl. Block H; 1-11, incl. K; 1-21, Block L; Bucknell Manor, Mt. Vernon District.

2nd. For permission to locate detached garages 20 feet from rear line (Quander Road) and 6 ft. from side line, Section I-A, Block E, Lots 12-41 incl. Bucknell Manor, Mt. Vernon District.

1. Mr. Dawson thought the attached garages added to the appearance of the small homes and made a neat uniform development. Mr. Smith opposed granting the application. He read from the Ordinance to substantiate his belief that the Board would be in effect rezoning to grant such a setback and this is not the function of the Board to rezone. The tendency is to increase lot sizes rather than make them smaller. This would not work a hardship on anyone since it was a new development and the developer was aware of the requirements of the Ordinance before the ground was laid out. It could have been planned to take care of these setbacks. It was the business of the Board to help enforce the Ordinance rather than annul it, Mr. Smith said. Mr. Brookfield suggested that this had the effect of amending the Ordinance or rezoning to 7200 square feet.lots which was against the Ordinance. Mr. Smith said this was the same thing as giving the developer a 4 foot strip of land. Revenue is low enough from these small house developments and did not think they should add to this type of development., that the county could not maintain these small lot subdivisions financially, also that we could grant individual cases where a hardship existed on old lots but this was not the situation here, all the lots are too narrow and we have an Ordinance to uphold. The firstsection of this subdivision was granted because it was all laid out but this is entirely new. Therefore Mr.Smith moved that the application be refused because it substantially and materially annuls the regulations of the Zoning Ordinance which states that these regulations should be held to be minimum requirements. Mr. Piggott seconded. Mr. Elgin and Dawson noted No. Mr. Brookfield, Piggott, and Smith voted Yes. The application was denied.

2. Mr. Schumann showed that the garages could not be placed ~~orieark~~ on these lots under any circumstances because the rear line was a street and they could not meet the setbacks. It would be penalizing the applicant not to alow these garages on these

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lots. Mr. Smith said if the Board granted these variances on a new development we are amending the Ordinance. By denying this Mr. Smith felt it would have a tendency to force developers to make lots large enough to compete with those who do meet the Ordinance and that such a large number of variances annul the Ordinance. Mr Brookfield thought this was not in harmony with the intent of the Ordinance to grant variances on such a large scale. Mr. Smith said the Board had granted similar variances in individual cases but there was always a reason - hardship in one way or another - but that this was a developers problem. Mr. Smith moved to refuse the application on the same grounds as the one previous - that it would substantially and materially annul the regulations of the Zoning Ordinance which states that these requirements should be held to be minimum requirements. Mr. Piggott seconded. Carried. The vote - Mr. Smith, Piggott, Brookfield Yes; Mr. Dawson and Mr. Elgin, No.

- Frank C. Page, for permission to remodel dwelling into duplex on ground located on the east side of Route 650 between Old Dominion Railroad and 695, approximately 650 feet from the railroad tracks. This case had been deferred for a recommendation on Amendment to the Zoning Ordinance passed December 1949 regarding semi-detached houses - whether the Board could handle individual cases or if it should go to the Board of Zupervisors. Mr. Schumann said this amendment was passed with the spedific intent of taking care of large developments - that while it wasnt actually stated in the amendment the one work "project" should have been in the wording. Mr. Smith said the amendment should have stated its intent - but he felt that the Board could interpret the Ordinance. Mr. Brookfield said this was in a sense the same proposition as the Bucknell case- an individual case as against wholesale variances and he thought the Board was corredt in handling individual cases. There were no objections. Mr. Dawson moved that since it had been testified that there were other duplex dwellings in the neighborhood and the lot is large enough for two dwellings the application be granted. Mr. Elgin seconded. It carried. Mr. Smith did not vote.

Peter Chaconas, for permission to construct duplex dwelling on Lot 9, Holmes Run Acres, Falls Church District. This was the same type of case as the Frank C. Page - deferred for the same reason. Mr. Dawson moved to grant the application and Mr. Elgin seconded. Carried. Mr. Smith not voting.

- General Industries Corporation, for permission to locate detached garage 3 feet from side property line on Lot 9, Tremont Gardens.

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No one was present to support the case. It was put at the bottom of the list.

Wm. Smith, for permission to locate garage 28 feet from street right-of-way on Lot 32, Burnley View, Falls Church District. Mr. Smith said the foundation for this garage was in when he bought the place and he went ahead and built on that location not knowing that the setbacks were wrong. He is living in the garage and wants to put on an addition. The Board did not like the idea of not observing the setbacks. The opinion of the Board was that the street which was put in after the garage was built was carelessly staked out and whoever built the garage disregarded requirements on setbacks. Mr. Dawson said he would like to look at the property before making a decision. He moved to defer the case so he and Mr. Smith could view the property. Mr. Piggott seconded. Carried.

Belle Haven Realty Corporation, for permission to have 40 foot setback on one pump island and 47.5 feet on the other on ground located on U.S.#1 at the junction with Ft. Hunt Road, Mt.Vernon District. This ground is up for General Business rezoning. The buildings will conform to required setbacks. Variance is requested on the pumps only. There was no opposition. Mr. Dawson moved to grant the setbacks on the pumps - 12 feet on one and 23 feet on the other - from right of way line as shown on the plat. Mr. Elgin seconded. Carried.

Paul T. Stone, for permission to erect multiple housing on 71 acres on the north side of Shirley Highway approximately 1000 ft. west of Route 7, south and west of Ft. Ward Heights. Mr. Stone had sent a letter asking that this case be deferred. Mr. Schuman said the Planning Commission was studying multiple housing in the County and was not yet able to report on this case. It was moved to defer. Mr. Piggott and Elgin made and seconded the motion. Carried.

Emma V. Scott, for permission to erect multiple housing on 8-1/4 acres located immediately joining Hillwood Square Project, Falls Church District.

Mr. Lytton Gibson appeared as attorney for the applicant. He located the ground with relation to surrounding points. This property is held by heirs and it is now under contract sale contingent upon this use being granted. Mr. Gibson said there was not a single housing project in Fairfax County for colored. This

project will be financed by FHA and will conform to all their requirements. This section is definitely colored and has been for over 100 years. The houses now in this area are shacks-tumbled down and unspeakable for habitation. They are crowded and below every standard of decent living. Colored people working in the county have to live in Washington and come all the way out here on busses because there are not houses enough for them to live in. As the Board knows, racial covenants are not out and certain leaders in the colored section have been approached by out of state promoters to solicit their aid in getting straw men to buy up ground to develop for colored housing projects. These developers would buy ground in any section and with the recent decision of the Supreme Court no racial covenants could stop them. That would mean colored developments could spring up any place in the county. Here we have an old established colored section, simply asking to develop it for better living. Bylocating this project in an already established colored section there would be no encroachment on territory that has been white or establishing anew colored section. There is no question of the need for colored apartments in the county. Hillwood is there to stay either as it is or as a cooperative and this would be simply a continuance of this use that was established on Hillwood.

Rev. Kostner spoke for the project. He said that after the Supreme Court decision regarding racial covenants he was approached by developers and asked to get straw men to buy up ground for colored development and they would break the covenants. He was not going along with that - even though his people needed housing desperately, but he wanted to cooperate with the county. All this property is colored and has been for 100 years, the colored church school and recreation ground are there. The new school contemplated at Bailey's X Roads will take many of the pupils now in their school which would give room for the added population, and make the present school adequate. Mr. Kostner emphasized the crying need of his people for housing and they wanted housing developed on their own property.

Mr. Pomponio, developer, showed the layout of the proposed buildings. He exhibited pictures of buildings and floor plans of a project he is building in Maryland which will be copied on this project. It will be cinderblock and brick construction, all modern and meeting all requirements of FHA.

Mr. Ollie Tinner sopke: He stated that the need of housing is

drastic.. The colored people have never been able to improve their homes because they had no money and could not borrow on such buildings as exist there. His people are living in squalor. They had tried to eradicate these conditions but with such a low economic status they were powerless to do anything. to help themselves to establish any basis for decent living. The colored people have to live some place and it would seem logical for them to continue to live on ground owned and occupied by them for so many years. They could never raise their standard of living if such conditions are allowed to continue.

Mr. Dawson asked if the present residents in this locality will be taken care of or will this project be used by outside people. Mr. Tinner said the rents would not be higher than they were already paying.

Mr. Gibson said that a development of this kind would confine the races to certain areas and if this isnt done voluntarily the barriers would be broken - it is up to this county.

The recommendation of the Planning Commission deying the applicantion was read by Mr. Schumann.

The Chairman called for opposition. Mr. Maries stated that he had no objection to the colored people but he felt that this project would depreciate the value of his property. It would bring more colored people into the neighborhood. He is located one block from the proposed project. Mr. Gibson asked if he would oppose this project if it were for white. Mr. Maries and the other objectors present said Yes. Mr. Gibson said there were already apartments near- it would seem natural that this section should develop in such a manner.

Mr. McGee representing Hillwood Project spoke. He said the Project was in the process of becoming a cooperative venture with FHA backing. They would put in extensive improvements and would operate under strict regulations laid down for cooperatives. The investment would be large and while there was no racial prejudice in this organization he felt that it would be depreciating to this project and to the general locality. He commended the colored people living in the neighborhood but he felt sure this building would bring in many outsiders and undesirables among them, that it would be no benefit to those living there at present. An individual home project would be of far more value to the present dwellers.

Mr. Dawson said he thought a well built and well managed apartment development would be far better than iddividual homes

indifferently kept up. Mr. Dawson asked Mr. McGee if he thought a 6 ft. brick wall between Hillwood and the colored development would help. Mr. McGee said perhaps it would - some but that actually a fence would not take care of the situation.

Mr. Gibson said there would be 149 units in the development and he thought the project could easily be filled up with people in the neighborhood.

Opposed who spoke: D.P.Johnson, Mrs. Rupert, Wm. Fisher, Mrs. Davenport, Mark Alvord, and Mrs. Block. All opposed on the grounds that this project would depreciate their property and add to the school burden. They objected to multiple housing in general because the county does not have facilities to take care of more housing of this type. It was suggested that the developer put up individual homes which would take care of those already in the vicinity and not bring in outsiders. Mr. Fisher said it was not fair to depreciate property of permanent owners. Mr. McGee said Hillwood would be a $900,000 investment which will be first class and will definitely improve the neighborhood and he thought it unjust to bring in a development that would depreciate this investment.

Mr. Kostner said the depreciation was already there-what could be more devaluing to property than the existing conditions.

Mr. Tinner suggested that the Board compare the pictures of what would be built with the present shacks - could there be any question of which would be better for the neighborhood. Hillwood is there to stay and it would act as a buffer strip between the present white neighborhood and the colored development. The colored people cant go out further - apartments must be built in a more urban area - where could they buy property of this kind. The colored people have to live some place - they are now just asking to live on their own ground and to live decently. Others may come in, it is true but there were good and bad in all races and any development would bring that. He asked that they give the colored people a chance to improve themselves. It had been thought an impossibility to make any improvements in their mode of living - but now by the grace of God they had this chance for something better. That was all they are asking. They didnt want to encroach on the whites, they wanted their own section among their own people.

Mr. McGee asked who would own the development. Mr. Pomponio said Pomponio and Sons, Inc. It would be administered under FHA control which would restrict the number of families per area. This would be a million dollar project - a far more permanent thing than

Hillwood and it would enhance the entire neighborhood to a far greater extent. A developer could not afford to develop this ground with indivudual homes - only 22 families could be put on the ground. FHA will require a buffer strip with heavy screen planting which would be far more desirable than a brick fence. There would be a property manager on the premises who would restrict the number of people living in each apartment. The reasons for this low cost housing are the new requirements of FHA-which allow less steel, no basements, individual heating units, substitute for plastered walls etc.

Mr. Gibson questioned that the basic objection was to multiple housing. Mr. Dawson suggested deferring this application until the May 16th meeting. Mr. Gibson said this would be satisfactory to him. Mr. Smith moved that the case be deferred until May 16 in the light of the fact that Mr. Schumann had said the need for apartment development in Fairfax County was being studied by the Planning Commission and to give the Board more time to study the case. Mr. Dawson seconded. Carried.

The Board adjourned for lunch.

Mr. Vic. Ghent read a letter from the Annandale Business Mens Assn. re a master plan for Annandale area.

Safeway Stores, Inc. for permission to have less setback from Route 244 than required by the Ordinance on Lot 40-51, incl. Annandale Subdivision, Falls Church District.

Mr. Hardee Chamblis appeared as attorney for the Company. Mr. Keogh was not in the room so the case was put over until he arrived.

Mr. Dawson moved to reopen the Miller case because of new evidence. Mr. Smith seconded. Carried. Mr. Miller explained why he had gone ahead and put in his foundation-because he had been told by the Zoning Inspector that it was all right - then he was told by the Zoning Office that he could not build on to a nonconforming business and would have to go before the Board of Appeals. He had gone ahead in good faith and felt it was not fair to penalize him. Mr. Elgin moved to grant the application due to the fact that the old house is there and it would work a hardship not to be able to expand his business. Mr. Piggott seconded. Carried. It was also included in the motion that Mr. Miller should get rid of the gasoline pumps.

The Loughran case was deferred until May 16.

General Industries was also deferred until May 16.

Mr. Keogh was in the room and the Safeway Stores, Inc. case was

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taken up. Mr. Schumann had a set of State Highway Department plans showing Columbia Pike at the point in question. There is no plan now to take more land for right of way. The street r/w is either 50 or 60 feet. The Highway Dept. claims 60 feet and the property owners claim 50 feet. a four lane highway is contemplated. The State plans to widen no further than the outer edge of the existing 5 foot sidewalk.

Mr. Chamblis drew a diagram showing the requested setback and existing road and sidewalk. The proposed building would have a 10-1/2 foot sidewalk which would not interfere with visibility as far as the location of the building is concerned. It was suggested that the existing buildings might establish a setback. Mr. Schumann said the existing buildings were not in the same block and one building would not establish a setback.

Mr.Chamblis said the law did not allow interference with a granted permit if the applicant had spent money on the ground, that this variance had been granted in an earlier application and the ground bought on this condition, that no permit had been asked for because no work could be done until the established grades were known and the Highway Department had not given them these grades.

Mr. Dawson said the State Highway Department had asked that all setbacks be maintained as they did not know how mucy widening of streets would have to be done and they didnt want the expense of moving houses back. Mr. Keogh said a survey had shown that there was a low traffic count at this point on Columbia Pike- that the traffic developed down farther on toward Alexandria.

Mr. Ghent said the business men of Annandale wanted the Safeway to locate there very badly and did not oppose the setback officially. He himself did not feel free to speak against this requested variance but that he was opposed to relaxing on any front setback in congested areas.

Mr. Schumann said this was an old subdivision with a required recorded 10 foot front setback from the right of way. Mr. Marsh had ruled that the Zoning Ordinance cannot interfere with setbacks of this kind. The old restrictions hold - provided they are recorded before the Ordinance.

Mr. Ghent said if this were true the Zoning Administrator should have issued a permit without the Company going before the Board. Mr. Chamblis said if there was a possibility of a controversy he would not advise his client to take a permit and be subjected to question - therefore he had suggested taking the case to theBoard.

Other buildings in the general locality were setting back 25 ft.

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Mr. Keogh said these other buildings are homes and naturally would want to set back farther. A store ebouldnt have to conform to a dwelling setback. Mr. Brookfield showed that business also is setting back 25 feet.

Mr. Smith suggested that we were guided only by the Ordinance and if we observed all the old restrictions it would make a very bad mess of the Zoning Ordinance.

Mr. Chamblis asked if the Board of Supervisors would follow out Mr. Marsh's interpretation of the Ordinance. It was agreed that they probably would. Then Mr. Chamblis felt that the Board of Appeals also should be guided by Mr. Marsh's interpretation.

Mr. Dawson moved that the Board had no jurisdiction in this case since it was a subdivision of record before the Ordinance. Mr. Chamblis wanted it included in the motion that the Zoning Administrator issue a permit to the applicant. Mr. Elgin seconded the motion.

Mr. Schumann said the Board was free to make its own interpretation regardless of the Board of Supervisors or Comonwealths Attorney.

Mr. Ghent asked if the old restrictions would hold if property were resubdivided. Mr. Keogh said there was a Supreme Court decision that nothing could be set aside in recorded deed restrictions.

Mr.Schumann suggested that the Board get the written opinion of Mr. Marsh.Mr. Marsh was asked to come to the meeting and give his opinion. - which he did. Mr. Marsh said the Board did not have the right to put on greater restricions than a deed of dedication called for. Mr. Dawson said that in that case the Board did not have the right to authorize a permit being issued. Mr.Ghent asked Mr. Marsh about restrictions on a resubdivision. Mr. Marsh thought the Ordinance would hold on a resubdivision.

Mr. Dawson moved that the Board grant a 40 foot setback from the center of the road. Mr. Elgin seconded. Carried. Mr. Smith did not vote. Mr. Piggott had left.

John W. Brookfield Vice Chairman
S. Cooper Dawson, Chairman

* * *

April 25, 1950

A Special meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, April 25, 1950, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs: Dawson, Brookfield, Piggott, and Smith. Mr. Elgin was not present. Mr. White Zoning Inspector and Mr. Schumann Zoning Administrator were present.

1 - Robert F. Freund, for permission to ~~lease~~ use-set 13.5 acres for the purpose of conducting a private school - to be known as "Miss Thompson's Primary School" to be operated by Christopher C. Barnekof and Wm. A. Fischer, ground located on the west side of Magarity Road, approximately 1 mile from Leesburg Pike, Providence District. Mr. Freund appeared. There were no objections. The nearest neighbor is 500 ft. away. There is a 20 foot outlet road to the house where the school will be conducted. Mr. Alexander who lives near had no objections but wished to know if this will be just a permitted use or a rezoning. He was assured that the Board could not rezone, it was merely a use permit. He was satisfied and felt that this installation would be an asset . Mr. Brookfield moved to grant the application as a measure to help take care of the school situation. Mr. Piggott seconded. It carried.

2 - Safeway Stores, Inc. (George C. Martin) for permission to have a 10 foot setback from Columbia Pike for a store building, on Lots 40 to 51 inclusive, Annandale Subdivision, Falls Church District. Since no one was present to present the case the Board heard Mr. Ghent in opposition. Mr. Ghent had a map which showed the relative setbacks of buildings near the proposed Safeway. These buildings were set back about 25 feet. The buildable area indicated on the map showed that the building could be built observing proper setbacks. Mr. Hardee Chamblis came in at this time to represent the Safeway Stores. He reviewed the case showing that the Board had granted this setback on October 19, 1948. He also read the letters from the Zoning Office confirming the decision of the Board. The purchase of this property was consumated as a result of the decision granting the 10 foot setback from Columbia Pike. No Certificate of Occupancy was obtained because construction had not started. Considerable money was spent in engineering, but more significate work could not be done until the Company was informed what the highway grade would be in front of the property. A long series of correspondence and telephone calls between Safeway representatives and Richmond and the Resident Engineer followed, all regarding the established grade. The company could not get a final answer from the authorities at Richmond. This communication lasted from May 11,1949 until January 20, 1950 before anything

definite on the established grade could be had. Therefore, six months elapsed before construction could go ahead, and the necessity for this application. When the Highway Department said plans were formulated for the highway at this point the Company planned to go ahead but found the time had elapsed and could not get a building permit. Mr. Ghent asked why they wanted to come so close to the road when they had plenty of room to observe proper setbacks. Mr. Keogh, representing the Company, said it would require a great deal more sidewalk to be built. Traffic coming from Springfield Road was discussed. Mr. Ghent thought the store should be built back far enough to allow for a service drive to take care of the traffic, since this is a hazardous intersection.

Mr. Chamblis referred to the Winkler case. Mr. Winkler had put in no expense on his ground. Also Mr. Chamblis said the saw says a rezoning or use cannot be revoked when money has been spent unless there have been extreme changes to justify the revoking. In this case the Safeway Stores, Inc. had spent money in surveying and engineering during this six months period and there have been no changes in conditions to justify not granting this application. Mr. Keogh said he wanted the ground back of the proposed building for future expansion. Mr. Brookfield felt that there was plenty of ground to observe proper setbacks and to allow for future expansion also. It was asked were future plans for the widening of Columbia Pike available - Mr. Keogh said only the grades were set, there was nothing said of widening. Mr. Schumann thought it very important to know future plans of the Highway Department before a decision is made.

Mr. Keogh said they had expanded their original parking plans because of the change and growth since they applied for this use in 1947. Development showed the necessity for more space. Mr. Brookfield said all the other buildings were setting back 25 feet and he thought granting this would encourage others to ask for the same thing. Mr. Chamblis said they had planned for adequate parking and he thought it not fair to ask the company to give up this extra ground in front. Mr. Schumann suggested that the case be deferred until the Board could hear the State Highway's plans for this particular place.

In response to Mr. Chamblis' questioning Mr. Ghent said he had no personal objection to this setback - that he was present purely in the interests of good planning and because he thought the future would be better served by observing a greater setback. Mr. Brookfield moved to defer the case pending a statement from the State

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Highway regarding their plan for Columbia Pike at this point. Mr. Smith seconded. Carried.

3 - L. J. Hayden, for permission to construct attached garage with less than required sideyard on .9323 acres located on the southwest corner of Woodburn Road (650) and Hayden Lane, adjacent to Strathmede Spring, Falls Church District. Mr Hayden showed a 17 ft. breezeway between his dwelling and the garage which he proposes to use as a recreation room for his children, also he wanted the driveway to come in at the crown of the hill for safety reasons. After Mr. Hayden had bought this ground he found that the house was too close on this side to have a garage and observe setbacks. He tried to buy more ground to give himself the required room but the owner would not sell. A little later the ground in back of him was opened for subdivision but there was no outlet for it. Mr. Hayden then said he would dedicate a road in to the subdivision if he could in turn get extra ground on this other side of his house to give him room to build a garage. This trade was made. However, even by getting more land he is still short a few feet from meeting the setback. He thought that by continuing his house into a rambler type by adding to the width of it was a distinct improvement to his property and the neighborhood. Mr. Schumann thought Mr. Hayden had gone to great lengths to right a bad situation and that he should be given every consideration, also being a corner lot it could be granted. Mr. Brookfield and Mr. Smith questioned their justification and suggested that this would encourage others to ask for less setback. Mr. Smith moved that the applicant be granted a 10 foot variance due to the peculiar conditions surrounding the establishment of the boundaries and the topographic condition of the road at this point and the fact that such an addition was not a detriment to the neighborhood. Mr. Brookfield seconded. Carried. (This gave the applicant a 15 foot setback from his side line.)

S. Cooper Dawson
S.Cooper Dawson, Chairman

* * *

May 16, 1950

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, May 17, 1950, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Dawson, Brookfield, Elgin, Piggott, and Smith. Mr. White, Zoning Inspector, was present.
Mr.Brookfield acted a Chairman during the afternoon session- Mr. Dawson during the morning.

1 - Capt. John E. Murray, for permission to locate detached garage 3 feet from side property line on Lot 216, Section 3, West-Lawn Subdivision, on Westfall Place, Falls Church District. The applicant said the garage would be of John Mansville shingles. Mr. White said this variance was necessary if the Captain was to have a garage - there was not room to locate it 10 feet from the line. Mr. Brookfield moved to grant the application and Mr. Elgin seconded. Carried

2 - Howard Marteness, for permission to locate detached garage 2 feet from side property line instead of 10 feet on Lot 198, Section 2, West-Lawn Subdivision, on Wayne Road, Falls Church District. This is the same proposition as the last case - small lot and no other place for a detached garage. It will be of cinderblock construction. Mr. Brookfield moved to grant the application and Mr. Elgin seconded. Carried.

3 - Clyde J. Verkerke, for permission to construct addition to present building 5 x 13 feet, on rear of side porch, addition to be located about 9 feet from side line of lot, on Lot 51, Section 3, Holmes Run Park, Falls Church District. No one was present to present the case. Mr. Smith moved to put it at the bottom of the list. Mr. Brookfield seconded. Carried.

4 - Wm. F. Bonnett, Jr., for permission to erect detached garage within 2 feet of the rear line and 2 feet of the side property line on Lots 200, 201, 202, Hunting Ridge, Providence District. Mr. Bonnett said the foundation for the garage was already in when he bought the place and he wished to use this foundation. Mr. White said it would work a great inconvenience to the applicant to have to replace the foundation. It would be of cinderblock construction and brick veneer. Mr. Brookfield moved to grant the application. Mr. Elgin seconded. It carried.

5 - Vandiver R. L. Locke, for permission to erect detached garage within 2 feet of side and rear lines, Lot 31, Section I, Greenway Downs, Falls Church District. This was another case of a small lot. The garage will be cinderblock. Mr. Elgin moved to grant the application Mr. Brookfield seconded. Carried.

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6 - L. C. Crider, for permission to erect detached garage within 2 feet of side property line on Lot 17, Tremont Gardens Subdivision, 117 Fairmount Street, Falls Church District. Mr. Brookfield recalled that the Planning Commission had recommended that the Board grant garages 2 feet from the side line if it were of masonary construction since 10 feet as required cuts up the back yard so badly. Mr. Brookfield moved that the application be granted and that the garages should be of masonry construction. Mr. Elgin seconded. Carried.

7 - Carl T. Dreifus, for permission to have a variance for less than the 25 feet required on side yard on Lots 64 and 66, Wellington, Section II, Mt. Vernon District.

Mr. Bernard Fagelson represented the applicant. He reviewed the case which has been pending for almost 10 years. Dr. Driefus had employed Mr. Wright 10 years ago to build a house on one lot - this was before the Ordinance - then after the Ordinance was adopted a second house was built. It was impossible to locate the second house in accordance with the requirements but the builder gave wrong information and got a permit. This was not discovered until 1943. Dr. Dreifus tried to work out some way that the house could be cleared. They talked with Mr.Stockton and came before the Board for a variance and were denied. The case was taken to court. The day the case came up the interested parties discussed it with the Judge who suggested that Dr. Driefus buy Lot 63 and divide it so there would be approximately 1/2 acre for each lot. Dr. Driefus was unable to buy the lot. It took another 2 years to buy Lot 66. He now has more than the required 1/2 acre in area but needs a variance on one side only.

Mr. White said he had talked with Dr. Driefus who denied responsibility - putting it on the builder. It was then that the Planning Commission insisted that Dr. Driefus do something about readjusting the lines and the Dr. went to Court. The Court withdrew the action pending purchase of the second lot.

The plats Mr. Fagelson presented were drawn wrong and did not show the actual ground alloted to each lot. Mr. Brookfield moved to defer the case until proper plats could be presented.

Mr. Fagelson said the court did not refuse the case - it was a matter of equity - the only thing left to be done after purchase of the lot was to get a variance. He asked if the case could be heard at the Special Meeting on May 24th if the plats were ready, although he probably would not be there. Mr. Smith moved to consider the case May 24 without appearance of counsel, if necessary, provided the plats are ready. Mr. Brookfield seconded. Carried.

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8 - Pauline C. Zepp-Gilliland, for permission to rebuild restaurant which was destroyed by fire (River Bend) on Mt. Vernon Memorial Highway at the intersection with Route 629, Mt. Vernon District. Mr. J. Straus appeared as attorney for the applicant. He said the building would be 125 feet back from Mt. Vernon Boulevard and would be of brick colonial construction or concrete. THe applicant would like to build on the present foundation. This business has been established for 18 years. The entrance is not actually direct from Mt. Vernon Boulevard, it enters on the Ft. Hunt Reservation property. Two letters were read approving the granting of this application. These letters are made a part of these records.

Mr. Dawson said he had had several telephone calls opposing this case because of the noise and drinking.

Mr. White said this was a non-conforming use, totally destroyed and since the Ordinance says such a use cannot be restored if more than 50% destroyed it was necessary to bring the case before the Board.

Mr. Roy Swazey appeared for the opposition - who objected strenuously but Mr. Swazey stated they had not yet had time to organize their opposition. He asked the Board to give them more time to contact more people in the neighborhood.

Mrs. Mallison said she didnt know of this hearing until Sunday, that this was a historical residential location and such a place as this restaurant was not desirable on the Memorial Highway and not in keeping with general development. She had been greatly annoyed by the orchestra very late and the noise. It was a detraction to property which should be purely residential. She is approximately 1000 feet from the restaurant. M.E.Barret objected also. Mr. Swazey presented a petition with 66 names opposing.

Mr. Dawson said he thought the National Capital Parks should be contacted. Mr. Swazey said they intended to do that but had not had time. Mr. Smith moved to defer the application until June 20th, until word could be had from those opposing. Mr. Brookfield seconded. Carried.

9 - John C. Evers, for permission to construct an open porch within 7 feet of side line on Lot 47, Poplar Heights Subdivision, Providence District. There were no ojbections. It would be of brick construction. The chairman read a letter from Mr. Schumann, the next door neighbor not objecting. Mr. Brookfield thought they were running the houses and garages too close from the standpoint of fire hazard. Mr. Smith moved to grant the application since it does not affect adversely the adjoining property. Mr. Elgin seconded. It. carried.

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10 - Walter Von Herbulis, for permission to locate dwelling within 35 ft. of Chesterfield Avenue on Lot 22, Section I, Chesterbrook Gardens, Providence District. This house was planned with a 40 foot setback for the main part of the building but a small projection of 5 feet is in violation of the Ordinance. This was a mistake of the architect and foreman. It is inside the subdivision on a road not heavily traveled. Mr. Brookfield moved that because of this the application be granted. Mr. Elgin seconded. Carried.

11 - Carlis C. Hudson, for permission to locate house on each of the three lots listed with less than required setback: Lot 7 - 22.33 ft; Lot 5- 18.95 feet; Lot 4 - 18.95 feet setback from rear property line, Boulevard Estates, Providence District. These are all corner lots. The houses have a projection on the front for style. In order to meet the front setbacks the rear yard is left short of Ordinance requirements. A central water system will be put in for the subdivision. The subdivider could not meet the 100 feet width at the building setback line and give more ground on these corner lots. He thought it was better to maintain the front setbacks and a good distance between houses. He is building a good class of homes. Mr. White saw no objection. Mr. Brookfield moved to grant the variance of 2.67 feet on Lot 7; 6.05 feet on Lots 5 and 4 each because this is a new subdivision of well planned lots and good buildings and because of the size and shape of the lots and he could not see where it will detract in any way from neighboring property. Mr. Piggott seconded. Carried.

12 - Wilfred V. Moguin, for permission to erect dwelling within 22 feet 4 inches of side line on Lot 16, Section 2, Pine Ridge, Falls Church District. Mr. Jack Eakin had telephoned word to the Planning Commission office that the deed restrictions in Pine Ridge said 25 feet from all side lines - therefore even if theBoard granted this setback the deed would not allow it. Mr. Brookfield moved to deny the application because of the deed restrictions. Mr.Elgin seconded. Carried.

13 - F. H. Broyhill, for permission to erect dwelling within 12 feet of side lines on Lots 12A, 13A, 68A, Chesterfield, Section I, Resubdivision of I, Providence District. Mr. Wells appeared for the applicant. The subdivider has standard designs and cannot comply with the setbacks on these three lots. Mr. Smith moved that a 2.7 feet setback variance be granted on these three lots because the subdivider cannot meet the requirements on the corner lots and such construction would not obstruct vision and because of the size of the corner lots. Mr. Elgin seconded. Carried.

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14 - Roland D. Hinds, for permission to construct addition to present dwelling to come 12 feet from side line on Lot 411, 1st addition to Fairland, Falls Church District. Mr. Hinds wished to add a new bedroom and this is the only place such addition can be placed without detracting from the general attractiveness of the house and the plan of the house. The house next door is 40 feet away. There were no objections. Mr. White thought it o.k. It will be frame construction. Mr. Dawson suggested cinderblock. Mr. Verkerke, the architect, thought cinderblock not in keeping with the house as built - not in good taste. Mr. Smith asked how many others had the same situation there. Mr. Verkerke thought about 25 - but that most of the other houses already had their third bedroom and would not need to come before the Board. The house had originally been placed a little to one side to provide for a garage. Mr. Smith thought this was far sighted and should take care of an addition. Mr. Brookfield thought it probably would not be a mistake to grant the application - since there was still adequate space between houses and there was no exceptional fire hazard. He moved to grant the application on the recommendation of Mr. White. Mr. Elgin seconded. Carried. Mr. Smith voted No.

15 - Arthur M. Miller, for permission to construct dwelling to come 16-1/2 feet from side line on Lots 19 and 20, Briarwood Subdivision, Providence District. Mr. Brookfield thought this was about the same type of case as the ones just granted. It will be frame construction. There were no objections. Mr. White thought it was all right. The subdivision is 14 years old. Mr. Smith moved to grant the application since it is an old lot and the applicant has been there 15 years and there were no restrictions when he built. Mr. Elgin seconded. Carried.

16 - S. M. Lightfoot, for permission to construct addition to present dwelling 21 feet from side property line on tract of 5 acres on the nofth side of Route 211, about 2 miles east of Centerville, Centerville District. This was just about the same thing as the other cases just granted. Mr. Brookfield moved to grant the application Mr. Smith seconded. Carried.

17 - Herman W. Hutman, for permission to use storage space in building No. 41 for rental office for entire Shirley-Duke Apartment Project, on Donmanton Boulevard near Duke Street Extended, Falls Church District. Mr. Bryan Gordon appeared to represent the applicant. Since this is a necessary installation, Mr.Brookfield moved to grant the application. Mr. Elgin seconded. Carried.

18 - Mrs. Austin Geinegar, for permission to operate antique shop and hobby shop in vacant house on 3/4 acre located about 1500 feet west

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of the junction of Springfield Road and Route 644, Mt. Vernon District. Mr. Brookfield had seen the place and saw no objection. The house has been there since 1936. Mrs. Geinegar said she had a great many antiques, the house is vacant and she wished to have just a small home occupation to keep her busy and to make a small addition to their income. Mr. White saw no ojbection. Mr. Brookfield moved to grant the application. Mr. Elgin seconded. Carried.

19 - John E. Fletcher, for permission to locate gasoline pumps and island 20 feet from front property line on Lots 5 and 6, Block I, Hybla Valley Farms, Mt. Vernon District. Mr. Fletcher said many others were setting back this distance and if he went back the 50 feet required people from the street could not see his building, because of shielding trees. Mr. Dawson thought that was not important - the pumps would be visible. Mr. Fletcher plans to put his building back 40 feet. Mr. Dawson said this was not covered in the application. Mr. White had no recommendation but said it was too close to the line although it is true others are doing it. Mr. Brookfield moved to grant the application. Mr. Elgin seconded. It carried. (This includes the pumps only.)

20 - Russell S. Revercomb, for permission to erect gasoline island and pumps within 25 feet of front property line on ground located on the south side of Lee Highway about 178.25 feet east of Millers Tourist Court, Centerville District. There was no objection to this. Mr. Brookfield moved to grant the application. Mr. Elgin seconded. - Carried.

21 - Nora V. and Clarence V. Buckley, for permission to remodel non-conforming barn into one three room apartment located on approximately 1 acre on which one dwelling is already located, ground located at junction of Route 620 and 657, 1 block north of Centerville, Centerville District. Mrs. Buckley said the barn was located 30 feet from the center of the road. It is non-conforming. There were no objections.

Mr. White said it wasnt a good thing - he couldnt see how the Board could grant it with this setback since the Ordinance was trying to get rid of non-conforming uses and this extension was not in keeping with the intent of the Ordinance. Mr. Elgin moved to grant the application. Mr. Brookfield seconded. Carried. Mr. Smith voted No.

DEFERRED CASES:

1 - Wm. Smith, for permission to locate garage 28 feet from street right-of-way on Lot 32, Burnley View, Falls Church District. Mr. Smith and White had seen the property and while they do not condone this sort of thing - there are others in the neighborhood as close

or closer and thought it should be granted. It was not thought to be damaging to other property. Mr. Smith said there was sufficient space between houses and it did not cut off the view. Mr. Brookfield moved to grant the application. Mr. Elgin seconded. Carried. (There were no objections)

2 - There was no one present to take up the case of General Industries for detached garage 3 feet from the side line on Lot 9, Tremont Gardens. The case was deferred until June 20th.

The Board adjourned for lunch.

The case of Clyde Verkerke was taken up - since Mr. Verkerke had come in. Mr. Verkerke showed his plans to add a storage room to an open porch. It is a new subdivision - the building is frame. Mr. Brookfield said he did nt like the idea, perhaps the owner would decide to want to enclose the porch and make it into a garage - then the entire frame house would come within 9 feet of the side line. Mr. White recommended against it. Mr. Verkerke said it would add to the beauty of the building. Mr. Brookfield moved to deny the case. Mr. Smith seconded. Carried.

3 - John Loughran, for permission to erect multiple housing on 16.402 acres on the south side of Little River Pike adjacent to Lee Jackson school, Falls Church District. No plans had been presented to the Planning Commission, therefore no recommendation from that body was made. Mr. Dawson moved to defer this case. Mr. Elgin seconded. Carried.

4 - Paul T. Stone, for permission to erect multiple housing on 71 acres on the north side of Shirley Highway approximately 1000 feet west of Route 7, Falls Church District. Mr. Hardee Chamblis represented the applicant who was also present. Mr. Chamblis said this was really approximately 81 acres. He said that this same property was granted multiple housing under the ownership of Allan Mills in 1947. The permited use expired after the 6 months time as no construction was started during that period, as required by the Ordinance. However, Mr. Chamblis showed that the 6 months time restriction did not apply to multiple housing, that the Zoning Office had no right to revoke this use sinde the Ordinance does not specifically say it applies to multiple housing. That the use once granted cannot be revoked unless changes sufficient to warrant that are evident. This is not the case here, Mr. Chamblis said, since the growth and change in concentration of density of population shows a greater need for an apartment development in this locality now than in 1947. He stated that the permit as granted to Mr. Mills at the decision of July 22, 1947, is in reality still in effect.

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Mr. Chamblis said the Planning Commission objected to this development because of a proposed study of needs in Fairfax County for multiple housing - but that the Commission had recommended and the Board granted multiple housing since this study was started.

Mr. W. W. Mollen spoke for the applicant. Mr. Dawson asked about the nearness to the Shirley Highway. Mr. Mollen said it did touch the Shirley but that the ground was 20 or 25 feet below the Highway and there would be no access to the project from the Shirley Highway. It would be entered from the Leesburg Pike. Mr. Dawson said since there were objections from others a buffer strip should be left between present single family dwellings and the project. Mr. Mollen agreed to that. He showed the proximity to other apartment developments and stated that this would be in keeping with the general trend - the nearness to the Pentagon Building was an asset and he sited the large number of units already in the neighborhood. Sewer and water will be available, this with no expense to the County since water would be furnished from Alexandria and sewer from Arlington County.

Mr. Wm. Denton, the architect, said single family development would not be feasible because of the topography, it is too rough and would be too expensive to grade and put in shape. It could be built up with apartments adjusted to the different street levels, with 2 and 3 story apartment buildings, fitting the slopes. Rents would range from $55 to $105 with most in the lower brackets.

Mr. Smith asked how close the buildings would come to the Shirley Highway.

The buildings will be of good architecture, fireproof, high class yet reasonable, with 5 heating plants.

Mr. Stone, the owner, spoke detailing the trend in this neighborhood and toward Washington- the tremendous advance in population and said that the greatest growth is definitely coming this way. Apartment development was a natural development in this locality.

A school tract to go with the property was discussed. Mr. Chamblis said they had set aside tentatively a 4 acre tract but the school board wanted more ground. The site they had proposed was not entirely satisfactory to the school board, because of the size and the terrain.

Mr. Dawson suggested a 100 foot buffer strip along the Shirley. Mr. Chamblis said they could meet that.

Mr. Mollen said two entrances would be provided from Leesburg Pike. There was no opposition present. The Planning Commission recommended against the development because of the study under way.

Mr. Dawson said he knew the property and thought it more adaptable

to apartments than to single family homes because of topography. He moved to grant the application because of this and also that no building should come closer to the Shirley Highway than 100 feet and no entrance would ever be asked from the Shirley Highway to the property. Mr. Elgin seconded. It was added to the motion that a 300 foot setback be observed from the Leesburg Pike.

It was asked what about a recreational ground and the school site - since the site in question had not proved satisfactory. Mr. Chamblis said they were perfectly willing to dedicate a school site and it would be donated - dedicated - provided a school will be built on the ground. If the school is not built then the ground set aside for this purpose should be deeded back to the present owner, Mr. Stone. If this ground were not used for a school it would not be used for apartments but for individual homes.

Mrs. Homey asked where the money was coming for a school - that conditions were bery bad at present and she could see no definite plans to take care of this added population.

Mr. Hankus also spoke along this line. Mr. Chamblis said as the population grew provisions would have to be made for schools and that would come.

Mr. Hankus asked how about the ground already suggested for a school. It didnt appear satisfactory to him because of the rough ground and evidently the school board didnt think so either since they had not accepted it. Will the applicant fix the ground so it will be suitable for a school.

Mr. Mollen said they would do anything possible to cooperate - anything reasonable, that a school was naturally an asset to his development and he wanted it there.

Mr. Hummel also spoke of the crowded condition of present schools. Mr. Smith said he thought there should be a definite understanding regarding a school before granting the application. Mr. Dawson said 4-1/2 acres were not enough, that the site would have to be larger to meet school board requirements.

Mr. Mollen said they would throw in extra ground for a school site if necessary - he was not denying his responsibility in the respect and that it was the intent of the developer to have a school. Mr. Dawson withdrew his motion.

Mr. Smith said in his opinion this was not good ground for a school and he would like to see this worked out.

Mr. Mollen said this certainly was possible to do. Mr. Chamblis said the Board could not grant an application contingent upon the giving of a school site- the only thing the Board could do would be to ask it and rely on the integrity of the developer to work this

out. Conditions of this kind cannot be imposed, but that those back of this project are reputable people who will cooperate in every way with the school board and any such condition imposed would be invalid from a legal standpoint - the Board could require setbacks but not a school site.

Mr. Brookfield said other developers had offered school sites at the request of the Board and the Planning Commission and they had not always been satisfactory.

Mr. Smith said the Ordinance requires that this project promote the welfare, morals, etc. of the neighborhood and this certainly includes a school.

Mr. Dawson made the following motion: Due to the topography of the ground, the fact that it is more suitable to this type of development than single family homes - the application be granted on condition that no building should be closer to the Shirley Highway right- of-way than 100 feet and no apartment building should come closer to Route 7 than 300 feet or a single family dwelling closer than 50 feet and that the Board ask the applicant to furnish a suitable school site up to 7 acres and that the Board would accept the promise of Mr. Stone for complete cooperation with the School Board in this respect. Mr. Elgin seconded. Carried - unanimously.

5 - Emma V. Scott, for permission to erect multiple housing on approximately 8 acres immediately joining Hillwood Square Project, Falls Church District. Mr. Lytton Gibson represented the applicant. He said this had been deferred for study. He did not wish to take the time of the Board to review the entire evidence he had presented at the last meeting unless the Board wished him to. This development will take care of 147 families, this is definitely a colored section and has been owned by colored people since before the Civil War. He located the property on the map.

Mr. Smith said he did not think the colored issue was pertinent.

Mr. Gibson stated that the opposition had contended that this project would devaluate their property but that this was an invalid argument in view of what was already on the property, also that the Supreme Court decision had invalidated this agument saying that there would be a period of adjustment (in the case of colored housing in a neighborhood) naturally - but that was only a temporary period. Mr. Gibson agreed that the schools were inadequate but they are inadequate all over the county. We cannot stop growth and progress in the county because the schools have found it impossible to keep up with the new population. Mr. Gibson pointed out that there are no colored housing developments in the county.

The Chairman asked those in favor of the project to stand - 26

stood. Mr. Dawson asked if they were sure this development would help people in the neighborhood and not people coming in from Washington. Rev. Kostner said he had canvassed his people and thought there was no question but that people already there would benefit largely. Mr. Brookfield asked if some of the very bad houses there would be demolished. Mr. Kostner said yes.

Mr. J.C. Mason from Falls Church representing City Park and Jefferson Village Citizen Associations sopke in opposition. The Associations are in sympathy, he said, with the need for housing but that multiple housing was not the answer as it will affect the surrounding property adversely. The Chairman read letters from City Park-Jefferson Village Citizens Association opposing.

A buffer strip was discussed. Mr. Gibson said this project does not border Lee Boulevard nor Annandale Road. It is within an already colored section.

Mr. Mason said he was not against the colored but wanted a single family development instead of multiple housing, that the economic loss with the establishment of multiple housing would be disastrous for the county.

Mr. Smith said we had always required a buffer strip between multiple housing and single family dwellings but that here we already had it. Mr. Gibson said this would be approximately 500 feet from Lee Boulevard and 200 feet from Annandale Road.

Mr. Mason went into the lack of sufficient facilities, schools, busses etc. Mr. Smith said that here we had the school within walking distance which would do away with the need for busses.

Mrs. Algier spoke - especially on the overcrowded condition of the sdhools stating that the new school planned at Bailey's X Roads would not absorb sufficient pupils to make this present school adeouate and there was no plan to take care of the additional growth for negro schools. The negro schools all over the county were filled to capacity. By the consolidation plan there would ~~be~~ result in a great deficiency in school rooms. Mr. Gibson said the school issue could not enter into this - we couldnt stop growth in the county and that the schools must come.

Mr. Hummel from Hillwood square spoke. He said Hillwood is behind the opposition. A letter was read from Hillwood opposing.

George Herzog from Jefferson Village spoke (President of Park Commission for Jefferson Village). He stated that multiple housing was taking up more and more ground which should be used for park area for recreation. It added more families per acre and decreased the available ground for parks. There was a very small space they could get now and with this added population it would

be much worse. The question was not of the colored development but multiple housing.

Mrs. Forrell, Cherry Street, spoke objecting to multiple housing, outside people benefitting from the project and suggested semi-detached houses which were more in keeping with the area and better for the families themselves. She discussed the overcrowded schools and lack of playgrounds.

Mr. Hankus, President of Hillwood Citizens Assn., read a letter from his Association opposing. He also suggested single family development. That would bring homw owners and tax payers, while apartments would bring a transient people - non tax paying. Multiple housing would have a depressing effect on adjacent owners.

Mr. Gibson asked Mr. Hankus if he were opposed to apartment development any place in the county. He said yes. Mr. Gibson asked if he were opposed to Shirley Duke. Ans. Yes.

Mr. Gibson said-still there were no colored apartments, then he asked "Do you object to all apartments at all time?" Mr. Hankus, "Yes, at this time."

Mr. Mason asked if the developer had a commitment from FHA. Mr. Gibson said yes.

Mr. Herzog said this would definitely change this area from a suburban to urban territory which the present home owners did not want.

W. Risdon, Jefferson Village, spoke detailing how it would affect the county with lack of facilities, water, gas are already uncertain overtaxing all utilities. We should catch up with utilities before crowding to such an extent.

Ed Hunter, Cleveland Drive, read figures showing overburdening of the county and showed how simgle family dwellings could be develop-for low cost homes.

C. L. Gaylord came here for a rural area - multiple housing will devaluate his home. F. R. Bishop, opposing multiple housing, showed how one could own a home with no down payment and approximately $45. a month. This would be a better situation for this area.

The Chairman suggested a five minute recess.

Lee Brigs, Cherry Street, spoke opposing changing the status quo. He suggested that this project would further aggravate the present trend brought about by Hillwood Square, increase traffic and put too many people in a small area. Mr. Howle spoke - opposing.

The number opposing was counted - 39. (many had left)

Mr. Gibson said this property had been sold contingent upon this use being granted - that it was impossible to get financing on single family units. He had worked on that for years - without

success. The people in this area had wanted single family units but since they could not get financing and it was apparently impossible they are asking for the only thing they can get financing for - multiple housing. This is the only answer to their desire for better housing.

Mr. Ollie Tinner spoke: He said there was no question of the need of housing, that they wanted single family homes and had tried to get them for years but could not finance for colored. He suggested that the figures given on single family dwellings were no doubt correct - but that it didnt mean a thing for colored people. He recalled how many apartments had been granted in the County for white occupancy and it was only fair to grant one for colored. They want recreation ground too but first they must have a place to live. They are not trying to protrude themselves on the whites but they want a break and he could not see how in simple justice the Board could refuse this application. They are struggling on their own ground - trying to better themselves. The development would be off the highways and it could not further depreciate surrounding property especially with Hillwood there already.

Mr. Louis Ludlow, Jr. asked if a sale contract could be made insuring the fact these people would be given better housing. Mr. Gibson said No - no contract could be made on such a condition.

Mr. Tinner said he was a real estate man and every day for years he has had calls from people in the vicinity wanting places to live and he couldnt furnish them. There was no question of the people here already getting most of the benefit from the development.

Mr. Brookfield closed the discussion and asked for a motion.

Mr. Dawson: This is a hard question to decide - the colored people do need a place to live and here it is - their own ground for generations, a development surrounded by colored, a school, a church and suppose they had to go some place else to locate, it would mean transportation and more school busses. He realized that a community of single homes would be better but that had been shown to be impossible and we have to take care of the colored people and on account of the present situation of the colored people he moved that this application be granted. Mr. Elgin seconded. Carried unanimously.

Adjourned.

S. Cooper Dawson
S. Cooper Dawson, Chairman

J. W. Brookfield

May 24, 1950

A Special Meeting of the Fairfax County Board of Zoning Appeals was held Wednesday, May 24, 1950, in the Board Room of the Fairfax County Courthouse at 10 o'clock a.m. with the following members present: Messrs Dawson, Chairman, Brookfield, Elgin, Smith, and Piggott. Mr. White, Zoning Inspector was present.

1 - Alexander J. Bridges, for permission to locate dwelling 22-1/2 feet from both side property lines on Lot 17, Boulevard Acres, on Snowden Road, Mt. Vernon District. Mr. Bridges said he has a 75 foot rambler which he wants to put on a 120 foot lot. The garage and utility room are added to the house giving it extra width. Only 48 feet are actually living quarters. There were no objections. Mr. Brookfield moved to grant the application to give the applicant a chance to build a full size house. Mr. Piggott seconded. Carried.

2 - W. C. Nagel, for permission to construct attached garage within 9 feet of side property line on Lot 8, First Addition to Fairland on Fairland Extended, Falls Church District. Mr. Nagel said he could actually come 10 feet from the side line. His driveway is already in and this is the only place he can put his garage since there is a bad slope directly back of the house. A detached garage would not add to the appearance of the house - adding it to the side gives it a rambler look. There were no objections. Mr. Brookfield moved to grant the application because of topographic reasons - to come 10 feet from the side line and attached to the house. Mr. Piggott seconded. Carried.

Adjourn.

S. Cooper Dawson
S. Cooper Dawson, Chairman

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June 20, 1950

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, June 20, 1950, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Dawson, Chairman, Brookfield, Smith, and Piggott. Mr.Elgin was absent. Mr. White Zoning Inspector was present

1. Penn Daw Fire Department, Inc., for permission to construct addition to present Fire station to come 35.94 feet from Franklin Street, Fairview Subdivision, SW junction of U.S.#1 and Franklin Street, Mt. Vernon District.

June 20, 1950

Mr. Lewis appeared for the applicant. He stated that if the addition were built observing the proper setback it would cut off visibility when an emergency car came out of the building. If the addition sets out beyond the present building it affords a view of the road in both directions. They will probably not go as close to the road as the application asks. Mr. Smith stated that this being a fire station was naturally a caution area and since the building located as requested in the application would prevent a hazard rather than create one moved to grant the application. Mr. Piggott seconded. Carried.

2. F. M. Baumgardner, for permission to locate detached garage 2 feet from side property line on Lot 41, Braddock Acres, on Birch Street, Falls Church District. Mrs. Baumgarder stated that the septic field was in the way of locating the garage properly. It will be of cinderblock construction. She presented a letter from the neighbor joining the garage side showing no objection. There were no objections from those present. Mr. Smith moved to grant the application because of the location of the drain field and that the garage should be of cinderblock construction. Mr. Piggott seconded. Carried.

3. Wm. J. McKean, for permission to locate detached garage 2 feet from side property line on Lot 44, Section 2, Tyler Park, Falls Church District. Mr. McKean said there was a steep slope back of his house extending directly back to the place where the garage would set if it should be placed to meet the proper setbacks and also that the ground there was marshy. He will be 8 feet from his house with the garage and it will be cinderblock. The fact that the house sets diagonally on the lot makes a very narrow driveway. Mr. Brookfield moved to grant the application because it will not adversely affect property and locating it this way is the only way a garage can be built and also because of topography. Mr. Smith seconded. Carried.

4. Oliver Wendell Holmes, for permission to locate detached garage 4 feet from side and 4 feet from rear property line on Lot 144, Section 3, Tyler Park, Falls Church District. Mrs. Holmes said the garage wouls be cinderblock. She stated that the back of the lot slopes and this was the only open space suitable for a garage. Mr. Brookfield moved to grant the application because the lot was small and it was the only place a garage could be located. Mr. Piggott seconded. Carried.

5. Grace E. Bernard, for permission to operate a dog kennel on 10 acres on the south side of Route 645, approximately 1/2 mile from Route 610, Lee District.

June 20, 1950

The applicant showed that her kennels would more than observe the setback requirements of 100 feet from all property lines. There were no objections. It was shown to be a very isolated section. Mr. Brookfield said the location was suitable and the dogs would not bother anyone - he moved to grant the application. Mr. Smith seconded. Carried.

6. Raymond S. Stopper, for permission to erect attached garage to come 13.5 feet from side line and 40 feet from front property line, Lot 13, G. C. Russell Subdivision, Mt. Vernon District. The applicant said it was thought better to come closer to the side line than to ask for less setback from the front. The addition could not be put on the opposite side of the house as it would not be in harmony with the plan of the house and also there was not enough room. The house now sets 40 feet from the road and the garage would come 3 feet closer - there would be a 6 foot breezeway between the house and garage. There were no objections. Mr. Brookfield said he thought the garage should be pushed back even with the front line of the house since the Highway Department had asked the Board to observe all front setbacks whenever possible. Mr. Brookfield moved that the applicant be granted the right to build the garage even with the front line of the house and a side yard setback of 8 feet, which would necessarily make the breezeway more narrow. Mr. Smith seconded. Carried.

7. James Bentley Wood, for permission to operate antique shop and furniture repair on 1-1/2 acres on the northwest corner of Route 694 and Chain Bridge Road, Providence District. Mr. Wood said he would have no furniture display on the outside - all he wanted on the outside was a sign. The house is very old and is located in a nonconforming position. Mr. Smith said he had seen the property and the only thing he did not like was the parking situation. He thought it could be very hazardous. Mr. Wood said he realized that and had planned to clear sufficient space to take care of any cars and give them room to turn around within the parking space and not have to go on the highway. Mr. Wood was asked how much funiture repairing he intended to do. He stated that most of the repair would be done in homes but only a limited amount on his premises. There were no objections to this use. Mr. Smith made the following motion: That the application be granted provided ample parking facilities be provided on the north side of the building to keep all cars from stoping on the road and that the use of the property for sale of antiques will conform to the Zoning Ordinance which will include a sign 1 square foot and that no display will indicate from the exterior that the building is being utilized in whole or in part for any

purpose other than a dwelling. Mr. Piggott seconded. Carried.

8 - Reliance Homes of Washington, Inc., for permission to erect dwelling within 25 feet of front property line, Lot 17, Fairdale, Section A, Falls Church District. The applicant said he wanted to put the building on high ground and although there was more area in the lot than required the greater part of the lot (which would allow proper setbacks) was approximately 8 or 10 feet below the road. It would be very expensive to fill the lot and it would necessitate cutting trees which they are trying to save. By locating the house in this manner (according to the application) it would be on a level with other houses on the street, rather than having it far below. The hoouses across the street have a greater setback than required. This was done purposely to allow more room and a wider area between houses and to give the subdivision a more spacious look. The low part of the lot will be landscaped. Mr. Smith said if other lots had been graded, as the applicant had indicated why couldnt this one be graded too. The applicant said it would remove many lovely trees and it was an excessive amount of grading in this particular case and they could not afford to sell the hous at their prices if the grading were done. The planned building would be an improvement to the subdivision, the house would be in better relation to the entire tract. Mr. Smith asked if the ground left by placing the building so far in one corner would be sufficient to create another lot. The applicant said they were not interested in another lot there, and they would be willing to restrict the purchaser of the lot from ever creating another lot. Mr. Brookfield suggested that nother builder might ask for the same setback which it would be difficult not to grant. He also stated that Annandale Acres has lived up to restrictions and thought this subdivision should also. The applicant said they had developed four subdivisions in the county and this was the first variance they had asked. Mr. Smith said he would like to see the property before making a decision. He moved to defer the application until the next meeting (either a special meeting or the regular meeting) to view the property. Mr. Brookfield seconded. Carried.

9 - A. G. Lowry, for permission to locate dwelling within 23.55 feet of McNair Avenue and 23.55 feet from side line on Lot 66, Section I, Woodlawn Manor, Mt. Vernon District. This is a wide rambler which will not fit on the lot and meet proper setbacks. Mr. Brookfield suggested placing the house the long way of the lot facing McNair. Mr. Lowry said this would give a side view of the house from the main street and also since the main view from the house was from the back, it would face their view toward the neighbors side yard

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and would not give the long vista which the lot provides. He stated that they had to have the house large because his mother and sister were living with him and his wife and three children and they needed it all on one floor because of his mother. Mr. Brookfield read from the Zoning Ordinance regarding corner lots and said he thought the Ordinance should be upheld. Mr. Smith said locating the house so close to Mc"air Avenue would make the house jut out beyond the other houses on that street if they observed the 50 foot setback. This would also establish a precedent and others would ask the same thing. Mr. Lowry said he had had many difficulties in getting a home, first with the lot and now with the house he wanted. Mr. Smith said he was very sympathetic with Mr. Lowry's situation but that the Board operated under an Ordinance and had continually had to refuse this sort of request. Mr. Smith moved to refuse the application. Mr. Piggott seconded. Carried. Mr. Lowry asked if he could get an inside lot would the Board grant the same setbacks. Mr. Smith said that would be another case - he would have to come before the Board again for that request - the Board could make no commitment.

10 - E. W. Leonard, for permission to erect dwelling within 15 feet of side property line, Lot 54, Pinecrest, Falls Church District. This is a corner lot and if the applicant meets both street setbacks he cannot meet the one side setback. The lot was bought in 1941 and was not a corner lot at that time. Since he bought a street was put in,putting him on a corner. There were no objections to the application. Mr. Brookfield moved to grant the application because it was a lot of record prior to the Ordinance and was a corner lot. Mr. Piggott seconded. Carried.

11 - Raymond and Edna Minetree, for permission to construct addition to dwelling to come 45 feet from Ashton Street, Mt. Vernon Woods Subdivision, Mt. Vernon District. Mr. Minetree said the addition will bring his house 45 feet from the road, that the zoning changes to Suburban Residence two lots away and those houses have a 40 foot setback. Mr. Smith said since there were so few lots in the subdivision requiring a 50 foot setback and most of the subdivision was built up with houses on a 40 foot basis it was more in keeping to allow the setback requested. He moved to grant the application because the building setback line in the majority of the subdivision of this block is 40 feet. Mr. Brookfield seconded. Carried.

12 - B. G. Herring, for permission to locate dwelling within 13 feet 6 inches of one side line and 8 feet 6 inches from the other side line, Lot 105, Section 2, Westhampton Subdivision, Providence District. Mr. Herring said his neighbor was willing for him to locate his house this close. It will be brick and cinderblock. Mr. Brookfield moved

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to grant the application which would give a 1-1/2 foot variance on the north side and an 8-1/2 foot setback on the east side, because of the width of the lot and the size of the house. Mr. Piggott seconded. Carried.

13 - Sarah J. Reidelbach, for permission to locate filling station 15 feet from south property line instead of 40 feet on 20,000 square feet on the east side of Leesburg Pike, approximately 1000 feet from Bailey's Cross Roads - towards 7 Corners, Falls Church District. Mr. Reidelbach said he had a small non-conforming garage which he wanted to tear down and put in a filling station. Mr. Dawson said it could be a traffic hazard, and that the state highway had asked to maintain all street setbacks - the area was congested near this point. Mr. Reidelbach said he was 60 feet from the road - he was asking only the side setback. His property is bordered on the side by residence which would require a 40 foot setback for a filling station. There were no objections. Mr. Brookfield moved to grant the application and Mr. Piggott seconded. Carried.

14 - Francis G. Hatsell, for permission to locate dwelling 8 feet from one side line and 3 feet from the other side line and a detached garage to come 2 feet from side line, Lots 6 and 7, Section I, Groveton Heights, Mt. Vernon District. Mr. Brookfield said this was an old subdivision and he did not think granting this variance would be objectionable - he moved to grant the application. Mr. Piggott seconded. Carried.

15 - Virginia Power and Electric Corporation, for permission to erect electric substation on Section G, Willston Project, approximately 300 feet west of Patrick Henry Drive and approximately 600 feet from Leesburg Pike, Falls Church District. The applicant showed the general location of the substation with relation to surrounding area. Since the installation of Willston the need for another substation is very evident. There were no objections. Mr. Brookfield moved to grant the application since this is a necessary installation and there were no objections. Mr. Piggott seconded. Carried.

16 - R. M. Madron, for permission to remodel present dwelling into duplex house on 11-1/2 acres located on theeast side of Rt. 650, approximately 1/2 mile south of Route 7, Providence District. Mr. Madron said the original house on his property is about 20 years old and he had remodelled it. It is well back from all property lines. There were no objections. He was asked what plan he had for the balance of his 11-1/2 acres. He said he had no plans, that he would definitely keep about 4 acres and may later on sell the other part. Mr. Smith said he thought that probably one duplex would be all right. Mr. Brookfield moved to grant the application

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Mr. Piggott seconded. Carried.

17 - H. H. Harris, for permission to have an apartment over his garage which is located on 145 feet by 350 feet on which one dwelling is already located, Lot 5, Madrillon Farms, on Lard Fairfax Road, Providence District.

Mr. White said the applicant had converted the garage into a dwelling and had rented it and had been ordered to vacate the garage-dwelling. Mr. Harris had gotten a permit for a garage and had built an apartment which was in violation of the Ordinance and now he asks to continue this violation. Mr. Smith said he couldn't see how that could be granted, there was no reason for it - just a pure violation. It would be like telling anyone they could do what they wanted and entirely disregard the requirements.

Mr. Lillard appeared representing opposition. He presented a petition opposing with 58 names. Mrs. Cole said the applicant was not only renting this one apartment but was preparing to remodel the lower part of the garage and rent that too, that they had bought there to get away from apartments.

Mr. Meyers also spoke opposing. He stated that he wished to keep the neighborhood purely residential as it now is. Also opposing were Mrs. Warner, Mrs. Jackson and Mrs. Meyers. All stood. Mr. Brookfield moved to deny the application. Mr. Piggott seconded. Mr. Smith suggested a time limit for the vacation of the apartment. The time for vacancy was placed at 60 days from June 20th.

18 - C. B. O'Shaughnessy, for permission to operate gravel pit for four months on 6 acres located 516 feet north of Leesburg Pike, approximately 1/2 mile east of Bailey's Cross Roads, Falls Church District

Mr. Andrew Clarke represented Mr. O'Shaughnessy. Mr. Clarke recalled that this case came before the Board of Appeals two months ago and was granted. At that time it was suggested by Mr. John Rust and Mr. Smith that a gravel pit could not be granted in a Suburban Residence Zone, according to the Ordinance. Therefore, Mr. O'shaughnessy applied to the Board of Supervisors for a rezoning of this 6 acres to an agricultural zone and it was granted. He is now asking for this use for only 120 days after which time he will slope the ground, the grade with a ratio of one to two. The bottom will be thoroughly drained so no stagnant water will be left. Mr. Clarke drew a diagram showing the relative location of the tract and the surrounding area. He also presented pictures of the grading which has taken place on the joining non-conforming tract and which is the same type of grading Mr. O'Shaughnessy will do on the 6 acres. Mr. Clarke said there were no objections from the immediate neighbors.

Mr. O'Shaughnessy said there would be cuts of from 15 to 18 feet

and he would fill back to approximately 10 feet.

The Chairman asked Mr. White to give his opinion of this use. Mr. White thought it should be allowed with guarantees as to the time and final condition of the ground.

Mr. John Rust appeared representing the opposition. (Virginia Heights Subdivision) Mr. Rust stated that a gravel pit at this location was not in keeping with the general development, that it was a danger to the health and safety of residents in the vicinity. He recalled that two opposing petitions were filed with the case when it was heard two months ago, containing 50 names. Mr. Rust stated that all the property in this civinity was zoned Suburban Residence except the 6 acres in question and that had been spot zoned to Agricultural Zoning. He contended that a non-conforming use should not be continued and expanded when it was in opposition to the Zoning Ordinance and was a detriment to the neighborning property. There are many children in the neighborhood and the deep pits are dangerous, Mr. Rust contended. He asked Mr. O'Shaughnessy to repair the damage he had already done to the surrounding area.

Mr. Robert L'Hureaux, Attorney for the Senate Banking Committee, appeared in opposition and in conjunction with Mr. Rust. He stated that he had bought property in Virginia Heights because it was a rural area. He saw the gravel pit but was assured that the developer would grade the ground properly and that under the Zoning Ordinance he could not expand his operations further. Very soon Mr. O'Shaughnessy began expanding his digging. Mr. L'Hureaux stated that this was a detriment to real estate values which should be maintained, that this was a growing district of permanent homes - purely residential and they were trying to keep it that way. A gravel pit in the mindst of this type of development was dangerous He also stated that if an adverse decision is given-this case will be taken to the highest court in the State, if necessary. He stated that the Supreme Court has always held that spot zoning was unconstitutional.

Since land in this vicinity could well be sold to advantage, because of the rapid rate of development, Mr. L'Hureaux suggested that refusing Mr.O'Shaughnessy the right to operate the gravel pit would not be a hardship for him and no loss to him financially.

Mr. Clarke said that when Mr. O'Shaughnessy began digging in this area he conferred with the Planning Commission and was told it was all right. About 70% of the gravel has been taken off and he asks only 120 days to complete his work - a great part of that time will be taken up in grading the land to the required slope. He

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also stated that the purchasers of Old Dominion Subdivision who are the nearest residents to the gravel pit are not objecting and when the grading is completed the ground will be left in far better condition than it is now.

Mr. L'Hureaus stated that the developer of Old Dominion had sold out and naturally was no longer interested in what happened there-the owners were left to cope with this unfortunate situation.

Mr. Clarke said that they were not compelled to buy there - they were just unfortunate to have bought near an established gravel pit.

Mr. L'Hureaux stated that they all had accepted the fact of the gravel pit but they were just asking that that use not be extended and the ground be put in proper condition.

Mr. Harrison who owns ground directly in front of the 6 acres in question testified - not opposing Mr. O'Shaughnessy's application. Mr. Brookfield said he was not in sympathy with the rezoning of this tract to agricultural ground - that it was spot zoning. Mr. Smith agreed that spot zoning was irregular and not in keeping with the intent of the Ordinance, but the Board could not oppose the application if the use will not tend to prejudice the ultimate development of the property in accordance with theZoning Map and if it is left in a safe condition, properly drained.

Mr. Brookfield asked Mr. Rust if this case were granted would they appeal it to the Board of Supervisors. Mr. Rust said it would be. Mr. Brookfield moved to grant the application. Mr. Smith seconded. It Carried unanimously. Mr. Rust handed a copy of his petition for appeal to the secretary.

DEFERRED CASES:

Carl T. Driefus, for permission to have a variance for less than 25 feet on sideyard, Lots 64 and 66, Wellington, Section II, Mt.Vernon District. Mr. Fagelson, attorney for the applicant, was not present to represent the case. Mr. White recalled the case history. Mr. Dawson said he thought they should defer the case until the attorney was present and Mr. Brookfield so moved. Mr. Piggott seconded. It carried. This will be heard either at the next regular meeting or at any special meeting which might be held earlier.

General Industries, for permission to locate detached garage 3 feet from side line, Lot 9, Temont Gardens, had been deferred since March 21, 1950. It was voted to drop this case.

The Board adjourned for lunch.

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Pauline C. Zepp-Gilland, for permission to rebuild restaurant which was destroyed by fire (River Bend) at the intersection of Mt. Vernon Boulevard and Route 629 at the Fort Hunt Reservation, Mt. Vernon District.

Mr. Roy Swazey appeared representing the opposition as they had asked deferrment of this case at the last meeting in order to organize opposition. The case for the application was presented at that meeting.

Mr. C. C. Robinson from National Capital Parks spoke in opposition. He stated that the Mt. Vernon Memorial Highway was of great concern to the Federal Government from the standpoint of keeping it cleared of anything objectionable and it had been bought with the idea of making a memorial parkway from Washington to Mt. Vernon - a pleasant place to drive and to live with no business intrusion. When the ground was bought there were several business ventures already established and which they had to accept but with the idea that when the use was interrupted then the non-conforming use would end. He hoped the Board would not continue this use as it does not belong on the Highway. They had tried to limit access to the Highway because of safety. The traffic on the Highway is very heavy mornings and evenings and this would undoubtedly be an added hazard. The Government is making a tremendous effort to keep the Highway safe as well as beautiful.

Mr. Swazey said he did not think the Board had the right to grant this non-conforming use - they could grant a tea room or restaurant but River Bend was neither one of these - it was actually a night Club. It was listed as such in the telephone book and was operated as a night club. Section IV, Par. 15 - j of the Zoning Ordinance does not give permission to grant a night club. Mr. Swazey presented letters from Mamie C. Parker and Mr. and Mrs. Bowersock opposing, which letters are made a part of these minutes. He said if the Zoning Ordinance means anything it must be enforced and specific control of non-conforming uses is listed in the Ordinance purposely. The county must ultimately do away with all non-conforming uses. He asked the county to cooperate with the Interior Department and keep business off this Highway. He presented a petition opposing - with 33 names.

Mr. Swazey drew a location map of the area. Mrs. Mallison read the names on the petition and Mr. Swazey located them on his map. He stated that this is a first class residential area. While many of the names on the petition were people not immediately joining the property in question - they were people who had the interest of the Boulevard at heart. Most of the people in favor of this use were not

living in the area.

Mr. Gilland said they were not all living in the area - but they used the Highway - it was their main way out.

Mr. Worthman of the Baracca Philathin Union spoke requesting the Board to deny the application. He detailed the position of his organization, the traffic hazard which would result from this use, and stated that he was appearing at the request of his Board to oppose this continued use.

Mrs. Mallison owns land nearest to River Bend - her property joins that of the applicant. She stated the land joining them was planned for a high class development but it had not been sold because people did not want to live near a night club. She thought Mr. Gilland could sell his property to great advantage since it was well located for residential use and ground in that area was expensive. Thus by refusing the application it would not work a hardship to the owner.

Mr. Ayers paralleled Mt. Vernon Boulevard to the Shirley Highway where the State of Virginia was not allowing business. He suggested that U.S. No. 1 was the proper place for business.

Mr. Straus, attorney for Mr. Gilland, spoke in rebuttal. He suggested that the objectors were all except Mr. Mallison far from the location, and therefore not directly affected. He recalled the Airport restaurant on the Memorial Highway north of Alexandria which sold beer and wine and allowed dancing - which the Government had not disapproved. He also stated that there had been no accidents at River Bend and it had never created a hazard. The applicant would construct a 40 or $50,000 building on the same site, well back from the front property line and the building would be well screened by trees.

Mr. Richardson said there was no comparison between the Highway north of Alexandria and south of Alexandria. On the north it had been impossible to keep commercial ventures away but they were trying strenuously to keep the boulevard south of Alexandria free from business. He stated that the Federal Government was planning the same kind of Boulevard from Washington to Great Falls.

Mr. Straus said the reason the reason River Bend was listed as a night Club was because of the license.

Mr. Smith said he felt that the position of the County was very important but he thought we should look at the Mt. Vernon Memorial Highway from the standpoint of the future - to see the overall picture, that this was actually a rezoning since the new structure would be of a permanent nature and it would amount to spot zoning. He felt that this Highway and Mt. Vernon were sacred to the people of the whole nation, that in his opinion there was no more beautiful drive

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anyplace and it deserves much consideration.

Mr. Smith made the following motion: That the application be refused because to grant the reconstruction of River Bend would substantially impair the intent and purpose of the Zoning Ordinance. Mr. Piggott seconded. It carried, unanimously.

S. Cooper Dawson
S. Cooper Dawson, Chairman

* * *

July 18, 1950

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, July 18, 1950, in the Board Room of the Fairfax County Courthouse at 9:45 a.m. with the following members present: Messrs S. Cooper Dawson, J. W. Brookfield, Verlin Smith, T. I. Piggott, and W. S. Elgin. Mr. White, Zoning Inspector, was present. Mr. Brookfield acted as Chairman for the first part of the meeting.

DEFERRED CASES:

E. F. Bladen, on Glyndon and Owasa Streets, near Town of Vienna, who was granted the right to operate a sawmill asked for an extension of one year to operate. It was voted to extend the permit for one year from this date.

The time limit for construction was extended for J. F. Thomas to build his garage on Lot 1, Sect. I, City Park Homes for another 6 months - to January 18, 1951.

Reliance Homes of Washington, for permission to erect dwelling within 25 feet of front property line, Lot 17, Sect. A, Fairdale, Subdivision. This case had been deferred in order that the Board might view the property. Mr. Lawrence appeared for the applicant. He explained how the house was located on high ground in order to do a great amount of filling and to save trees - the houses across the street were set well back to give an appearance of space between houses. Mr. Brookfield and Mr. Smith had seen the property and thought it a satisfactory arrangement. Mr. Dawson moved to grant the application. Mr. Elgin seconded. Carried.

Carl T. Driefus, for permission to have variance for less than 25 feet on one side yard, Lots 64 and 66, Wellington, Secti. II, . Mr. Fagelson represented the applicant. He reviewed the case which has been undecided for ten years. Mr. White also went back over the case as he was Zoning Administrator during most of the discussions on this case. The case was taken to court for a decision on the

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house location and was discussed between the Court, Mr. Stockton and the applicant. The Court suggested that Dr. Dreifus buy more land to give sufficient area for the lot and for the applicant to go before the Board of Appeals for a variance - which he has done. Mr. Smith said that since the applicant has complied with everything he possible could and was following out the suggestion of the Court and the actual building of the dwelling was a mistake in location by the builder, he moved that the application be granted because it would work a great hardship to the owner to tear down the building. Mr. Elgin seconded. Carried.

NEW CASES:

1 - G. E. Donaho, for permission to locate detached garage within 4 feet of rear property line, approximately 1/2 acre on the NW corner of the intersection of 236 and Quaker Lane, Falls Church District. Mr. Donahe said he needed this ground to make a turn-around and to save trees too large to move. Mr. White said this was also on a hillside which would work a hardship to build the garage according to the proper setbacks. Mr. Donaho is moving the old garage and making a double garage out of it. He will move the old garage nearer the line as requested. Mr. Dawson asked the applicant to be very sure about his line and to have it surveyed before moving the building. Mr. Dawson moved to grant the application because it was the only place he could locate a garage without too mucyh hardship. Mr. Elgin seconded. Carried.

2 - Wm. Recktenwald, to locate detached garage 1 foot from side line, Lot 187, Renwick Park, Falls Church District. Mr. Recktenwald said his house is actually 15 feet from the side line and he wishes to locate the garage 10 feet from the house and between some large trees. He would like to have it conform in architecture with the house which is brick with frame gables. The garage would be frame to match the gables. Mr. White said this was the same thing the Board had granted many times before - he saw no great objection on a small lot that could not meet the setbacks. Mr. Smith said the closest the Board had granted was 4 feet with a frame garage and 2 feet with a masonry building. Mr. Brookfield said that was true since Mr. Smith had come on the Board but before that they had granted garages closer. Mr. Dawson suggested masonry construction. The applicant said he had wanted to do the work himself and could not lay bricks or cinder-blocks. Mr. Smith said the Board was amending the Ordinance to allow this variance and making the Ordinance conform to small lots - that there were too many variances like this. Mr. Brookfield said they had even granted joint garages on the line on narrow lots. He preferred garages close to the line to prevent the piling of trash. Mr.

Smith said the Board had refused the same thing on Bucknell. Mr. Brookfield stated that was a wholesale request and the Board could be more lenient on individual cases. It was suggested that the garage be built of asbestos shingles, but also stated that that was only fire resistent not fire-proof. Mr. Dawson moved to grant the garage location of 1 foot from the line because of the narrowness of the lot but that the construction should be masonry. Mr. Elgin seconded. Carried.

3 - Harry G. Hull, to locate detached garage 4 feet from rear property and 1 foot from rear line on Lot 10, Block 2, Fair Haven, Mt. Vernon District. This lot is very steep directly back of the house and also the applicant has put in a rock garden to develop the slope and to take away the mud. If the garage is located properly it would leave very little back yard. It will be 4 feet from the corner of the house. Mr. Smith asked if the applicant had considered a garage when he bought the lot. He said yes but he did not know about the regulations. The driveway was already in and he thought it would be all right to locate the garage in accordance with the driveway. Mr. Smith moved to grant the application due to topography and that the garage should be of masonry construction. Mr. Elgin seconded. Carried.

4 - A. P. Couglin, to erect detached garage 4 feet from side property line on lot 36, Block B, Section I, Burgandy Village, Mt. Vernon District, To observe the 10 foot setback would put the garage almost in the middle of the back yard. Mr. Dawson moved to grant the application because the Planning Commission and Board of Zoning Appeals had agreed to allow this setback. Mr. Elgin seconded. Carried.

5 - Albert W. Loughrie, to locate detached garage 78 feet from front right of way of Pine Drive, Lot 19, Davian Place Subdivision, Falls Church District. The applicant asks this variance because large trees are in the way of locating properly. Mr. Brookfield suggested moving the garage back 2 feet and meet the front setback and take the variance on the rear setback. The other Board members thought a front variance was better. Mr. Smith moved to grant the application because of the shape of the lot. Mr. Elgin seconded. Carried.

6 - John G. Meyer, to locate detached garage 2 feet from side property line, Lot 270, Section 3, West-Lawn, Falls Church District. A 10 foot setback would place the garage directly back of the house. Mr. Dawson suggested cinderblock construction. Mr. Smith asked the applicant if he had considered a garage when he bought. He said he had been led to believe that there was enough room for the garage. He didnt know about the Zoning Ordinance. Mr. Brookfield said the

building should be fireproof. Mr. Dawson moved to grant the application due to the shape of the lot, provided it is of masonry construction. Mr. Elgin seconded. Carried.

7 - Charles A. Higgins, to erect detached garage 2 feet from side and 2 feet from rear property line, Lot 12, Block 5, Section 5, City Park Homes, Falls Church District. This will have cinderblock to the eaves and frame from then on. Mr. Ridgely was present and asked just what use the applicant was going to make of this garage and what did a variance mean - will the garage be used for personal use or for business. Mr. Smith said this variance changed nothing regarding the zoning or use of the property - it was simply a matter of setbacks. Business was not allowed there. Mr. Ridgely said had no objections to the setbacks - he was just wondering if using this garage could include a workshop to service cars, commercially. The Chairman said he could not use this garage commercially. Mr. Dawson moved to grant the application provided it is of masonry construction. Mr. Elgin seconded. Carried.

8 - E. D.Wilt, to locate gasoline pumps with less setback than required by the Zoning Ordinance on part of Lot 3, Fort Ward Heights, corner of Original Leesburg Pike and Valley Drive, Falls Church District. Mr. Lytton Gibson represented the applicant. He said there was practically 25 feet between the pumps and the Leesburg Pike right of way and will be approximately 60 feet from the paved surface of the Pike. Mr. Gibson also questioned whether or not pumps were a structure in the strict sense of the word. Mr. Smith read from the Ordinance the definition of the structure. He suggested that the Board should view the property before making a decision. Mr. White said the Ordinance said 'building or structure' which he thought covered pumps.

Mr. Stickley was present representing opposition. Mr. Smith suggested that the Board hear the opposition before deferring. Mr. Stickly said Mr. Johnson was the actual owner of this ground and the rezoning was made in his name. Mr. Gibson said the application was made as Contract Owner. Mr. Wilt would lease the property. Mr. Dawson moved to defer the case until July the25th at the special meeting. Both Mr. Gibson and Mr. Stickley agreed. Mr. Piggott seconded. Carried.

9 - E. D. Wilt, to locate gasoline pumps 30 feet from Routes 50 and 211 right of way on ground on the NW side of Fairfax Circle in Providence District. Mr. Gibson represented Mr. Wilt. Mr. White questioned the policy of locating pumps this close - he felt that they should be 50 feet back. Mr. Gibson said many pumps in the county were not 50 feet back. Mr. White suggested that that was the reason for the Ordinance - there were too many non-conforming pumps located

too close to the right of way. Mr. Brookfield said it was true that many had been granted because of the question in the minds of the Board as to whether or not pumps were structures. Mr. Gibson said it was a definite hardship for one to set his pumps back so far - and that this matter of pumps being a structure should be clarified. It was stated that the business joining this had pumps 32 feet back. Mr. Smith said the cases (the two Wilt cases) were not parallel cases - he showed the relative locations on the blackboard with a diagram-map. This proposed structure is directly in line of a possible widening of the Circle, where the traffic would be increasingly heavy. Mr. Elgin thought there would be sufficient room between the building and the pumps. Mr. Smith said that the pumps on the joining business were past the road coming into the Circle and therefore would not be affected by widening. Mr.Gibson said the building was already half uf and it met the setback requirements. He suggested that theBoard view the property. Mr. Smith said we had had requests from the Highway Department to observe setbacks. Mr. Gibson said the Highway Department had given approval of the proposed entrances and exits. He suggested that something be done about service station setbacks - designating whether or not they should meet required setbacks on pumps. Mr. Smith moved to defer the case until July 25th, special meeting, to view the property. Mr. Piggott seconded. Carried.

10 - M. K. Apperson, to construct addition to dwelling to come 8 feet from side line and 35 feet from front right of way line, lot on SE corner of intersection of Rts. 648 and 236, Falls Church District. The addition would be of fireproof construction. The addition would be two bedrooms and a porch. The state had left a strip of land along Route 236 and had granted use of it to the owner. The driveway to his house is subject to this agreement with the state. There is an open ditch approximately 5 feet deep along 236. Mr. White thought there could be no traffic hazard. Mr. Brookfield moved that the application be granted due to the size and shape of the lot and topographic conditions. Mr. Piggott seconded. Carried.

11 - Andy Repasy, to construct attached garage to come 18 feet from side property line, on the south side of Rt. 624 - 7/10 mile from intersection of 624 and Rt. 1, Mt.Vernon District. Mr. White said he could see no ojbection , the applicant needs a garage. It will be attached by a breezeway. There was some misunderstanding in the granting of his permit. He already has the footings poured and did not realize he was wrong until the inspection was made. It is of cinderblock construction. Mr. Dawson moved to grant the application because of hardship to the applicant. Mr. Elgin seconded. Carried.

12 - Lawrence D. Robbins, to locate dwelling 33 feet from Rt. 620, at junction of 620 and 645, Willow Springs, Centerville District. Mr. Robbins said he had the building up before he knew his setback was wrong. He had asked about restrictions when he bought and was told there were none - just the electrical inspection and a $3 fee. It was stated that the Braddock Road will probably be widened but many houses in this subdivision are not set back properly. Mr. White saw the property and had asked Mr. Robbins to come to the Zoning Office. He said there was no excuse for this negligence but would not recommend making Mr. Robbis move his house because of his family and the difficult way in which they were living. Mr. Dawson moved to defer the case for inspection and have Mr. White check the exact distance of the house from 620 and check the street width. This will be heard August 15 and Mr. Robbins need not be present. Mr. Elgin seconded. Carried.

13 - National Advertising Company, for permission to leave sign 5 x 8' on present property - 1.8 miles east of Fairfax Circle on the south side of Rts. 29 and 211, Providence District. Mr. Reynolds represented the applicant. He stated that the original sign on this location was put there in 1938. During a merger and move of his company some uninformed person in the office ordered this original sign removed since the advertiser cancelled his advertising. The original sign was 8 x 20 Feet. It was torn down entirely and the smaller sign 5 x 8 Ft. was put up advertising Howard Johnson's. Since the Ordinance says the sign cannot be changed in structure the Highway Department informed the Company that they were violating the law. Mr. Schumann explained the sign regulations - stating that a sign must advertise a service on the premises and this sign was over a mile from the business advertised. The Board should decide whether or not it should be left there. Letters regarding the sign transaction between the Planning Commission, State, and National Advertising Company were read. Mr. Brookfield suggested that this application be deferred as it was too important to make a decision without advice of legal counsel. Mr. Lynch suggested that the Ordinance states that a use permitted by the Board is invalid if it is out of use for 180 days. Mr. Smith moved to defer the case until the next meeting, August 15th. Mr. Elgin seconded. Carried.

14 - Jefferson D. Broaddus, to allow two outbuildings to remain as located both structures to be 2 feet from a 10 foot alley and one structure to be 5 feet from the side line, SE corner Seminary Drive and Franklin Street, Falls Church District. Mr. Broaddus was not present. Mr. Willingham was present and questioned what the applicant wanted. Mr. White told the history of the case: He said that Mr. Willingham had complained about the three buildings being too close to the line Mr. Broaddus had owned the neighboring lot to his dwelling and had

moved the two outbuildings on to that lot - too close to the line. They had tried to get him to move them, then he put a third building on this same lot. Mr. Willingham had said if Mr. Broaddus would take away the third building it would be satisfactory but Mr. Broaddus refused. Mr. White had hin summoned. It was suggested that he go to theBoard of Zoning Appeals on the first two buildings and move the third building. Mr. Breaddus had agreed but wouldnt pay the fee to go before the Beard. He was contacted by the Zoning office to either go before the Board or Court action would be taken. His attorney made him make this appeal. In the meantime the summons had brought Mr. Breaddus into court. The Court suggested going before the Board. The third building has been taken away since the court action but the other two buildings are still in violation. It was suggested that everyone had been very patient and that Mr. Broaddus should appear before the Board. Mr. Piggott moved to defer the case until August 15 for Mr. Broaddus to appear. Mr. Elgin seconded. Carried.

15 - Marion C. Hotchkiss, to construct addition to attached garage 10 feet from side line on east Boulevard Drive at Herbert Springs between Wellington and Cellingwood, Mt. Vernon District. The addition would be of shingle construction, the present building is of stone. Mrs. Hotchkiss wantw to increase the present single garage into a double garage and put a room over the garage. Mr. Dawson suggested cinderblock construction which might be faced with shingles. The lot is very large but slopes directly in the back and the addition could not very well be put any place else. The present garage was there before the Zoning Ordinance. It is not in keeping with the house to put the garage on the other side, Mrs. Hotchkiss said. Mr. Dawson moved to approve the application provided the addition is made of masonry construction. Mr. Smith seconded. Carried.

16 - James Hyde, to construct addition to dwelling to come 7-1/2 feet from side line, Lot 237, Section 4, Tyler Park, Falls Church District. The present dwelling is brick with wood gables. The applicant will use cinderblock for the addition with brick in front. The nearest neighbor's house is at an angle which gives more room between houses than it would do otherwise. Mr. Dawson moved to grant the application which will be constructed of cinderblock and faced with brick. Mr. Elgin seconded. Carried.

17 - A. Budd Fenton, to construct addition to animal hospital to come 40 feet from Shields Avenue, Springbank Subdivision, Lot I, Block I, east side of U.S.#1, approximately 1/8 mile north of Penn Daw, Mt. Vernon District. Dr. Fenton was called out on an emergency call and his case was put at the bottom of the list. Mr. Smith and

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Mr. Elgin made and seconded the motion. Carried.

18 - Mrs. Vern Neal, to locate dwelling 25 feet from Grove Avenue, Lot 20, Block J, Ellison Heights, Providence District. Mrs. Neal's son appeared before theBoard. When they bought they had no idea 12 feet extra for road right of way was taken. It did not show on their plat but it was recorded. This would not allow proper setback. Mr. Neal's plat shows 2000 square feet more than the county records show. Mr. Dawson moved that due to the shape of the lot a 25 foot front setback and 15 foot side and back setback be granted. Mr. Elgin seconded. Carried.

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19 - Stanley J. Kotoski, to erect detached garage within 2 feet of side line, Lot O, Annandale Subdivision, 115 Poplar Street, Falls Church District. Mr. Kotoski said the garage would be of cinderblock construction faced with brick. There were no objections. Mr. Dawson moved to grant the application provided it was of cinderblock construction. Mr. Elgin seconded. Carried.

Mr. Dawson took the Chairmanship for the balance of the meeting.

20 - Norman W. Ridgeway, to construct addition to non-conforming building to come 5 feet from Burgandy Lane, SW corner Telegraph Road and Burgandy Lane, Mt. Vernon District. The width of Burgandy Lane was questioned. Mr. Dawson thought it was only 15 feet and questioned whether or not it was ever dedicated as a road. Any road out of the State System was privately owned and someone paid taxes on it. It is possible that Mr. Ridgeway owns to the center of Burgandy Lane The Chairman read a letter to Mr. Ridgeway from Mr. Stockton telling Mr. Ridgeway to move his station and pumps back - which he did. There were no objections. It was also thought possible that Burgandy Lane would be abandoned as it was not necessary to Burgandy Village. Mr. Brookfield moved to grant the application, Mr. Elgin seconded. Carried

21 - Wm. North, to erect carport addition to dwelling to come 4 feet from side line and a tool shed to come 4 feet from side and 6 feet from rear lines, Lot 6, Brilyn Park, Providence District. The present dwelling is brick. The shed would be frame. There were no objections. Mr. White thought it would not harm neighboring property. Mr. Brookfield moved to grant the application. Mr. Elgin seconded. Carried. Mr. Smith voted No.

22 - Donovan Q. Zook, to locate dwelling 15 feet from east lot line and carport 15 feet from west lot line, Lot 28, Hallowing Point River Estates, Mt. Vernon District. Mr. Zook said he had originally planned to set the dwelling where the lot is wider but the Health Department said it should be on higher ground, for septic tank drainage. Mr. White thought there were no objections except it was lowering the requirements of theZoning Ordinance, unnecessarily. Mr.

Smith thought it was definitely wrong to go into a completely agricultural district and ask to reduce the setbacks to such an extent, that the applicant should meet the requirements, that a variance on this was unnecessary in such a rural district. The Board granted these variances in the more congested urban districts but such a variance as this would bring too many other requests. Mr. Zook said the others in the neighborhood have wider lots on the road but his is wedge shaped and that causes his difficulty. Mr. Brookfield said the lots were just not wide enough. Mr. Smith said if the Board went along granting such things as this they were changing the Ordinance completely and granting people more land on their width - and it was not fair to those who met the requirements of the Ordinance. Mr. Smith moved to grant the setback on the carport side only, due to the topography and the wedge shape of the lot and the requirements of the Health Department. Mr. Elgin seconded. Carried.

23 - James L. Lewis, to locate carport, attached by lattice, to come 6 inches from side line, part of Lots 10 and 11, First Addition to Fairland, Falls Church District. Mr. Lewis said his house was set on the lot to meet corner setbacks. The ground slopes immediately back of the house and he could not go back farther with his addition. The carport would be 15 feet from his house. Thedriveway is already in, curbs for drainage also. Mr. Smith thought he should stay 2 feet from the line at least. Mr. Smith moved to grant the application provided the carport is 2 feet from the side line, due to topography. Mr. Elgin seconded. Carried.

24 - Paul E. Green, to have chicken house 3-1/2 feet from rear property line and 3-1/2 feet from sideline, Lots 44 and 45, Greenway Downs, Falls Church District. Mrs. McCormick appeared objecting. She is located directly behind the applicant. She said she didnt know anything about the Ordinance and thought these buildings were temporary, that their deed restriction required dwellings to cost $5000 - these little buildings are on a vacant lot next door to Mr. Green's own dwelling. She had called Mr. Marsh and he had said Mr. Green was in violation of the Ordinance. She said if everyone put up chicken houses instead of dwellings it would ruin the Subdivision. The chicken house is approximately 28 feet long and the shed are all located 3 feet from the line instead of 3-1/2 feet. She described the buildings. Mr. Green said a chicken house was on his lot when he bought. He moved it to the lot he bought next to him and built on to the first building. He felt that it was no hazard and did not know it should be 10 feet from the line. It was suggested that this might be used for commercial use. Mr. Green said absolutely not - sometimes he sold a few eggs but it was just

for his own use. He was told in the beginning that the required setbacks were 3 feet. No building permit was ever issued. The owner of the side lots do not object. Mr. Smith said we have only the Ordinance to go by. He moved that the application be refused because the buildings are in direct violation of the Ordinance. Mr. Piggott seconded. Carried. Mr. Smith moved and Mr. Brookfield seconded to reopen the case and Mr. Brookfield moved that the applicant be given 6 months in which to move the buildings back to a ten foot setback from rear and side lines. Mr. Smith seconded. Carried.

25 - Roland Payne, to construct and operate a restaurant on 15,878 square feet on the east side of Leesburg Pike, approximately 1-1/2 mile south of 7 Corners, Falls Church District. Mr. James Keith represented Mr. Payne. He showed the architects drawing of the proposed restaurant. He presented a petition with 40 names in favor of granting this application. The location was discussed. The petitioners were all within 1/2 mile of the location for the restaurant. Mr. white thought this not a particularly good location for a restaurant but saw no particular objection otherwise. It was stated that Mr. Payne has an application to go before the Board of Supervisors for a rezoning on this, which will come up July 19th if this case is denied. There are filling stations on either side of this lot.

Mr. Hankin, spoke in opposition. He presented a petition opposing with 20 names - people immediately concerned and living near.

Mr. Netzer also spoke against - saying that this is avery bad location financially and he thought a restaurant venture here would not be a success. There will be plenty of services at Culmore and Bailey's Cross Roads and 7 Corners. He felt that a continual addition of business, some of which would not be successful and would deteriorate, would make Leesburg Pike a very bad highway. Mr. Campbell is building 10 stores, many of which he cannot rent. He was also opposed to restaurants which might incourage too much intimacy. Mr. Netzger said he was in no way in competition with Mr. Payne, he has a contract with theAmerican Oil Company for 25 years - but he objects purely on a business basis and in the interests of good planning.

Mr. Hankin said the posting of the restaurant was actually on the wrong lot. Mr. Brookfield questioned the improper posging and moved to defer the application for time to have the property posted properly. Mr. Piggott seconded. Carried.

26 - Eastern Construction Company, for less setbacks on lots in first addition to Homecrest, Falls Church District; Lot 20 -10 ft. rear setback;Lot 28 - 11 ft. rear; Lot 31 - 13 ft. rear; Lot 22 - 13 ft. rear; Lot 26 - 11 ft. rear; Lots 22 and 21 - 30 foot setback from Graham ~~Road~~ Court, Falls Church District. Harry Otis Wright appeared for

the applicant. He showed that the lots all have more area than required but because of the shape of the ground they could not be divided to meet proper setbacks. He had talked this plan over with Mr. Schumann and he (Mr. Schumann) had suggested that this application to come before the Board be filed. Also when the property was bought they had thought only a 50 foot road would be required on Graham Road but it was found a 60 foot road was required by the state. Mr. Smith said he would be willing to grant the 5 foot setback which they had not figured on but he couldnt see all the other setbacks requested. Mr.Wright said he had studied over 10 or 15 different layouts trying to get the lots in to meet requirements and this was the only conclusion he could come to from an engineering standpoint. He had gone to great lengths to get in more than required area on all lots that were asking the variance. Mr. Smith said to grant this would be amending the Ordiance and giving extra ground to the developer. Mr.Wright asked for a postponement on a decision. Mr. Brookfield moved to defer the case, Mr. Piggott seconded. Carried.

27 - A. G. Lowry, to locate dwelling 23.55 feet from both side lines, Lot 67, Woodlawn Manor, Mt. Vernon District. Mr. Lowry recalled that he had come before theBoard last month with a similar request on a corner lot. He had exchanged the corner lot for an inside lot and was asking the same setbakcs. Mr. Brookfield moved to grant the application, Mr. Elgin seconded. Carried.

28 - Nathiel Smith, trading as Super Service Trash Company, to operate a Sanitary Land-Fill on approximately 4 acres, approximately 1200 feet north of Claremont Subdivision between R.F.& P RR and Southern RR, Mt. Vernon District. Wohn Wood, attorney for Mr. Smith, appeared for the applicant. He said the property doesnt join anyone, it is zoned Industrial and belongs to Mr. Lynch. It is 1000 feet from the nearest residence. It will be filled and covered every day as required by the Ordinance. The Chairman requested Mr. Smith to read the entire Sanitary Fill Ordinance to clear up any question about what we were discussing. Mr. White said the location was very satisfactory and the requested use was a great necessity for the County. He does not know of a more satisfactory place. The site was O'Kd by the Sanitary Engineer who would administer the Ordinance and the Board of Appeals had only to approve the use. The ground is swampy and undesirable for other use, being practically abandoned land - he recommended its approval.

Mr. Lynch showed the location on the map. The ground is high on one side which would allow ground for filling. If this is successful, after a 6 months period, he will try to get an easement from the Railroad (who will not sell) for an outlet to Franconia Road,

which would relieve having to go through Claremont Subdivision with the trucks. The entrance through Claremont is round about and not a natural entrance, they would be glad to get theeasement for everyone concerned. But it was not wise to ask for the easement until it was shown that such a fill would be successful. He has 36 acres there which could well be used for expansion. In time Mr. Lynch said he believed the County would take over a fill of this kind and if that came about they could condemn the ground for an outlet.

Mr. Walter Crain said he had been fighting for a Sanitary fill for years. He wondered if they would serve only a restricted area. Mr. Wood said they would serve anyone - it would be open to other servicers. Mr. Crain thought it might be used by Fairlington and Arlington County for a certain fee. Mr. Wood said it would be - in fact it would be necessary to allow other companies to dump there in order to be a financial success. It will be a public service.

Mr. Brookfield asked for the report of the Sanitary Engineer and Health Department. Both were present and their reports were given. Both agencies approved the location from the standpoint of feasibility of site and from the Health standpoint.

Mr. Hinson, from Claremont, was opposing. He didnt know about the proposed use in time to organize opposition. He asked how many trucks would pass during the day to the fill. Mr. Wood said three or more. Mr. Hinson said the road entrance through Claremont was very poor, a gravel hilly road and it would not take the heavy traffic of loaded trucks, that the road was not even under county maintenance. Also if this area is taken into Alexandria under annexation, it would be badly administered as Alexandria does not have a good Sanitary Fill Ordinance. He would like more time before a decision is made. Mr. Wood said the fill was not visible from homes in Claremont. Also that if Alexandria took over this territory the lease could be made so that operation would have to be in accordance with Fairfax County regulations.

Mr. Brookfield said he could see little objectionable about granting the fill and no damage to adjoining owners. The Chairman said there was plenty of land there already for filling purposes. Mr. Wood said the law controls all dumping and there would be no burning.

Mr. Dilzer also opposed. He felt that we would be creating a land fill for Alexandria. He suggested that the road by-passing Claremont be put in now. Mr. Lynch said he could not build a road just on a chance that the fill is successful and remains. Mr. Dilzer asked Mr. Lynch if he had given consideration to the affect this would have on Claremont. Mr. Lynch said - yes- the only way it affects Claremont is the road, which he has agreed to fix by re-routing the trucks.

Mrs. Gear, also opposed. She lives less than 1/2 mile from the proposed fill. She mentioned the very bad road and the heavy trucks in winter.

Mr. Moore also of Claremont objected. He also spoke of the bad road. He said if it didnt work properly the people of Claremont will be the main ones to suffer. Also that Super Trash Company collects in Washington, that we would soon be the dumping ground for Washington. Mr. Lynch said Washington had full facilities for dumping and it wouldnt be practical for them to dump out here.

Mr. Edmonds also objected, saying children going to school would have to meet the trucks. Eleven stook opposing. Mr. Fit objected because he is overlooking the dump - lives within 1400 feet of it. He felt it would be unsightly with buldozer and trucks always at work. The noise would also be bad. Mr. Moore said he had bought here expecting a pleasant country atmosphere, not expecting to live near a dump. Mr. Brookfield moved that the application be granted because of the dire need to the people of Fairfax County. Mr.Elgin seconded. Mr. Smith said he thought the dumping should be limited to refuse collected from Fairfax County and would Mr. Brookfield accept such an amendment to his motion. Mr. Wood said that would not be practical as trucks had regular routes and some went direct from one county to another and anyhow who would police this to be sure all refuse came from this county. Mr. Brookfield said he would not accept the amendment limiting the collection to Fairfax County. His motion to grant was voted on - all voted Yes except Mr. Smith who voted No.

29 - Joseph C. Geraci, for permission to erect gasoline pump island 22 feet from front property line on the east side of U.S.#1, 156 feet north of intersection with 631, Mt. Vernon District. Mr. Geraci wanted his pumps in line with others near him. There was no objection. Mr. Brookfield moved to grant the application. Mr. Elgin seconded. Carried.

30 - D. E. Baylis, for permission to operate a Sanitary-Land-Fill on 10 acres on the east side of Telegraph Road and North side of Cameron Run, Mt. Vernon District. No one was present to represent the case. Mr. White gave the same report he had given on the previous case- that the land was suitable for nothing else, that it was not a detriment to anyone in the neighborhood and such a fill was very badly needed by the people of the County. Reports were read from the Sanitary Engineer and the County Health Officer approving the site.

Mr. Frank said he operated a restaurant near and felt that this would injure him greatly because of the drainage problem it would create. The fill would back up the water and it would be a health menace. The fill would be placed in an undesirable location. Mr.

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White thought the fill would raise the elevation and drain the land.

Mr. Frank said he thought this was an expedient rather than part of a master plan, and he felt it would harm property near with the backing up of water. Mr. Smith said this was up to theSanitary Engineer and Health Officer who had seen the site and approved it, that it was not in our power to approve that or to determine what may happen in the future, the Board's function was merely to grant or deny the use.

The Sanitary Engineer said he had walked over the ground and had seen it after a rain - he felt that the drainage would not be blocked.

Dr. Bradfor, Health Officer, said he had considered the stream in his investigation and thought the stream bed would be beter defined and conditions in general would be bettered.

Mr. Smith moved to grant the application provided it was restricted to collecting from and servicing Fairfax County only. The Chairman suggested an amendment to say - proper and safe access to be provided from Telegraph Road. Mr. Brookfield said he thought it a mistake to limit the collection to Fairfax County. Mr. Smith said he was trying to protect the County from being a dumping ground for Washington, etc. There was no second to Mr. Smith's motion.

Mr. Brookfield moved to grant the application because of the dire need of Fairfax County for disposal of trash. Mr. Elgin seconded. Carried. Mr. Smith voted No.

The case of A. Budd Fenton was taken up - it had been put at the bottom of the list. The building would have been of no value if the applicant had waited for the ok of theBoard of Appeals. (The building is already up). It was an emergency need. This is a dead end street leading only to the Power Company - hw owns the ground to the Power Company's. Mr.Brookfield moved to grant the application. Mr. Elgin seconded. Carried. Mr. Smith voted No.

John W. Brookfield

S. Cooper Dawson

S. Cooper Dawson, Chairman

* * *

July 25, 1950

A Special Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, July 25, 1950, in the Board Room of the Fairfax County Courthouse at 10:00 a.m. with the following members present: Messrs S. Cooper Dawson, J. W. Brookfield, Verlin Smith, T.I.Piggott, and W.S. Elgin. Mr. White, Zoning Inspector , and H.F.Schumann, Jr. Director of Planning were present.

Mr. Brookfield acted as chairman.

1 - H. A. Shockey, to permit a setback of 20 feet from Cavalier Trail instead of as required by Ordinance and a sideyard of 10 feet from west property line instead of as required by Ordinance, on approximately 4 acres located on the south side of Lee Highway, property known as Falls Church Quarry, at the junction of Cavalier Trail and Lee Highway, Falls Church Magisterial District.

Mr. Shockey said he plans to put in tourist cabins which will be a credit to the vicinity. This section is badly run down by commercial use in the neighborhood and the existance of the Quarry. This, however, will be abondoned as it is now dangerous in view of growing development. The cabins will set 55 feet from Lee Highway. Mr. Shockey said he would put a heavy iron fence all around his property - stores in front and the cabins in the rear. In order to have a 10 foot driveway back to the cabins he would like the office building to come 10 feet from Cavalier Trail instead of the 20 feet requested and the cabins will be approximately 20 feet higher than the highway. There was no opposition. Mr. Shockey plans to leave the front for parking for the stores and parking in the rear for the cabins. Mr. Brookfield suggested that 55 feet was not sufficient area for parking for the stores. Mr. Shockey said he could fix a place in the rear of the stores to take care of the surplus cars. Mr. White saw no particular objection but felt that according to the Ordinance the cabins should be farther away from residential property.

Mr. Schumann said the fact that this case had been advertised for a 20 foot setback from Cavalier Trail, the Board could not reduce this to a lesser amount - namely to 10 feet. Mr. Marsh has ruled that a lesser setback than advertised cannot be granted. Mr. Schumann said the Board could grant the 10 foot setback from the point where the Cavalier Trail leaves the property but not bordering the road. It would be necessary for Mr. Shockey to put in a new application to cover the 10 foot setback from Cavalier Trail. This was satisfactory to Mr. Shockey. Mr. Dawson moved that beginning at a point 113 feet from Lee Highway the applicant be granted the right to construct tourist cabins with a 10 foot setback from the west property line bedause of the proximity of the old rock quarry

quarry and the limited area left. Mr. Brookfield seconded. Carried.

2 - William W. Wilson, for permission to erect detached garage 6 inches from both side property lines on Lot 4, Block D, Bucknell Manor, corner Cavalier Drive and Harvard Drive, Mt. Vernon District.

Mr. Wilson said the garage would be of frame construction to conform to his house. Mr. Dawson thought the Board should require cinderblock or fire proof construction to do away with fire hazard. Mr. Schumann suggested that if the Board granted frame construction it should be at least 4 feet from the line. He recalled the joint meeting of the Planning Commission and the Board of Zoning Appeals at which time it was agreed to grant masonry garages (detached) 2 feet from the line and a frame garage 4 feet from the side line. Mr. Schumann said that theZoning Ordinance in its present form often prevents construction of a garage and he felt that some sort of variance should be granted. Mr. Brookfield felt that this would be entirely too hazardous from the standpoint of fire.

Mrs. Dykstra, the next door neighbor, had no objections. There would be approximately 15 feet between the garage and her house. Mr. Brookfield suggested that Mr. Wilson should have consulted the Zoning Office before buying lumber for his garage. Mr. Smith felt that the agreement between the Planning Commission and the Board ofZoning Appeals should be observed.

It was suggested that the application be granted for a 4 foot setback from both lines. By granting the variance on the rear line Mr. Schumann said it would automatically grant the front setback necessary to meet the rear setback. Mr. Dawson made the motion to grant permission to construct a frame detached garage 4 feet from the rear and 4 feet from the side line - to be located 5 or 6 feet from the house, due to the shape of the lot. There was no second. Discussion followed then Mr. Piggott seconded. Carried. Mr. Smith voted No.

The Board took up the deferred case of E. D. Wilt, requesting to locate gasoline pumps with less setback than required. Mr. Lytton Gibson represented the applicant. The building would be 90 feet from the pavement of Leesburg Pike and 54 feet from the dedicated right of way. Mr. Dawson said it was very probable that another 10 feet would be taken here for right of way.

Mr. Wilt was present and said he wanted to have the pumps closer to the pavement to be nearer traffic - that it was a great inconvenience to the public to drive too far off the road for gas. Mr. Dawson said the Board had granted pumps 20 feet from the right of way and he didnt like to break that and he thought this would be very visible from the highway. Mr. Brookfield questioned whether or not pumps were considered a structure, since they can be moved. It was stated that the requires a 12 foot setback for pumps, or that the pumps be put on the

line so cars cannot stop and load gasoline on the highway right of way. Mr. Stickley was present opposing this application but stated his opposition would be taken up in court because of improper zoning, and restrictions of record.

Both Mr. Schumann and Mr. White thought some variance a reasonable request. The fact of definition of a structure was discussed again. Mr. Marsh had never given a decision onthis. Mr. Dawson made a motion to grant the application but it was not seconded, therefore lost. Mr. Dawson then moved to grant the applicant a 20 foot setback from the property line to the middle of the pump island, due to the fact that the building and pumps are in full view of the highway in both directions and since the Board had often granted pumps a 20 foot setback from the right of way. Mr. Brookfield seconded. Carried.

E. D. Wilt, for permission to locate gasolime pumps 30 feet from Routes 50 and 211 right of way, on the NW side of Fairfax Circle on Rts. 211 and 50. The question had been discussed at the last meeting (this case was deferred) of the future course of the right of way on the Circle. Mr. Gibson said that even if the highway were widened these pumps would still be back farther than the others on the Circle. He said 32 feet would be satisfactory to his client. That is the same distance as the station nearest sets back. There were no objections. Mr. Smith suggested a 40 foot setback. Mr. Gibson said that was not enough for two cars between the pumps and the building. Mr. Elgin moved to grant a 32 foot setback from the right of way of the road to the center of the pump island. Mr. Piggott seconded. Carried.

The case of H. H. Harris, heard June 20th, 1950, was reopened. Mr. Smith made the motion to reopen and Mr. Dawson seconded. Mr. Schumann said the occupant of the apartment was not able to be present at the hearing and was here asking that the time for vacancy of the apartment over the garage be extended for 9 months. Mr. Eaton, the occupant, said he wants time to get another place. He has a chance to get into a Government project in Arlington but has to wait his turn and has been assured that there will be an opening 9 months from now. Several neighbors who had petitioned against granting this apartment over the garage had signed a letter asking that Mr. Eaton be allowed to remain for this extra time. Mr. Smith moved that the time to vacate the apartment over the garage be extended to May 1, 1951, because not to do so would work an undue hardship on the occupant and since the occupant was an ex-GI with a family and not place to live. Mr. Piggott seconed. Carried. Mr. Smith added to his motion that the occupancy of the apartment be limited to the present occupant, Mr. John W. Eaton, and when Mr. Eaton moves the previous

action of the Board ofZoning Appeals applies.

Mr. Brookfield instructed the secretary to write Mr. H. H. Harris of this extension of time and state that occupancy of the apartment applies to Mr. Eaton only and if he moved the apartment must remain vacant.

Eastern Construction Company, for less setbacks than required on Lots as listed: Lot 20 - 10 Ft. rear setback
" 28 - 11 " " "
" 31 - 13 " " "
" 22 - 13 " " "
" 26 - 11 " " "
Lots 22 and 21 with 30 ft. setback from Graham ~~Road~~ Court, First Addition to Homecrest, Falls Church District. Mr. Epstein appeared for the applicant. He noted that all lots had more than the required square feet but the problem of setbacks was caused by the triangular shape of the property. The engineer, Mr. H.O.Wright, had spent a great deal of time studying the ground to divide it observing all setbacks and finally at the suggestion of Mr. Schumann took the plan which seemed to be the best and presented it for relief on these certain lots. The side yards are all far in excess of the requirements, some of the 30 and 40 feet. This takes away any possibility of crowding.

Since a 5 foot dedication for Graham Road had been taken after this property had been acquired, Mr. Smith said he was willing to go along on a five foot variance from Graham Road but thought the other setbacks should be met.

Mr. Schumann said that in order to develop the land economically he felt that it was necessary to get some relief on setbacks in order to get a reasonable number of lots. The Planning Commission had required a street - Graham Court- within the project and it did create a problem for the developer. Mr. Brookfield said again the Board would be amending the Ordinance. Mr. Smith felt that all developers had the same problem to some extent and had bought knowing the land was this shape and would probably present problems of development and that the Board would be granting wholesale variances which had been against their recent policy. Mr. Schumann said if the variance was not granted there were certain lots that would be entirely unusable or lost. Mr. Brookfield thought this was not the responsibility of the Board.

Mr. Schumann said the fact that these setbacks could not be met was realized by the Planning Commission but that they could not refuse to approve the plat which met all requirements of the Subdivision Ordinance and planning. He did say, however, that he felt in future the Planning Commission should request the developer to go before the Board for variances of this kind before approving a plat which obviously could not meet setbacks. He indicated that this would be the policy of the PlanningCommission. Two lots which did meet the set-

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backs have already been built on, which would present a problem of resubdividing the ground again. Grading has already been started on other lots. Mr. Smith said he did not know the houses had already been built - that that did to some extent change the picture. However, he did not like the possibility of being brought into Court to justify granting these setbacks.

Mr. Dawson moved that due to the fact that the property is surrounded be develped property and Graham Road an no more land could be obtained and that curb and gutters were already in the setbacks requested be granted. Mr.Schumann suggested that the width of the lots would take care of garages if the owner chose to build them. Mr. Piggott seconded. Carried.

The case of Bucknell garages was discussed. Mr. Dawson suggested that Mr. Gosnell be informed that no more variances of this kind would be granted. No action was taken. Mr. Smith said he thought if theBoard simply held the line on these setbacks that developers would soon find out that they couldnt come to the Board for wholesale variances and have them granted.

Adjourn.

J M Brookfield Jr

S.Cooper Dawson,
Chairman

August 15, 1950

The Fairfax County Board of Zoning Appeals held its regular meeting Tuesday, August 15, 1950, at 10 a. m. in the Board Room of the County Courthouse Building, Fairfax, Virginia with the following members present: Messrs: Brookfield, Smith, Piggott, and Elgin. Mr. Dawson was not present. Mr. Brookfield presided. Mr. Schumann was present for the first part of the meeting.

1 - H. A. Shockey, for permission to have a 10 foot setback from Cavalier Trail instead of as required by Ordinance, on approximately 4 acres on the south side of Lee Highway at the junction of Cavalier Trail and Lee Highway, Falls Church District.

This application was made at the suggestion of the Board mambers at the last meeting when Mr. Schockey asked for a greater variance from Cavalier Trail than had been requested, advertised, and posted. He is requesting this variance to allow room for offices along the road and to have room between the sotre building and the office. There were no objections. Cavalier Trail is a 50 foot road widening to 80 feet where it makes a turn. The building will be 20 feet from the hard sufface of Cavalier Trail. Mr. Shockey said he would fence his entire property with a strong wire fence. Mr. Smith moved to grant the variance for approximately 65 feet back from Lee High-

way because it will not adversely affect property owners in the vicinity. Mr. Elgin seconded. Carried.

2 - W. E. Gregory, to erect detached garage 22 feet from right of way of Romney Street, Lot 98, Section 2, Westhampton Subdivision, Falls Church District.

Mr. Gregory said his septic field is back of his house and he cannot go back further. Mr. Smith said he felt this should not be granted because the rear street will be developed and this would establish a setback for future builders. Mr. Brookfield also thought 22 feet too close. The applicant said others would not have to face Romney Street as the block was only 2 lots long and they could face on other streets. There was no opposition. Mr. Smith thought this was not in accordance with the intent of the Ordinance, and that the Board should protect property owners from just this sort of thing. He moved that the application be denied. Mr. Elgin seconded. The applicant asked if he put the garage back 40 feet from Romney street-farther away from the house, would that be satisfactory. The Board thought that was reasonable. Mr. Smith moved to reopen the case. Mr. Elgin seconded. Carried. Mr. Smith moved to permit the applicant to locate his detached garage 40 feet from Romney Street right of way and to conform with the side and rear setbacks of the Zoning Ordinance - to grant this because of the septic field location. Mr. Elgin seconded. Carried.

3 - Henry G. Roberts, for permission to locate detached garage 4-1/2 feet from side property line, Lot 41, Block I, Section 2, Delta Subdivision, Falls Church District. Mr. Roberts said he has a very small back yard and placing the garage 10 feet from the side line would leave very little back yard. It will not obstruct any other property. He cannot attach the garage because of windows on that side which would close off the bedrooms. There is no room on the opposite side of the lot. His neighbor will wish to use his driveway as the ground on his lot slopes and he could not otherwise have a driveway. Mr. Smith moved to grant the application. Mr. Elgin seconded. Carried.

4 - James W. Boyd, for permission to locate carport 4 feet from side property line and 56 feet from right of way of Lawrence Drive, Lot 115, Fenwick Park, Falls Church District.

Mr. Boyd said the carport would be open on three sides. Mr. Smith thought this was too close to the house and too close to the neighboring building - which would be about 14 feet. The applicant said there was a 4 foot drop immediately back of his house and he could not build back farther. Mr. Smith moved to grant the application because of topography. Mr. Elgin seconded. Carried.

5 - George W. Bayha, for permission to locate carport 4 feet from side property line, Lot 98, Section I, West-Lawn, Falls Church District.

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The applicant said the side steps were in the way of putting a driveway closer to the house - allowing for a 10 foot side setback for the garage. It will be of asbestos shingle construction. There were no objections. Mr. Piggott moved to grant the application. Mr. Elgin seconded. Carried.

6 - Stacy D. Bristow, to erect detached garage 2 feet from side property line on Lot 29, Block 4, Fair Haben Subdivision, Mt. Vernon District.

There is a steep hill directly back of the house and the applicant said he could not go back farther to meet the requirements. As it is he will have to evacuate considerably. The garage will be cinder-block. Mr. Smith moved to grant the application provided the garage is of masonry construction, due to topography - the garage to be 22 feet long and a minimum of 10 feet from the house. Mr. Elgin seconded. Carried.

7 - L. E. Roberts, for permission to construct addition to present dwelling to come 9.4 feet from side property line, lots 17, 18, 19, Block 11, West McLean Subdivision, Providence District. This will be of frame construction - the same as the dwelling. It sets well back and neighbors on both sides have wide lots which will give plenty of space from another building. Mr. Smith moved to grant the application because this is an old subdivision and the applicant has combined three lots to give him more ground and it does not affect adversely adjoining property. Mr. Elgin seconded. Carried.

8 - P. B. Morrison, to install temporary pumps for filling station 15 feet from Leesburg Pike right of way, said pumps to be removed if and when Leesburg Pike is widened and if the state requires it, on 21,000 square feet, known as Parcel A, Carusillo Tract, Falls Church District.

Mr. Morrison said he had a contract with the Texas Company that they would remove these pumps at their own expense if the road is widened. The new highway width is planned for 80 feet which will take 8 or 10 feet more from Mr. Morrison's frontage on Leesburg Pike. There were no objections. A representative from the Texas Company was present who restated the agreement with his company.

Mr. Smith said he did not think the Board should grant pumps closer than 32 feet - which they have done before - but that this was too close.

Mr. Piggott moved to grant the application but there was no second.

Mr. Smith thought this was setting a precedent for others and was not desirable since this was a very crowded road and also there would not be sufficient room for access and exit - it could be a traffic hazard. Mr. Morrison pointed out the long sweep from exit to entrance which would give ample space for cars without causing

traffic hazard. He stated that it may be a very long time before the Leesburg Pike is widened and he would be deprived of using this land which is very valuable. The Texas Company representative said his company would give the Board a letter stating their agreement to take out the pumps at their expense if the widening of the road requires it. Mr. Smith said he thought they should inspect the property before making a decision. Mr. Piggott withdrew his motion. Mr. Smith asked if the Board could enforce the agreement with the Texas Company, since the Board has no enforcement staff. The representative from Texas Company said before a permit was issued he would have his company send a letter to the Planning Commission stating their agreement. Mr. Piggott moved to grant the application provided the Planning Commission receives this letter from the Texas Company stating their agreement to remove the pumps at their own expense if and when Leesburg Pike is widened and the state requires their being moved. Mr. Elgin seconded. It carried. Mr. Smith did not vote.

9 - Charles F. Adams, to conduct a hobby of raising and breeding of color-bred canaries, finches, etc. on Lot 29, Farr and McCandlish Subdivision, Falls Church District. Mr. Adams said this was purely a hobby-he had won many ribbons in showing his birds but was not running a commercial business and that this application did not include the selling of birds. There were no objections. Mr. Smith moved to grant the application and Mr. Elgin seconded. Carried.

10 - Robert L. Little, to erect attached garage within ~~6-1/2~~ 10'4" feet from side property line, Lot 27, Silver Springs Subdivision, Mt. Vernon District. Mr. Little said he would have an 8 foot breezeway from his dwelling to the garage. The garages on lots bordering him are both already built and ample space will be allowed between his addition and the neighbors. It will be of redwood construction. There was no opposition. Mr. Schumann suggested cutting down the width of the breezeway to give a greater setback. Mr. Smith moved to grant the application since it does not affect afversely adjoining property. Mr. Elgin seconded. It carried.

11 - John L. Lavin, to erect attached garage within 6-1/2 feet from side property line, Lot 27, Silver Springs Subdivision, Mt. Vernon District. The applicant said the neighboring - house is 25 feet from the line. His septic field is in the rear making it impossible to build the garage in accordance with the regulations. Mr. Brookfield said he felt that this was too close to the sideline. Mr. Smith said he would like to view the property. Also there was a question about the zoning of the property. Mr. Smith moved to defer the case to view the property and to check the zoning. Mr. Elgin seconded. It carried.

12 - E. L. Knapp, to erect detached garage 2 feet from side property line,

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Lot 53, Fenwick Park, Falls Church District. There were no objections. This will be of brick and cinderblock construction or frame and brick veneer. Mr. Smith moved to grant the application 2 feet from the side line provided it is of masonry construction or 4 feet from the property line if the building is of frame construction, granted due to the shape of the lot. Mr. Elgin seconded. Carried.

13 - Beacon Manor Syndicate, for permission to locate semi-detached dwelling 34.83 feet from right-of-way of Roanoke Drive, Lots 53-A, 53-B, Block D, Beacon Hill Subdivision, Mt. Vernon District.

Mr. Harnett appeared for the Company. Mr. Harnett said there had been a disagreement between the person who laid out the building site and the surveyor - it was perhaps an error in locating the house properly. In order not to have a question he brought the case before the Board. There were no objections. Mr. Smith moved to grant the application due to a technical error. Mr. Elgin seconded. Carried.

14 - Bucknell Syndicate, Inc., to leave dwelling 9.83 feet from side property line, Lot 3, Block I, Parcel I, Section 4 and Parcel 4, Sect. I-A, Bucknell Manor, Mt. Vernon District. This also was an error in laying out the site and the setback did not check properly when the surveyor made a final survey. There were no objections. Mr. Elgin moved to grant the application and Mr. Piggott seconded. Carried.

15 - Ford's Wood Yard, to operate a sanitaryLand-Fill on 36 acres approximately 500 yards west of Route 613 and approximately 1/4 mile north of the intersection of Route 613 and Franconia Road, Mt. Vernon District.

Mr. Norford represented the Company. He stated that the ground was generally swampy or wooded and not desirable for any other use. Mr. Glem the owner bought the land for this purpose - a Land Fill. He also felt that there could be no objections since the ground was unused and apparently useless.

Mr. Brookfield read the reports on the suitability of this site for Land Fill purposes from the Sanitary Engineer and the Health Department. The Health Officer approved of it but the Sanitary Engineer thought too much ground was planned to be used. He suggested perhaps 10 acres for this use. By reducing the ground and clearing it - it could be made usable for a fill if the proper area is chosen and proper drainage and access provided.

The Chairman asked for the opposition. Mr. Ward presented a petition with 166 names opposing. He said this was a area greatly sought after for dwellings and that the petition was signed by people in the immediate neighborhood.

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Mr. Smith asked if Mr. Ward thought the Land Fill would affect their property adversely after it was filled and would it be usable. Mr. Ward thought it would not be usable. He felt that the use of the roads by heavy trucks was very bad and that the land was too swampy to ever be proper for a land fill. He said land fills were very necessary but this was a wrong location for one. He also mentioned the great amount of equipment necessary to operate a Fill.

Mr. Smith said the Sanitary Fill Ordinance would take care of that.

Mr. Brookfield asked Mr. Schumann to read the part of the Sanitary Fill Ordinance governing the operation of the Fill, which he did.

Mrs. Ward asked who enforced the Ordinance. She was answered that the Sanitary Engineer did.

Mr. Barber spoke against the use. He said the Executive Committee of Oak Springs and Franconia Citizens Assiciation were appearing against this application. Mr. Barber said he was greatly in favor of Land Fills if they were operated as such. Otherwise they could be nothing but glorified dumps if badly operated. This application came before the Executive Committee for some kind of action. The Committee view the land. They also viewed a land fill now in operation, on the Lynch property across from Claremont and that no stipulation of the Sanitary Fill Ordinance was being carried. out. They saw exposed trash and garbage and there was no fence around the property. The only enclosing was done by the railroad tracks. If this is allowed there what assurance would they have that the same thing would not occur on this present site under consideration. He felt that too many land fills were being established and too close. He recommended closing the fill near Claremont. He also suggested that the operator should have sufficient backing to financially handle the operation as it is very expensive. Mr. Barber had seen several land fills in Henrico County and they were very well handled. One was not even conscious of it being in the least obnoxious. The cost of operating a land fill was discussed and thought to be from 25 to $60,000. for equipment. It was the opinion of the Executive Committee that and land fill can be operated efficiently but they would immediately ask the Board of Supervisors to close the presently operating fill, since it does not come up to the specifications in the Ordinance. It was badly operated because of negligence of either the Sanitary Engineer or his inspectors.

It was brought out that the presently operated fill is approximately 2-1/2 miles from this ground under consideration and the one to be operated by Mr. Bayliss was approximately 1 mile away.

Mr. Brookfield said this Board can grant only the use and the permit which is issued by the Board of Supervisors can be revoked at any time.

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Mr. Brookfield asked Mr. Barber if he thought three land fills could operate to financial advantage. Mr. Barber thought No.

Mr. Smith said the Board could not limit the District in which a land fill is located.

Mr. Brookfield and Mr. Barber disagreed about the condition of the land fill now being operated.

Mr. Hugo Maters spoke against the fill - opposing because there were too many and too close to residences and good development. There could not be sufficient drainage. He felt the Board should see the ground before making a decision.

It was suggested that the Board should require sufficient financial backing to operate a fill. Mr. Brookfield said the Board had no jurisdiction over that. Mr. Maters said it was a very expensive installation to operate a fill.

Mr. Ward asked who could dump in these fills. Mr. Brookfield said he believed anyone who could pay the fee. Then, Mr. Ward said, we could easily become the dumping ground for Washington and Alexandria. Mr. Norford said they had no intention of collecting from any place other than Fairfax County, that the County was badly in need of land fills and this could be drained not to interfere with present waterways.

Mr. Woolheuser has property practically joining the proposed fill. He felt that the property had greatly increased in value and was not useless for any other purpose. He thought the Land fill would depreciate his property. He drew a map showing relative locations of dwellings in the vicinity. Mrs. Woolheuser said the land fill would make it impossible for them to subdivide.

Mr. Norford said they intended to cut out trees so they could have ground on which to dump.

Mrs. Dennis and Mr. Booke spoke opposing.

Mr. Brookfield felt the criticism of the presently operated land fill was unjustified because of the short time it has been operating. Several others spoke opposing the fill.

Mr. Smith said in view of the letter from the Sanitary Engineer who is opposed to this site until an accurate plat showing just where the fill will be located and necessary right of way it was questionable whether or not this site was shown to be practical. He moved to defer the application until the accurate plats have been submitted and the Sanitary Engineer has made a further investigation. Mr. Elgin seconded. Carried. Deferred until Sept.19.

Lunch

DEFERRED CASES:

1 - National Advertising Co. for permission to leave sign 5 x 8 feet on ground located 1.8 miles east of Fairfax Circle on the south

side of Route 29 and 211. Mr. Reynolds appeared for the Company. He reviewed the case - stating that the larger original sign was inadvertently taken down by an unknowing employee when advertising was discontinued (this original sign was erected before the zoning ordinance) and a smaller sign put up after a lapse of 6 months. Some time later the State found that this sign was operating without a permit and the Planning Commission was contacted.

Mr. Hicks was present (from State Roads) and was asked to speak. He said the State could not renew the permit on this until they had the ok of the Planning Commission. The State has no regulations regarding the erection of a sign except the size and whether or not it has intermittent lights.

Mr. Smith stated that he was not in favor of a permanent permit but thought the Company should have some relief because of the error and the fact that considerable expense had been involved. He moved to grant the permit for this sign (5 x 8) for a period of five years because it would work an undue hardship on the applicant because of a technical error. Mr. Elgin seconded. Carried.

2 - Jefferson D. Broaddus, to allow two outbuildings to remain as located 2 feet from a 10 foot alley and one structure 5 feet from side property line on 13,482 square feet - SE corner of Seminary Drive and Franklin Street, Falls Church District.

This case was brought before the Board when there was a third building improperly located and to which a neighbor had objected. That building has been removed but these two remain too close to the line. Mr. White suggested Mr. Broaddus come before the Board. It was stated that these two buildings were non-conforming, a fact which had not been told to theZoning Inspector. Therefore, there was no reason to come before theBoard. Mr. Smith moved that the Board take no action on this application because these buildings existed at the time the Ordinance was adopted.Mr. Elgin seconded. Carried.

3 - Roland Payne, to construct and operate restaurant on 15,878 square feet on the east side of Leesburg Pike, approximately 1-1/2 mile south of 7 Corners, Falls Church District. Mr. James Keith, attorney for Mr. Payne, asked deferrment of this case. The opposition was present, not knowing of the proposed deferrment. Mr. Hanken asked why there had been so many deferrments- that they had taken time off to appear several times then the case would be deferred. Mr. Brookfield read a letter from Mr. Keith saying he was away at this time and could not appear for his client therefore requested the deferrment. Mr. Hanken said that was understandable and he realized the Board would necessarily defer in such a case. Mr. Smith moved to defer the case until September 19,1950. Mr.Elgin

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seconded. Carried.

4 - Cletes H. Aylstock - asking extension of one year on machinery shed approximately 1000 feet north of intersection of Route 7, and 123, NE side of Rt. 7. Mr. Smith moved to grant this extension for one year. Mr. Elgin seconded. Carried.

5 - Lawrence D. Robbins, for permission to locate dwelling 33 feet from Rt. 620 at the junction of Rt. 620 and 645, Lot 50, Willow Springs, CentervilleDistrict. Mr. White had checked the width of the road (Braddock) which is 30 feet. He said he didnt like to recommend granting this application but felt it was justified because of the mistake in information given Mr. Robbins in the beginning. Mr. Smith moved to approve the application, because it would work an undue hardship to do otherwise. Mr. Elgin seconded. Carried.

Mr. Smith suggested that the Board discuss and settle a policy regarding garage setbacks, since the Board had not been consistent in its decisions.

It was moved to adjourn. J. W. Brookfield, V.C.

S.Cooper Dawson, Cahirman

* * *

September 19, 1950

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, September 19, 1950, in the Board Room of the Fairfax County Courthouse at 10:00 a.m. with the following Board members present: Messrs: Dawson, Brookfield, Piggott, and Smith. Mr. White, Zoning Inspector was present.

1 - R. M. Alexander, for permission to erect detached garage within 2 ft. of side property line on Lot 26, Rockland Village Subdivision, located at the SE corner of Rt. 50 and Rt. 657, Centerville District.

The applicant said the driveway had been put in with concrete curbs and he wished to continue the driveway straight into the garage without making a curve which would be necessary if the garage were 10 ft. from the side line. Also his drainfield is very near the proposed location of the garage, back of the house. There were no objections. The Chairman suggested a 4 foot setback, this was agreeable to the applicant. Mr. Brookfield moved to grant the location of the detached garage 4 feet from the side property line, Mr. Piggott seconded. Carried.

2 - Eastern Construction Co. for permission to have 27 foot setback from Graham Court and an 8 foot house corner setback from side boundary line on Lot 27, First Addition to Homecrest, corner Graham Court and

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Graham Road, Falls Church District.

Mr. Epstein represented the applicant. This is one lot which was inadvertently omitted when this group of lots was granted a variance at the last meeting. Graham Court dead ends. No additional ground can be purchased since development is surrounding this lot. The extra ground dedicated for the widening of Graham Road had squeezed these lots into requiring variances. Mr. White thought this was a matter of enforcement of the Ordinance and probably should not be granted. There were no objections. Mr. Brookfield moved to grant the application since the lot is so small and is placed in a peculiar position and there is no other way a house can be built on it. Mr. Piggott seconded. Carried.

3 - C. Vernon Sanders, for permission to erect detached garage within 3 feet of side property line, Lot 20, Salona Village Subdivision, opposite intersection of 687 and 123, Providence District. The applicant said he would use concrete blocks. There was no opposition. Mr. Brookfield moved to grant the application. Mr. Piggott seconded. Carried.

4 - M. J. Waple, for permission to construct addition to present dog kennel on approximately .79 acres, west of and joining Quartermaster Depot, Little River Pike, Falls Church District. There were no objections. This is an operating business granted by the Board of Appeals and the applicant wishes an extension. Mr. Brookfield moved to grant the application. Mr. Piggott seconded. Carried.

5 - Richard H. Mote, for permission to erect tool shed workshop within 3 feet of side property line on Lot 23, Providence Forest, 23 Providence Terrace, Providence District. North side of Old Dominion Drive 7/10 mile west of McLean.

The applicant said he did not want to break up his open space on such a long narrow lot by putting the tool shed 10 feet from the line. It will be approximately 80 feet from the house next door. The shed will be 10 x 18, to be used as hobby-work shop. Also there are trees in the way of locating the shop properly. Mr. Brookfield recalled the ruling to allow frame construction 4 feet from the side line. Mr. Smith moved to grant the application due to the narrowness of the lot-4 feet from the side line. Mr. Piggott seconded. Carried.

6 - Omer Shipe, for permission to locate detached garage 1-1/2 feet from side property line, Lot 60, Freedom Hill Farms, corner Howard Street and Boone Boulevard between Old Courthouse Road and Route 7, Providence District.

The applicant said he wished to bring the driveway in straight so he could make a turn. The well is between the house and the proposed garage. Mr. White thought this was the only way Mr. Shipe could have a garage. It will be of frame construction with asbestos shingles. If

he should locate the garage back farther it would be back of the house because of the slanting side line of the lot. A bank is between the front property line and the proposed garage which would have to be dug out. Mr. Smith moved to grant the application due to the shape of the lot and location of the well and septic field, proviced the garage is not less then 100 feet from Howard Avenue and 2 feet from the side property line. Mr. Piggott seconded. Carriedl

7 - Virginia Electric and Power Co., for permission to erect substation on Lot 14, Section I, Pimmitt Hills, Providence District, west side of Redd Road, approximately 76 feet from intersection of Redd Road and Pimmitt Drive.

Mr. Simmons represented the Company. He explained the plat and located the proposed substation. There were no objections. Mr. Brockfield moved to grant the application because it was a necessary installation. Mr. Piggott seconded. Carried. Mr. Smith asked if Mr.Brookfield would add to his motion that the Company should landscape the ground around the substation by planting shrubs and grass. Mr. Simmons said that was the intention of the Company. Mr. Brookfield agreed to this addition. Mr. Piggott seconded. Carried.

8 - Virginia Electric and Power Company, for permission to erect substation on 1.636 acres - Parcel A, Columbia Pines, east side of Rose Lane, Falls Church District. The applicant had asked that this application be deferred until September 26th meeting. Mr. Brookfield so moved and Mr. Smith seconded. Carried.

Deferred Mtg. 9/26.50

9 - Center Homes, Inc. for permission to locate dwelling 8.95 feet and 7 feet from side line on Lot 3, Block M, Annalee Heights, corner Kenfig Drive and Wayne Road, Falls Church District.

10 - Midway Homes, Inc. for permission to have the following variances on lots listed below, all in Annalee Heights, Falls Church District:

Lot 6,	Block E,	- 8 ft. side setback		
" 6,	" G,	3 " 2 In. side setback		
" 18,	" H,	8 "	"	"
" 14	" G,	8.30 Ft.	"	"
" 1,	" G,	7 "	"	"

Mr. Jack Wood represented the applicant in both these cases (9 and 10). He stated that the lots in this dubdivision are not the conventional type - they follow the topography and are irregular in size and shape, although most of the lots have a larger area than required. There are over 200 homes in the subdivision and only 7 variances are necessary. These houses were located property in the beginning but during actual construction , small errors crept in which were unavoidable. Now the loans are ready for approval and FHA has approved everything, waiting for the variance clearance. All other requirements have been met. Mr. Wood showed the entire plat of the subdivision and stated that the close figuring had caused discrepencies which he considered unavoidable. Mr. Smith suggested

moving the lines to give proper setbacks. Mr. Wood said this would involve a great deal of expense and work, changing the deeds of dedication and the loan. Mr. Brookfield thought the developer had unnecessarily disregarded the Zoning Ordinance. Mr. Smith asked if the footings were inspected. Mr. Wood said it was impossible to inspect the footings on 200 houses with the County personnel that they had furnished certified plats of their locations. Mr. Brookfield said he did not like wholesale violations - that it made it difficult to require others to observe the Ordinance, and to put in roads correctly. Mr. Smith observed that there was no place on the lots for garages. He said he would like to view the property before making a decision. Mr. Brookfield moved to defer the applications until the special meeting, September 26th. Mr. Smith seconded. Carried.

11 - R. P. Wright, for permission to erect attached garage on side property line, Lots 18 and 19, Fairfax Hills, on Pineridge Drive, Lee District. The applicant said the neighbor next door will transfer an 8 foot strip to him to enable him to put his garage one foot from the line. As it now stands one part of the garage would be on the neighbor's property. The addition will be connected to the house by an 8 or 9 foot breezeway of cinderblock construction. The Chairman noted that the setback should be 25 feet. Mr. White said the lot sloped considerably that there was a nursery, trees, and garden planted. Mr. Smith suggested that with a 1-1/2 acre lot it might be possible to divide the lot again and sell off a portion of it - it was in effect giving the applicant extra land. The Board thought it was too much variance. Mr. White thought the Board should view the property to better understand the layout before making a decision, as it would work a hardship to the owner not to grant the application. Mr. Brookfield moved to defer the application until October 17th to view the property. Mr. Smith seconded. Carried.

12 - F. G. Lee, for permission to construct addition to present dwelling to come 45 feet from right of way of Franconia Road, Rt. 644, on the So. side of 644 approximately 1/2 mile west of Rt. 617, Mt. Vernon Dist.

There was no objection to this application since there was no question of visibility. Mr. Smith suggested that hereafter the Board be furnished with more accurate plats, drawn to scale. Mrs. Lee appeared before the Board. Their well is immediately back of the house and considerable concrete has been put in. Wires are coming in on the opposite side where an addition might be located. Mr. Brookfield thought this would not interfer with traffic and noted that most of the houses in this neighborhood had been built before the Zoning Ordinance and were closer to the road than is at present required. The front setback line is irregular. Mr. Brookfield moved to grant the application because the house is too small and the

addition will not encroach upon the present building line. Mr. Piggott seconded. Carried.

13 - John E. Lawrence, for permission to locate dwelling with attached garage 22 feet 5-1/2 inches from both side property lines, approximately .6 miles west of Springfield Road on the north side of Rt. 620, Falls Church District. The Chairman suggested shortening the breezeway to give a greater setback. The applicant said he had already made the breezeway very small. Both neighbors were agreeable to this variance. There were no objections. Mr. Brookfield moved to grant the application. Mr. Piggott seconded. Carried.

14 - Norman A. and Elva F. Loe, for permission to allow duplex dwelling to remain on Lots 1 and 2, Block I, Section 2, Rededication of Lots 16 thru 23, Delta Subdivision, Major Barbara Street and Candida St., Falls Church District. Mr. R.J.Lillard represented Mr. Loe, who was also present. Mr. Lillard asked Mr. Loe to make a statement. Mr. Loe said he had bought the property from Delta Corporation when the house was merely in the foundation stage. They had shown him a sample house. It was with a single front entrance, but a two family dwelling. Mr. Loe neglected to check on the fact that a two family dwelling was in violation of the Ordinance. He owns the joining lot and now has sufficient area and frontage for the two family units.

The Chairman asked if there was opposition. Mr. Pearsall presented a petition with 83 names of nearby owners opposing. He put up a plat showing the location of the various opposing home owners. This is an area, Mr. Persall said, of single family homes and they wish to keep it so. However, there is one duplex dwelling which was put up be the developer. He stated that the covenants restrict the land to single family units, the deeds show this and also the zoning is for single family dwellings.

Mr. Suter stated that the petition had been signed by many who had not heard Mr. Loe's side of the case and that many had withdrawn their names. He stated that Mr. Loe had bought the house in good faith not knowing of the restrictions and now was stuck with a bad situation and he felt that Mr. Loe should not be penalized.

It was suggested that Mr. Loe might sell his second lot and have three dwellings on the two lots. It might be well to have a rider attached to his deed preventing this and preventing him from making a basement apartment.

The Chairman said that would not be possible under the Ordinance as having a basement apartment would be multiple housing - 3 dwellings on two lots which was prohibited.

Mr. Persall said he was sure Mr. Loe knew he was buying a two family dwelling and that it was against the Ordinance since he had not until very recently rented the second apartment. It had been

used by a member of his family and no one had objected to that. But when he rented it out - the opposition arose.

Mr. F. A. Edwards, President of the Citizens Association, for the Delta Subdivision presented a letter opposing the two families.

Mrs. Wolf said she was at the Citizens meeting where this was discussed and that they had voted to oppose multiple dwelling when this was simply a duplex. She thought the people were confused and had not looked into the situation property, nor had had time to make a fair decision.

Mr. Edwards said the feeling of the Citizens Association was not to change the character of the subdivision and that they were afraid this would be an opening wedge to two family dwellings.

Mr. Smith said this locality was definitely restricted to one family dwellings but that the Ordinance did provide for a two family dwelling by permission of the Board of Appeals if the applicant had twice the required frontage and area, which Mr. Loe had and other lots in the subdivision did not meet hese requirements.

When questioned about thebasement apartment Mr. Loe said he had previously thought of putting in a basement apartment but had abandoned the idea.

Parts of the contract were read showing that this building was planned to be a duplex. Mr. H. S. Boerlin spoke against granting the application. He stated that Mr. Loe knew of the restriction yet he did rent the apartment. He protested any exception.

Ten stook in opposition - 6 favoring the application. Several present who favored had withdrawn their names from the petition opposing.

The meeting of the Citizens Association at which time this case was discussed was brought up. Mr. Loe did not know it was coming up and did not attend. The neighborhood in general knew of the proposed discussion. Mr. Loe said had he known of it he would gladly have gone and explained his case- but he was not notified.

Mr. Lillard suggested that Mr. Edwards as president of the Association and knowing the agenda should have notified Mr. Loe. It was suggested that since so many did not know the case thoroughly and were withdrawing their names that the case be deferred to give the citizens a chance to know the facts and a decision would be given at the October 17th meeting. This was agreeable to both sides. Mr. Brookfield made the motion to defer the case, Mr. Piggott seconded.Carried

15 - Edwin H. White, for permission to locate dwelling 18 feet from front property line on Lot 31, Wellington Villa, Northdown Road, Mt.Vernon District. Mr. McHugh, the architect, appeared for Mr. White. He stated that the ground slopes almost immediately back fo the proposed location for the house- toward the river, that the high water mark

in 1936 was very near the proposed house location, that a wall would have to be built to protect the building from a similar occurrence. Most of the houses in the neighborhood are old summer cottages with very irregular setback line. They are very close to the road. Mr. White, however, wishes to build a permanent home. Mr. Smith moved to grant the application due to the topography of the ground and flooding of the lot and the fact that Northdown Road is a dead end road. Mr. Piggott seconded. Carried.

16 - Kurt A. Sonnenburg, to erect dwelling 40 feet from right of way of Terry Drive and 15 feet from side line, Lot 23, Springvale Subsivision, Section I, Mt. Vernon District. Mr. Sonnenburg presented a letter from his neighbor saying he did not object and thought Mr. Sonnenberg's house would be an addition to the neighborhood. Terry Drive which runs the long way of the lot is not cut throught and Mr. Sonnenberg does not wish to face a street that many never be built. The house across the street is facing the intersection which Mr. Sonnenberg would like to do also. Mr. Smith moved to refuse the application because the setbacks do not conform to the Zoning Ordinance and the applicant dows not show good and sufficient reason for the granting of this variance. Mr. Brookfield seconded. Carried.

17 - Beacon Manor, to allow dwelling to remain 34 feet from property line, Lots 17A and B, Block B, Beacon Manor, Mt. Vernon District. Mr. Harnett represented the Company. He explained that this was a surveyor's error. The house was originally planned for a correct location. Mr. Brookfield moved to grant the application. Mr. Piggott seconded. Carried.

18 - J. Lee Price, for permission to erect dwelling on Lot 23, Colonial Acres, Mt. Vernon District, within 48.8 feet from front property line. Since this is a very small variance and it does not in any way obstruct vision Mr. Brookfield moved to grant the application. Mr. Piggott seconded. Carried.

19 - Ben London, to locate two dwellings (one on Lot 260 and one on Lot 269) each with a 28 foot setback from Garrett Road, Lots facing Idlywood Road and abutting A and B Streets, and Garrett Road, Providence District. Since Mr. London was not present it was voted to put this case at the bottom of the list. This motion was withdrawn when Mr. London appeared. Mr. Chamblis represented him.

Mr. Chamblis said he had looked up the land records and Garrett street had been dedicated before Mr. London had acquired the property. The lots were recorded as Lots 260 and 269. Mr. Chamblis asked time to get the date of the recording of the lots. There was a wait of 10 minutes. Mr. Chamblis reported that the lots were recorded November 6, 1929 by metes and bounds description. The streets were described as existing. Later, June 1944, when Mr. London bought the

ground there was no mention of this plat but that since the lots were of record this fact controlled the situation, since the original lots were recorded before the Ordinance. With the present regulations it is impossible to build on these lots. Mr. Chamblis read from the Ordinance the paragraph allowing the Board to grant this variance. Mr. London has the required frontage and area for this district and therefore should not be barred from building on his lots. The strict application of the Ordinance would prevent him from building. The well and septic tank on these small lots were discussed. The Chairman suggested having a report from the Health Department. Mr. London said he had already gotten the approval of the Health Department. Mr. Chamblis said this was not a matter to be considered by the Board but was for the Health Department to decide, the Board was conderned only with setbacks. Houses across the street, Mr. Chamblis said, have less setback than required.

Mr. Douglas said they had been required to buy more ground to satisfy the Health Department for well and septic field and why should not Mr. London be required to do the same. Located as Mr. London plans the septic field would drain into their well, since they are on the slope across Garrett Street. Outhouses would be practically in their front yard. Mrs. Douglas said she thought this would be a health menace and would deteriorate the neighborhood.

Mr. Holt spoke opposing - not enough ground for well and septic.

Mr. Parkus objected for the same reason,

Mr. Chamblis said they were making objections that had nothing to do with the application/- setbacks for two houses - Mr. London had sufficient ground and that the Health Department had already said they would locate the well and septic field. If Mr. London put smaller houses on the lots that would be unsatisfactory to the neighborhood and the law gives him the right for two dwellings, that the Board could not administer the Health Ordinance.

Mr. Smith said since these were lots of record he questioned the Boards right to handle this case. He suggested a ruling from Mr. Marsh. Mr. Chamblis said Mr. Marsh had given a ruling in this very room on a similar case and it was that a lot of record could not be required to meet present setback requirements. Mr. Brookfield moved to deny the case so the Board could have a ruling from the Court. Mr. Piggott seconded. Mr. White suggested having a report from the Health Department. Mr. Brookfield withdrew his motion. Mr. Brookfield moved to defer the case until October 17 and have a report from the Health Department and a ruling from Mr. Marsh. Mr. Smith seconded. Carried.

20 - Henry W. Joynes, to conduct funeral home on 1.054 acres, approximately 244 feet north of Lee Highway, approximately 1-1/2 miles east of Merrifield, Providence District. Mr. Lytton Gibson represented Mr.

Joynes. Mr. Gibson stated that this case came up before the Board of Supervisors for rezoning for this purpose and he advised Mr. Joynes to withdraw it as it was actually spot zoning and he thought it would be refused, and had advised him to come before the Board for this restricted use. The license for a funeral home did not include embalming - simply conducting funerals. Mr. Joynes would live there and use the building for funerals only. There were no objections. Mr. Brookfield moved to grant the application. Mr. Piggott seconded. Carried. Mr. Smith did not vote as he could not see where in the Ordinance the Board had this right.

21 - Gordon and Black, to install gas-pump island 17 feet from 160 foot right of way of Route 236, east of Quartermaster Depot, Falls Church District, commercial area of Shirley Duke apartments. Mr.Black said they had had this approved by the State Highway. There were no objections and no obstruction to traffic nor vision. Mr. Piggott moved to grant the application. Mr. Brookfield seconded. Carried.

The Board adjourned for Lunch. Upon returning Mr. Brookfield acted as Chairman.

22 - O. W. Downs, to construct addition to nonconforming building to come 40 feet from centerline of Route 50 and 1 foot from side line which is joining Agricultural District, on .41 acre and on the south side of Route 50, approximately 1/2 mile east of Chantilly, Centerville District. Mr. Downs was not present. Mr. Smith moved and Mr.Piggott seconded to put this case at the bottom of the list.

23 - South-Land Realty Co. to locate directional sign 7' c 12" on ground located on the west side of U.S.#1, approximately 100 feet south of intersection with Beacon Hill Road, advertising business off the premises occupied by the use. Mt. Vernon District. No one was present to support this case - it was voted to put it at the bottom of the list.

Mr. Downs was present - his case was taken up upon motion of Mr. Smith-~~Mr. Brookfield~~ Hannon seconding.

This is a very old building - located close to the line. Mr.Downs wishes to make an addition on the side. The question of the right of way of the highway at this point was discussed. A letter was read from the State Highway Department stating that the road would be widened but on the opposite side from Mr.Downs. Mr. Smith said he had seen the property and thought it satisfactory if Mr. Downs would agree to move the building at his own expense, if the Highway Department ever did require it to be moved. Mr.Downs agreed to this. Mr. Smith thought the plan of Mr. Downs would actually improve the property since it would allow ample parking space and take cars off the highway. Mr. White agreed. Mr. Smith moved to grant the application because it is an old non-conforming building and the small

addition would in no way affect adversely the overall layout and that the additional land acquired by Mr. Downs will improve the condition by reducing traffic hazard. Mr. Piggott seconded. Carried.

24 - S. M. Redd, to use ground for storage and repair of excavating equipment, to permit disposal of stumps and logs by piling and burning, to permit sale of firewood, intersection of Lemon Road and Redd Road, Providence District.

Mr. James Keith represented Mr. Redd. Mr. Keith said in view of the great amount of opposition present he had talked with Mr. Redd and the opposition and thought he had the solution to this case. He asked that the Board deny the case and give Mr. Redd 6 months to wind up his business and find another location. He said Mr. Redd had stopped taking stumps into his place and has stopped burning, that he admitted had been violating the Ordinance - but merely wished to clear up the place and locate some place else.

The Chairman asked if the opposition wished to speak. Mr. J.C.Allen said he owns property very near. He has a large investment as have many others and he was agreeable to giving the applicant 6 months to finish up his business. But he objected to the Board doing anything that would give the slightest semblance of approval of the present operations. This is a residential area and should not in any way be used for business.

Mr. Burrows spoke against the present condition, the danger from sparks, the objectionalbe messy condition of the place. He had no objection to the 6 months period. It was suggested that the citizens be given definite assurance that this would be cleared up in6 months.

Mr. Smith felt that the Board did not have authority under the Zoning Ordinance to act in this case - either to approve or disapprove

Mr. Dawson approved the suggestion by Mr. Keith. Mr. Piggott moved to deny the application and it is understood that the applicant will be given 6 months in which to complete his business and clean up the ground and abandon the use. Mr. Dawson seconded. Carried. Mr.Smith did not vote.

24 - T. J. Henry, to operate sanitary Land Fill on 1.5535 acres located on the south side of Wolftrap Road immediately joining Madrillon Farms, between Lord Fairfax Roadn and George Washington Road, Providence District.

The report from the Sanitary Engineer was read od this case. It was definitely adverse, not sufficient ground and not suitable. The Chairman said the Board could not grant a fill wish such an adverse report. Mr. Henry said he had gone to considerable expense and to deny this would take away his livelihood. He asked for a certain period in which to wind up his present operations - dumping. Mr. Brockfield said that since the land did not conform to regulations for a

sanitary fill a motion to deny was in order. Mr. Smith moved to deny the application. Mr. Dawson seconded. Carried.

DEFERRED CASES:

1 - John L. and Mary V. Lavin, to erect attached garage within 6-1/2 feet of side line, Lot 27, Silver Springs, Mt. Vernon District. This subdivision is partly in Agricultural and part in Suburban Residence district making a difference in establishing setbacks. The Board decided according to the Ordinance they should observe the lesser setbacks in case of two Districts. Mr. White saw no objection to the application. Mr. Smith read from the Ordinance regarding the two Districts. Mr. Dawsom moved to grant the application for a detached garage provided it is located 80 feet from the front property line and 4 feet from the side line. Mr. Smith seconded. Carried.

2 - Roland Payne, to construct and operate restaurant on 15,878 square feet of ground on the east side of Leesburg Pike 1-1/2 mile south of 7 Corners, Falls Church District.

Mr. Lytton Gibson represented Mr. Payne who was present also. Mr. Gibson said his client wants only a permitted use, that this property had been before the Board of Supervisors for a rezoning but Mr. Payne had withdrawn it and was not asking for a reclassification of his ground. He stated that the Board of Supervisors had recently rezoned 3 plots of ground within this area for business and that all the land between 7 Corners and Bailey's X Roads was fast becoming business in character. The need for a restaurant is there since there is nothing of this kind in the immediate neighborhood. He presented a petition with 42 names favoring the restaurant.

The Chairman asked for the opposition. Mr. Hankins drew a map showing the location of residents who were opposing the application and many of whom were present. He also showed two lots in the immediate neighborhood which were recently refused rezoning to business by the Board of Supervisors. He presented a petition from the Citizens Association opposing this use. The petition stated that it would be detrimental, opposed to the character of the ground, and would be a nuisance in the neighborhood and that this would be spot zoning, and would depreciate property values. He suggested the unpleansantness of having a beer license in the vicinity. Mr. Gibson thought it would not be possible for Mr. Payne to obtain a beer license.

Mr. Hankins also said no matter how clean the restaurant was kept it would be bound to breed rats and the trash would be a problem. He stated that the Planning Commission had denied the application for a rezoning on this property.

Mr. Gibson recalled that this was only for a Use Permit not a rezoning.

Mrs. Flaherty spoke opposing - saying the character of the property

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in this neighborhood was residential not commercial.

Mrs. Barkley spoke - opposing.

Mr. Dawson asked Mr. Payne about his hours and having a beer license. Mr. Payne said he would close at 11 o'clock and would serve beer with meals only.

Mr. Smith said that while it was within the powers of the Board to grant this application, the Board would first have to determine whether or not such a use would be in harmony with the surrounding neighborhood and whether or not it would affect adversely other property. He made the following motion: That the application be denied since it was the opinion of the Board that a restaurant was not in harmony with the general purpose and intent of the Zoning Regulations and as expressed by the neighboring property owners it does affect adversely their property. There was no second.

Mr. Dawson said he did not like to see this broken up - that it was obviously a residential section. Mr. Hankus agreed. Mr. Payne said he owned considerable ground in the neighborhood and it would not remain residential.

Mr. Smith said he thought the Zoning Ordinance should be enforced - and felt that the Ordinance should protect the people. It was given to the County to uphold. He felt that the Board would not be depriving the applicant use of his ground, the Board was only asking that he comply with the Ordinance. Mr. Dawson seconded Mr. Smith's motion. The voting: Smith, Dawson, Brookfield - Yes. Mr. Piggott - No.

3 - The case of Ford's Wood Yard was withdrawn by letter from the applicant.

No one was present to support the case of South-Land Realty Company. It was deferred to October 17th - Motion Mr. Piggott, seconded, Mr. Dawson. Adjourn.

S. Cooper Dawson
J. T. Brookfield Jr.
S. Cooper Dawson, Chairman

September 26, 1950

A Special Meeting of the Fairfax County Board of Appeals was held Tuesday, September 26, 1950, in the Board Room of the Fairfax County Courthouse at 10:00 a.m. with the following members present: Messrs Dawson, Brookfield, Smith, and Piggott. Mr. White, Zoning Inspector was present, also Mr. Schumann, Zoning Administrator was present for part of the meeting.

1 - **Langhorn and Sowers for permission to locate dwelling 29.63 feet from Oak Drive and 9 feet from side property line on Lot I, Oak Knoll Subdivision, Falls Church District.**

Mr. Hunter represented the Company. The house is now up to the

first floor joists. The 35 foot setback is observed on Poplar Drive - this is a corner lot. Mr. Schumann explained the inconsistency in the Ordinance regarding setting back in an Urban District from a 50 foot street and said the amendment now prepared to make this setback 30 feet would probably be passed. Mr. Hunter said they wanted to save a very large oak tree and to locate the house on the natural rise in the ground - the error in setbacks occurred inadvertently. By facing the house the opposite way on the lot it would reduce the back yard to almost nothing. Mr. Brookfield moved to grant the variance because of a topographic condition and to save the large tree. Mr. Smith seconded. Carried.

2 - M. T. Broyhill and Sons, for permission to locate dwelling 24.4 ft. from right of way of Hickory Hill Road and 8.75 feet from side property line on Lot 78, Broyhill Park, Corner of Slade Court and Hickory Hill Road, Falls Church District.

Mr. Walsh appeared for the Company. He stated that the field party had located the house correctly but that an error was made in the drafting room in setting down the wrong figures so when the actual location was made the house was located incorrectly. The basement is dug and the building is up to the first floor joists. The houses on adjacent lots have observed proper setbacks so there would be no occasion for requesting further variances. There were no objections. Mr. Schumann suggested that since all others built by Mr.Broyhill are observing setbacks and he would ask for nothing further in this subdivision it was not unreasonable to grant this. Mr. Brookfield thought too many variances were being asked and if the Board granted one - others would would follow, that the Falls Church-Annandale Road should be kept free from these vidations. Mr. Smith asked if this would cause an obstruction. It was agreed not. Mr. White thought this a very plausible mistake and an honest one and saw no objections to it. He also said with so many houses being built under such urgency mistakes were inevitable. Mr. Walsh said approximately 100 houses were up and 4 or 5 more to be built. Mr. Smith said he agreed with Mr. Brookfield that the restrictions of the Ordinance should be observed but that the Board had granted many similar exceptions. Mr. Brookfield thought this particular variance too great. He Moved to deny the application because it was encroaching on the Ordinance and was coming too close to the highway and was built without paying attention to the Ordinance. Mr. Piggott seconded. Carried.

3 - J. D. Wykle, for permission to locate dwelling with less than required setback from Olmi Blvd. and Olmi-Landrith Drive and with a rear setback of 10 feet on Lot I, Block 22, Section 7, Belle Haven Subdivision.

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Mr. Post represented the applicant. He explained that since the lot was so irregular in shape and they did not wish to ask for too much variance the applicant had redrawn his house - smaller. To observe proper setbacks it would be almost impossible to build. He is observing the front setback of 35 feet from Olmi Blvd. because all the other houses on that street are back at least that far. He has almost 10,000 square feet area although this is an Urban area. The lot joining is conforming to the regulations and five other houses planned will conform. There was no objection. Mr. Brookfield moved to grant a 28 foot setback from one corner and 29 foot setback on another corner on Olmi-Landrith Drive because of the shape of the lot Mr. Piggott seconded. Carried.

4 - Virginia Electric and Power Company, for permission to erect substation on 1.636 acres located on Parcel A, Valley Brook Subdivision on the east side of Rose Land, Falls Church District. Mr. Anderson representing the company said this substation was located to take care of a rapidly growing area. It was off the beaten path, near a stream and sewer easement. There were no objections. Mr. White thought it very appropriate. Mr.Brookfield moved to grant this necessary installation. Mr. Piggott seconded. Carried.

DEFERRED CASES:

Center Homes, Inc., for permission to construct dwelling 8.95 feet from side line and 7 feet from side line on Lot 3, Block M, Annalee Heights, Falls Church District. Mr. Jack Wood represented the Company, also

Midway Homes, Inc, all lots in Annalee Heights for the following variances:

Lot 6,	Block E	- 8 feet	side	setback
" 6,	"	G - 3 "	"	"
" 18,	"	H - 8 "	"	"
" 14,	"	G - 8.30 ft.	"	"
" 1,	"	G - 7 feet	"	"

Mr. Wood said the plats were approved by the Planning Commission and FHA and FHA would approve the loans irrespective of the Boards findings because they had considered these variances harmless. The developer had been very zealous in observing the required front setback and allowed 20 feet between houses as required - he stated that the lot lines were found too close in these instances. The houses are set on an angle in many cases and the lot lines are not entirely perpendicular. The street curve to give the subdivision more variety. The houses are all built and no more variances will be asked.

Mr. Brookfield moved to defer the Center Homes case - Lot 3, Block M to find whether or not the projection on the side is an open or closed porch. Mr. Smith seconded. Carried.

On the Midway Homes the voting was as follows:

Lot 6,Block E - Grant because it would work a hardship not to.

Lot 6, Block G. Deny-because it does not conform to the Zoning Ord.

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Lot 18, Block H. Grant - as it would work a hardship not to.
Lot 14, Block G. Grant because it would work a hardship not to.
Lot 1, Block G. Grant because it would work a hardship not to.
The motion covering these lots was made by Mr. Brookfield and seconded by Mr. Smith.

S. Cooper Dawson
S.Cooper Dawson, Chairman

* * *

October 17, 1950

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held, Tuesday, October 17, 1950, in the Board Room of the Fairfax County Courthouse at 10:00 a.m. with the following members present: Messrs Brookfield, Elgin, Piggott, Smith. Mr. White, Zoning Inspector, was present.

The case of Kurt A. Sonnenburg was reopened by vote of the Board-motion by Mr. Elgin, seconded by Mr. Piggott. This case was denied at the last regular meeting. Mr. Sonnenburg had drawn entirely new plans which did not require so much relief on setbacks. Mr. Smith moved to grant the applicant a 1 foot 7 inch variance on the rear (west) yard. Mr. Elgin seconded. Carried.

1 - James A. Dawson, for permission to locate detached garage 8 feet 6 inches from side property line and 77 feet from front property line on Lot 18, Lee Forest, west side of Route 651, Lee District.

Mrs. Dawson appeared before the Board. The garage would be of cinderblock-brick construction. The driveway is already in and the well is immediately behind the proposed garage which would prevent locating it back further. The lot lines slant which puts the garage especially close to the house. Mr. Piggott moved to grant the application because there was no other place to locate the garage, not being room on the other side of the lot. Mr. Elgin seconded. Carried.

2 - Rodney E. Didawick, for permission to locate detached garage 2 feet from side and 2 feet from rear property line on Lot 67, Section 3, City Park Homes, corner Rose Place and Carlton Avenue, Falls Church District.

There were no objections. Mr. Didawick said this was the only place he couled locate his garage. Mr. Elgin moved to grant the application because of the small lot and otherwise he could not have a garage. Mr. Piggott seconded. Carried.

3 - Mitchell A. Pierson, for permission to erect detached garage 57 ft. 6 inches from front property line and 2 feet from side line on Lot

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7, Block 8, Section 3, Fair Haven Subdivision, Mt. Vernon District.

Mr. Pierson said his back yard was terraced with concrete slabs. It would necessitate cutting into the bank to put the garage back farther.

Mr. Wyatt objected - saying that it would cause water to drain on him if the garage were located in this manner. His own garage is very much farther back. He thought this would devaluate his property. Mr. White suggested that the Board had made many exceptions in this subdivision because of the narrow lots. Mr. Pierson had bought a building from Ft. Belvoir which he wanted to move onto his property immediately and for that reason he cannot build of masonry constuction. Mr. Smith moved to grant the application 60 feet from the street right of way and 2 feet from the side property line due to topography. Mr. Elgin seconded. Carried.

4 - Heliodora F. Maya, for permission to construct addition to dwelling to come 22.75 feet from Brook Drive and to enclose porch to come 6.2 feet from Westover Street, Lot 57, Block 1709, Hillwood Subdivision, Falls Church District.

The secretary read deed restrictions which said no building shall be located nearer than 25 feet from the front lot line nor nearer than 5 feet from a side line and 10 feet from any side street. Mr. Brookfield said that since the deed required a 25 foot setcach from the front and 10 feet on the side street the applicant would have to conform to that and the Board did not have the power to break deed restrictions. Mr. Smith moved that the application be deferred until Mr. Marsh could be contacted. Mr. Elgin seconded. Carried.

5 - Elsie Scott, for permission to divide .94 acre into two lots, one containing 1/2 acre, the other to contain .44 acre, located on the west side of Route 608, approximately 200 feet south of intersection with Rt. 669, Dranesville District. Mr. Scott was present. Mr. Swayze objected to this division of ground. He thought the area should not break down the Ordinance by allowing a lot less than 1/2 acre. It was a very rural area and should be kept so. (Mr. Swayze represented Mr. Nagengast) Mr. Nagengast the objector is the nearest neighbor. Mr. Ralph, the surveyor, said this was originally one acre but that the road had been changed and cut off some of Mrs. Scotts ground. Mr Swazye said he could find nothing in the records saying that this had been a full acre.

Mrs. Scott said the reason she had wanted to sell this lot was to put in a bath room, in her own house, and to have a little extra money. She was selling to her daughter. Mr. White's opinion was asked. He said that the law was obvious, that it was just a matter of theBoard wishing to grant an acception. Mr. Smith moved to refust the application because it was not in conformance with the

Zoning Ordinance. Mr. Elgin seconded. Carried.

6 - John N. Campbell, for permission to erect temporary building to be used to conduct women's shop, to sell hand made articles, bake sales, gifts, garden product, tea and sandwiches, plants, etc. on Parcel I, Culmore, Falls Church District.

Mrs. Don Wilkins represented the Bailey's Cross Roads Women's Club. She said this was a community project, that the women wished to make money enough to build a community house where all things of a community nature could be held. It was not a commercial venture in the usual sense. They wished only a temporary permit. They would buy a prefabricated building which could be moved on to their own ground when there were able to financially. Mr. White thought it satisfactory but that it should be limited. Mr. Smith moved that the Bailey's Cross Roads Women's Club be granted a permit for 1 year to erect a temporary building on land as per plat submitted with the application, land known as Culmore Subdivision, said building to be used only by the Bailey's X Roads Women's Club. Mr. Elgin seconded. Carried.

7 - Bucknell Syndicate, Inc. for permission to locate sewage pumping station on 4,216 square feet in Bucknell Manor, on the west side of Ft. Hunt Road, immediately north of line of Hollin Hills Subdivision, Mt. Vernon District.

No one was present to support this case. Mr. Smith moved and Mr. Elgin seconded to defer the case until the next regular meeting. Carried.

Mr. Major, an attorney, was present asking for a location of the plant with relation to Wilton Woods. The plats did not show this.

8 - Henry P. Thomas, for permission to construct addition to garage to come closer to side property line than required by Ordinance on 1.98 acres on the west side of Quaker Lane, approximately 1000 feet north of intersection with Route 236, Falls Church District.

Mr. Thomas was represented by council. There were no objections. Mr. Thomas wanted to move his garage to the property line. Mr. Elgin moved to grant the application. Mr. Smith seconded. Carried.

9 - Edna J. Strong, for permission to construct addition to present garage to come approx. 2 feet from side property line on ground located on the west side of Quaker Lane, approximately 1000 feet north of intersection with Rt. 236, Falls Church District.

There were no objections. The chairman said this was expensive property and that Mr. Dawson had especially endorsed the application. Mrs. Strong had a letter from her joining neighbor saying he had no objection. Mr. Elgin moved to grant the application and Mr. Piggott seconded. Carried.

10 - C. S. Gailliot, for permission to locate dwelling 48 feet from

right of way of Beulah Road on 44-3/4 acres on the east side of Beulah Road, approximately 1/4 mile north of intersection of Routes 613 and 611, Mt. Vernon District.

There were no objections. Mr. Gafflict wants to remodel two chicken houses into dwellings for tenants. There is a very bad slope in the ground which would make it difficult to move the buildings. Since it would work a hardship not to grant this application, Mr. Elgin moved to grant it, Mr. Piggott seconded. Carried.

11 - Offutt Construction Corporation, for permission to locate dwelling 33 feet from front property line on Lot 12, Block F, Pimmitt Hills, Section 2, Providence District, Lytton Gibson represented the Company He stated that a variance of this kind did not harm anyone - the lot has more than the required area, that the building was located incorrectly by the engineer. There were no objections. Mr. Brookfield said this could cause no traffic hazard because of the cul-du-sac street. Mr. Elgin moved to grant the application, Mr. Piggott seconded. Carried.

12 - M. T.Broyhill and Sons, for permission to locate dwelling 10 feet from the side property line on Lot 94, Broyhill Park, on Lee Park Court, Falls Church District. Mr. Walsh represented the company. This house location was incorrect and was not discovered until it was under construction. There were no objections. Mr. Elgin moved to grant the application because it would work a hardship not to do so. Mr. Piggott seconded. Carried.

13 - Melvin I. Deavers, for permission to use existing building as temporary residence on .2662 acres; part of Woodlawn, westerly adjacent to the Rainbow Tourist Court, north of Woodlawn School, Mt. Vernon District. The applicant had no plat of his ground therefore the Board could not hear this case.

Mr. John Grady presented a petition opposing this application. He asked to be heard as it was difficult for those opposing this case to get away from their work. He stated that this was merely a chicken house the Deavers had and they were renting it. There was not 1/2 acre of ground for the required area - only about 1/4 acre. The chicken house dwelling had no sanitary facilities whatever and very undesirable people lived there. It had been rented for about 2 years, that Mr. Deavers had said they did not receive rent for the place but the opposers had information that they actually had been paid. Mr. Deavers said the people living in the house were in a very bad financial condition and they were living there as a temporary measure until they could get their own home. The opposition said the man had gotten in jail after he came there and there was no evidence of their even trying to get a home. There were adults living in the

chicken house who worked and they could get a place to live if they wished.

Mr. Brookfield suggested that this was a bad time to put people out of a home.

Mr. Woodring objected also, to the application. He said there were 13 people on the two lots using an outside toilet.

Mr. Grady said the coicken house had been enlarged in violation of the Ordinance. Mrs. Reid objected. She lives next door. Mr. O'Neil objected. He said this was a bad prescedent for the community and that to put the renters out would not work a hardship because they were working. He also stated that Mr. Deavers is now receiving $10 a week rent.

Mr. White had investigated the case and gave his report. He said the Board should, in his opinion, refuse the application as there was no excuse in the first place to allow the two dwellings, that the zoning office, if the Board rejected this application, could serve notice for the renters to vacate because they were violating the law. Since the plats were not presented the case was put over until November 21.

14 - Charles P. McCool, for permission to construct two family dwelling on lot with less frontage and less area than required, by the Ordinance, and to come closer to side property line than required, Lot 12, Willow Run, Falls Church District.

Mr. McCool said he did not want a side line variance that the original drawing submitted was in error - showing the house too close to the line.

This is a 4 person dwelling with two living units. It has the appearance of a one family home. He wishes to rent the second apartment to army or service people to supplement his income as the house was too expensive for just him and his wife. There was no opposition.

Mr. White said this was a mistake to grant the application as the applicant did not come up to the regulations - not sufficient area nor frontage, it was a nice residential district and it would adversely affect the character of the development.

It was suggested that the applicant could have three guest rooms to rent. Mr. Smith read from the Ordinance, the requirements for a duplex house. He moved to refuse the application because it does not conform to minimum requirements of the Ordinance. Mr. Elgin seconded. Carried.

15 - Wm. R. Allen, for permission to construct garage-addition to dwelling to come 15 feet from side property line on Lot 3, Knollwood, on Nicholson Road, Falls Church District.

Mr. Allen showed his plan. He has no basement and it was under-

stood with the owner when he signed the contract that he would build on this addition to take care of garage and storage space. This was in fact included in his contract to buy. He had cut a door in the west end of his house preparatory to this addition. He suggested that this addition would increase the value of his property and the neighborhood. The house is brick and he would make the garage of masonry construction.

Mrs. Bird, who owns the joining property, objected. She said that by bringing this construction so close to her home it would look crowded and take away the spacious appearance of the subdivision. All other houses are set 50 feet apart and this one crowding up against her line would definitely be a detriment to her property and would throw off the balance of the entire subdivision. She had bought here counting on the rural aspect and the 50 feet between houses and wished to keep it that way. This construction would disrupt the proportion of building to yard.

Mr. Brookfield thought it would be proper to view the property before making a decision.

Mrs. Bird also stated that by granting this variance it would induce others in the subdivision to ask the same thing and would eventually change the character of the entire development.

Mr. Allen said he was badly in need of the storage space and would reduce the breezeway by 2 feet if the Board desired. His house was set in the center of the lot making it impossible to build on without a variance.

Mr. White also thought this was setting a bad prescedent. Mr. Smith moved to defer the case until October 31st to view the property. Mr. Elgin seconded. Carried.

60 - Walter C. Crain, for permission to allow dwelling to remain 14.52 ft. from right of way of Fort Hill Drive instead of the 15 feet variance granted by the Board of Appeals on Lot 2, Sect. C, Wilton Woods, Mt. Vernon District. Mr. Crain said there were two surveyors on this job and the final result was a .48 foot discrepancy in the house location. It might have been caused by the use of stone facing but the correction is necessary because the lawyers require this variance in making the deed etc. Mr. White recommended granting the application. Mr. Elgin moved to grant the application because it would cause undue hardship not to do so. Mr. Piggott seconded. Carried.

DEFERRED CASES:

R. P. Wright, for attached garage, Lots 18 and 19, Fairfax Hills, Lee District. Mrs. Wright appeared before the Board. They had changed to a detached garage. Their neighbor will sell a strip of ground to give them the area needed and the garage will be approximately 2 feet from the line. Mr. Brookfield had seen the property.

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Mr. Elgin moved to grant the application subject to the purchase of the additional ground, to locate the garage 2 feet from the line created by the purchase of additional ground, masonry construction. Mr. Piggott seconded. Carried.

Southland Realty Company, for a sign at Groveton near intersection of Beacon Hill Rd. and U.S.#1, Mt. Vernon District. The representative of the company said they did a great deal of out of state advertising and needed a directional sign to locate their business. There were no objections. Mr. Smith thought the Board should not deviate from the sign ordinance. It was stated that a phrase in the Ordinance prohibited advertising off the premises but that particular phrase could not be located. Mr. Smith moved to defer the application until October 31. Mr. Piggott seconded. Carried.

Center Homes, Inc., for a dwelling 8.95 feet from side line and 7 feet from side line, Lot 3, Block M, Annalee Heights, Falls Church District.

Mr. John Wood represented the company. It was decided that a stoop which had roof and floor without sides had no bearing on the setback. Mr. Smith moved to grant the application, Mr. Elgin seconded. Carried.

Ben London, to locate two dwellings on Lots 260 and 269, 28 feet from Garrett Road, Providence Road. Mr. Chamblis represented the applicant. This case was deferred for a report from the Health Department. Mr.Chamblis said Mr. Holmes from the Health Department could not be present but he had told him and Mrs. Lawson, that the percolation tests had been made and both lots were approved for a septic field. These lots were definitely defined before the Ordinance. Mr. Smith moved to grant the application because these were lots of record before the Ordinance and the Health Department has approved septic fields for both lots. Mr. Elgin seconded. Carried.

Norman and Elva Loe, to allow duplex dwelling to remain on Lots 1 and 2, Delta Resubdivision of Lots 16 through 23, Falls Church District.

Mr. Lillard represented the applicant. He reviewed the case-telling how Mr. Loe had bought not knowing the house was in violation - being a two family dwelling. Mr. Loe would not have bought such an expensive house had he not thought he could use it for two families. He was notified by the Planning Commission that the two family dwelling was in violation so he bought the lot next to him to have sufficient ground and frontage. The Citizens Association who had previously opposed this application had sent a letter signed by Mr. Edwards, President, withdrawing their opposition. Mr. Brookfield read the letter.

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Mr. Pearsall presented a petition opposing. It had 55 names. He chart which indicated which neighbors objected. A great majority of the very near neighbors objected. Mr. Pearsall said their covenants permitted only single family dwellings. He said Mr. Loe knew these restrictions yet he went ahead and rented the second living unit.

Mr. Loe said he had contacted Mr. Schumann and explained the whole situation, that he could rent rooms which to his mind would be far more objectionable.

Mr. Brookfield pointed out that the petition said "rezoning" which was not the case and wondered if the group realized this was only a permitted use. Those opposing felt that that was understood It was not established that this use was devaluating property in the neighborhood physically - only in the minds of the people.

Mr. Boerlin objected - wanted only single family dwellings and thought the Zoning Ordinance should be upheld.

Mr. Lillard said the Zoning Ordinance was being upheld - that was not an issue - the Ordinance specifically gives the Board the right to allow this duplex since the applicant has twice the frontage and twice the area required.

Mr. Lieb spoke opposing. Also Mr. Lawrence and Mr. Hamilton.

Mrs. Love spoke in favor of allowing the application.

Mr. Smith said that the objectors were mostly all people living very near to the applicant and he thought their interests should be protected, that Mr. Loe's recourse should be from the people from whom he bought. If this were approved it would change the character of the neighborhood, that this was a community established for single family homes and that a community was established by the thought and appreciation of the people in it. He felt that the Board was leaving itself open to other cases if they approved this. He moved to refust the application because in the opinion of theBoard it affects adversely the use of neighboring property and such use is not in accordance with the zoning regulations and map. Mr. Elgin seconded. Carried.

Mr. Lillard noted that an appeal would be made.

J.W. Brookfield Jr.

S. Cooper Dawson
Chairman.

October 31, 1950

A Special Meeting of the Fairfax County Board of Appeals was held Tuesday, October 31, 1950 in the Board Room of the Fairfax County Courthouse at 10:00 a.m. with the

following members present: Messrs: Dawson, Brookfield, Smith, Piggott. Mr. Schumann, Zoning Administrator, and Mr. White, Zoning Inspector were present.

1 - D. and R. Corporation, for permission to erect a complete sewerage plant to serve the houses in Hollin Hills Subdivision on Parcel A and in the area set aside for such purpose on the Fort Hunt Road in Hollin Hills, Section I, approximately 220 feet from Route 626, Mt. Vernon District.

Mr. Davenport represented the company. He stated that this had been granted last year but the time limit on construction had expired, therefore this application. Construction will start November 1st. This is a 'package plant' - 94% treatment which has been approved by the State Water Control Board and the Sanitary Engineer and State Health Department. The permit on this expires December 1st.

There was no opposition. Mr. Davenport said they may not have to put in the complete plant if this can be used in conjunction with another plant, in which case only a pumping station would be installed. He questioned whether or not he should come to the Board again if only the pumping station were installed. It was Mr. Schumann's opinion that the present application included that by the words "complete sewerage plant" and it would not be necessary. Mr. Brookfield moved to grant the application. Mr. Smith seconded. Carried.

2 - H. E.Downey, for permission to locate dwelling 35 feet from Kurtz Road, Lot 14, intersection of Kurtz Road and Calder Road, Salona Village, Providence District. (500 feet north of McLean on Chain Bridge Road.)

Mr. Brookfield said the Planning Commission had gone into this case thoroughly and had recommended granting it. It is a corner lot with sufficient area but the deed restrictions require a fifty foot setback from Calder Road and a 35 foot setback from Kurtz Road as against 45 foot setback from Kurtz Road required by theZoning Ordinance. By observing the deed restrictions on the one side it is not possible with this size house to observe Zoning requirements on the other. Mr. Brookfield moved to grant the application because of the peculiar shape of the lot and the deed restrictions. Mr. Piggott seconded. Mr. Smith voted No. The Chairman voted Yes. Carried.

Mr. Smith said the Board was superseding the Zoning Ordinance by following deed restrictions which were less restrictions than the Ordinance, and he did not consider this within the power of the Board. He stated that there was ample space if the house were cut

down to observe proper setbacks. Mr. Schumann said it was possible the state would never require a 50 foot road here because this plat was put on record before this 50 ft. road requirement went into effect. This street (Kurtz) is not dedicated 30 feet.

DEFERRED CASES:

Bucknell Syndicate, Inc., for permission to locate sewage pumping station on 4,216 square feet on the west side of Ft. Hunt Road, immediately north of the line of Hollin Hills, Mt. Vernon District

Mr. Harnett represented the Company. He explained that this case was deferred because there was a misunderstanding who was to represent the company at the hearing. A Mr. Major was present at the first hearing and was not satisfied that he knew exactly the location of the proposed plant. Since the hearing Mr. Major had been contacted and Mr. Major had been to the Planning Commission office and talked with Mr. Schumann and Mrs. Lawson and was satisfied that he had no objection to this installation. The case was actually deferred until November 21st but since the one and only possibility of objection had been satisfied it was brought up at this meeting at the request of the Company. There were no other objections.

Mr. Byron Massey appeared to explain the plant proposed. He said there was one like it at Huntington and Penn Daw Village. Everything was underground - only two manholes (which were about 1 foot larger than an ordinanry manhole) showing. The installation was reached by ladders. It will be built for residential property. It has been approved by the Sanitary Engineer. There were no objections. The Chairman asked Mr. Schumann for his opinion. He thought it a necessary installation and a proper location.

Mr. Brookfield moved to grant the application. Mr. Piggott seconded.. Mr. Brookfield stated, however, that he thought this was irregular - hearing a case before the announced date of deferment and wanted the minutes to show his statement. However, the application was granted unanimously.

Wm. Allen, for permission to construct garage-addition to dwelling to come 15 feet from side line, Lot 3, Knollwood Subdivision, Falls Church District.

This case was deferred for the Board to view the property. Mrs. Bird had objected because she felt by reducing the sideyard on this one site it would throw the subdivision into confusion and that they had wanted the wider area between dwellings and thought the Ordinance should be observed.

Mr. Brookfield had seen the property as had Mr. White and Mr. Smith. Mr. Brookfield said he agreed that this construction would throw the subdivision off balance. Mr. Allen suggested that this

was in reality a suburban area rather than rural, and that the zoning was not right. Rezoning of the subdivision was discussed, but it would take all property owners to agree to that - to petition the Board of Supervisors.

Mr. Allen said this was a nice subdivision but not a section of large estates - that they just needed more space for necessary facilities that rural zoning did not provide.

Mr. Smith said the Board could grant such a request if it would work an undue hardship or for a topographic reason but he saw no reason to justify this. It was simply the fault of laying out the lot.

Mr. Schumann recalled the joint discussion between the Board of Appeals and the Planning Commission regarding setbacks on rural lots and they had agreed that side yards should not be reduced in setbacks and that the Board had agreed to this with regard to a case filed from an applicant in Arnold Park - because it would be amending the Ordinance and Mr. Schumann felt that this was a similar case.

Mr. Smith moved to deny the application because it does not conform to minimum requirements of the Zoning Ordinance. Mr. Brookfield seconded. Carried.

South-Land Realty Company, to locate directional sign 7' x 12' - advertising off the premises occupied by the use, west side of U.S. #1, approximately 100 ft. south of intersection with Beacon Hill Rd., Mt. Vernon District.

Mr. Flaherty appeared for the company. This case was deferred for consideration of the clause in the Ordinance prohibiting signs unless on the property 'occupied by the use'. Mr. Flaherty said the permitted size of a sign would be too small here to do them any good. It was merely directional. Mr. Reid, owner of the property, had given them temporary permission to put the sign on this spot. Mr. Flaherty sighted other signs - large ones- which were very likely in violation.

Mr. Brookfield thought granting this sign might cause others to ask for the same thing and that our sign ordinance was a good one and had been a great help in stopping the increase of signs, if not reducing the actual number of signs on highways.

The phrase 'occupied by the use' was discussed. Mr. Schumann stated that the intent of the Ordinance was that the advertising sign should actually be located on the property being used but that Mr. Wise Kelly (Assistant Commonwealth's Attorney) did not agree with him. Mr. Kelly thought the words 'being advertised' should be inserted in the Ordinance before this could be enforced. The intent of the Ordinance is to prohibit advertising off the premises.

Mr. Flaherty thought each case should be decided on its own

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merits and granting this application should not necessarily induce the granting of others.

Mr. Brookfield moved to grant a permit for a sign 7-1/2 ft. x 12 inches for a period of one year - to give time for the two Boards (Board of Appeals and Planning Commission) to get together on decisions for signs of this kind. Mr. Smith seconded. Carried.

The Board discussed an amendment to the Ordinance including the words "being advertised". Mr. Brookfield moved that the Board of Appeals recommend to the Planning Commission that they make a study of the regulations on roadsice signs with regard to revision. Mr. Smith seconded. Carried.

Mr. Vernon Lynch asked to discuss with the Board and requested advice on what he might do to stop relocation of VEPCo. substation on property belonging to him and which has been condemned by the state. The Board could give no informal advice but suggested that the request for a substation would have to come up before the Board for a use permit.

Mr. A. W. Cleland also asked for informal advice on Lot 3, Salona Village for setbacks. He stated that he would file application to go before the Board.

Mr. Schumann read a letter regarding the decision on the Elsie Scott case which was denied last meeting and asked if the Board wished to reopen the case with the idea of viewing the property, as suggested in the letter. Mr. Brookfield moved to reopen the case and Mr. Piggott seconded. Carried.

Mr. Smith thought there was actually no hardship here and that the Board had often been too lenient, also that there was no actual survey on this property to determine the definite amount of ground involved. Mr. Schumann said he would talk with Mr. Ralph, the surveyor and the case could be discussed at the next meeting. The Board agreed to this.

Mr. Brookfield brought up the case of Jack Bolley - wife has new baby and husband called to the service. Mr. Schumann said it would be ok to give this man a permit.

Board adjourned.

S. Cooper Dawson

S.Cooper Dawson, Chairman

* * *

November 21, 1950

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held November 21, 1950, in the Board Room of the Fairfax County Courthouse at 9:30 a.m. with the following members present: Messrs Dawson, Brookfield, Piggott, and Smith. Mr. Schumann, Zoning Administrator and Mr. White Zoning Inspector were present.

Mr. Dawson acted as Chairman until the afternoon session - at which time Mr. Brookfield took the Chair.

The case of Norman A. and Elva Loe, for permission to have a duplex house on Lots 1 and 2, Delta, was brought up. No time limit had been put on termination of occupance of tenants at the decision on this hearing. Mr. Brookfield moved to allow the tenants to remain in the second dwelling unit until January 1, 1951, because it would work an undue hardship to do otherwise. Mr. Smith thought this could be handled by the Zoning Administrator. Mr. Schumann thought it was within the scope of the jurisdiction of the Board and more fair for them to place a vacancy date. Mr. Smith seconded. Carried.

1 - G. L. Phillips, for permission to erect detached garage 2 feet from side property line on Lot 3, Hannah Subdivision, Falls Church Dist.

Mr. Phillips appeared before the Board. He stated that the garage will be of cinderblock construction. He now has an old tin garage which he wishes to tear down and replace. This lot is zoned partly commercial - the garage is on the residential area. Mr. Brookfield moved to grant the application. Mr. Smith seconded. Carried.

2 - I. J. Kramer, for permission to erect detached garage 5 ft. from rear property line and 2 feet from side property line, Lot 39-B, Huntington, Fairview Terrace, Mt. Vernon District.

This garage will be cinderblock and brick construction. The applicant stated he could not locate the garage 10 feet from the lines because of a conduit and the lot is very small. Mr. Dawson said the Board could not keep a man from having a garage and he felt it better to keep cars off the street. Mr. Schumann thought the request reasonable. Mr. Brookfield moved to grant the application. Mr. Piggott seconded. Carried.

3 - Lillian C. Dyson, for permission to allow dwelling to remain on 3.0594 acres on Rt. 611 at Pohick Church, without having 100 feet at building setback line, Mt. Vernon District.

Mrs Dyson said through a misunderstanding in the Zoning office the house had been built - when inspection was made she was notified that the house was located in error. This is actually a temporary building for the daughter to live in while her husband is in the service and a place to care for her baby - recently arrived. There was no opposition. Mr. Smith moved to grant the application because it would be an undue hardship to move the building or to ask the present

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occupant to vacate it. Mr. Piggott seconded. Carried.

4 - Joseph M. Young, for permission to erect detached garage with less than required side yard setback on Lot 4, Crider Park, Mt. Vernon District. 263

The applicant said he had planned to attach the garage to his house-but found it was impossible to conform to the Ordinance if he did. There is a high bank on the side in back of his lot, making it difficult to locate the garage properly. Mr. Brookfield moved to grant the application because of a topographic condition. Mr. Piggott seconded. Carried.

5 - William F. Mahoney, for permission to relocate dwelling 50 feet from Bridge Street (which is a 40 ft. road) on .5447 acres on the south side of Station Street and bordering Bridge and Hill Streets, Centerville District.

Walter Ralph, surveyor, represented the applicant. He stated that the applicant wished to move the present house and put on an addition. He could not locate back farther to meet the setbacks because it would not leave room for septic field. Mr. White and Mr. Schumann thought it reasonable to grant. Mr. Brookfield moved to grant the application according to the plat presented. Mr. Smith seconded. Carried.

6 - Mary C. Gheen, for permission to erect storage shed within 63 feet of Route 123, on the east side, approximately 3/4 mile from Fairfax Station Bridge, Lee District.

The applicant showed that the lot is not deep enough to observe the required 100 foot setback. This shed will be used to store furniture temporarily. There were no objections. This building will not be used as a residential unit. Mr. Brookfield moved to grant the application but withdrew his motion as he had thought the applicant had 7 acres. Mr. Schumann thought it reasonable to grant the application due to the shallowness of the lot. Therefore, Mr. Brookfield moved to grant the application and Mr. Piggott seconded. Carried.

7 - Mrs. V. S. Pedone, for permission to locate attached carport on front of dwelling to come 24.81 feet and 26.5 feet from right of way of Drury Lane, and 8 feet from side property line, Lot 24, Section I, Hollin Hills, Mt. Vernon District.

Mr. Pedone presented pictures and sketches of the layout proposed. This ground is very irregular - banks sloping from three sides of the house. There is a 4 or 5 foot high bank in front. The carport will be 15 x 18 feet - part of which will be used for storage. Because of the topography the applicant said there is no other place to locate a carport. It was brought to the attention of the Board that this is practically a garage since it will be enclosed fully on two sides-the house side and the street side. The bank in front would come up to within 4 feet of the roof and that 4 feet space will be boarded up. On the rear a 4 foot width will be enclosed and the same enclosure on

the front. Part of the enclosure will be used as a tool shed. The house is located on a dead end street. Mr. White thought it impossible to build the garage any other place, because of topography. Mr. Brookfield moved to grant the application because of topography and because it would work an unusual and unnecessary hardship to locate a garage in any other place. Mr. Smith seconded, and requested that it be added to the motion that the sketches presented be made a part of the records - that the enclosures suggested be in accordance with the plans presented. Carried. (This addition to the motion was agreed upon by the other members)

8 - Sol Netzer, for permission to locate building 31 feet from front right of way of Leesburg Pike, on approximately 10,000 square feet on the east side of Leesburg Pike, 200 feet south of Powell Street, Falls Church District.

Mr. Netzer stated that he had been given a variance on the pumps to make them conform to the pumps on adjoining property which is zoned General Business. Mr. Netzer's ground is Rural Business. This requires a greater setback. This small building requested in this application is temporary as Mr. Netzer wishes to put in a midget kitchen if this proposed business (sandwich and soda bar) is successful. It was suggested that the State Highway will take another 20 feet along this side for widening and that would make a very impractical setback. Mr. Brookfield said the pumps had been granted because they are not considered a structure in the true sence since they can easily be moved. Mr. Netzer stated that there would be ample parking space since his buildings were not too close together and that it would be necessary for this small building to project out in order to be seen by passing traffic. He said he would be satisfied if the Board allowed this building to project 15 feet closer than the already established building. It was asked how close the building on the adjoining property (Hollowell - owner) was located. Mr. Schumann offered to get the plats showing this property. The case was continued for Mr. Schumann to get the plats. Motion made by Mr. Brookfield, seconded by Mr. Smith.

9 - H. W. Fisher, for permission to allow addition to dwelling to remain 18 feet from street right of way on Lot 66, Sect. I, Guilford Subdivision, Mt. Vernon District.

Mr. Fisher and his attorney, John Wood and Mr. West, Architect, appeared before the Board. Mr. West reviewed the case. He said the building is already completed, that the approval was issued in error, then his company was notified the building was located in violation of the Ordinance. It was shown that the application for zoning approval was in order but the contractor had located the addition incorrectly.

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Mr. Fisher said he had turned the whole thing over to his contractor and architect and was shocked to learn (notified by letter from the Zoning Inspector) that his building was in violation. Mr. Wood also went over the background of the case. He said his client had relied upon the builders whom he thought should know the regulations. It was the opinion of the Board that they should view the property. Mr. White said there was no error in the Zoning office - that when he checked the location it simply did not follow the setbacks shown on the Approval Application. Mr. Brookfield moved and Mr. Smith seconded that the case be deferred to give the Board a chance to inspect the property. Carried.

10 - Leo Zelinski, for permission to construct dwelling into duplex on ground with less frontage than required, one acre located on the east side of Rt. 778, approximately .2 mile from junction with U.S.#1, Mt. Vernon District.

Mr. Smith said the Ordinance requires that plans for a duplex be first approved by the Planning Commission and this had not been done. He did not think the Board could act until this recommendation was in. He moved that the case be put aside until Mr. Schumann returned - for his recommendation. Mr. Brookfield seconded. Carried.

11 - R. M. Phillips, for permission to locate dwelling 7 feet from side line on Lot 509, Hazeltine Heights, Mt. Vernon District.

Mr. Phillips said a small branch of the main Creek ran through his ground and made it difficult for him to build without pushing the house to one side. The Chairman suggested diverting the stream since it was only a small branch. The applicant thought this could not be done as it might be turned on other property. Mr. Smith said this was a new subdivision and the stream was there when the applicant purchased the ground - he could see no reason for granting a variance - it was simply a violation. He moved to deny the application because it does not conform to the Zoning Ordinance. Mr. Brookfield seconded. Carried.

12 - W. M. Ledbetter, for permission to convert building located 28 feet from present dwelling to be used as a second dwelling on 4 acres on Route 626, (east side) approximately 400 yards south of intersection with U.S.#1, Mt. Vernon District.

Mr. John Minnick represented Mr. Ledbetter. This building was planned as a turkey house but it was found not to meet proper setbacks - then Mr. Ledbetter changed to a dwelling. This was held up by the Zoning office because it was 2 feet too close to the present dwelling. The second dwelling will be used by Mr. Ledbetter's relatives.

Mr. White reviewed the case. He said Mr. Ledbetter's application for the turkey house was never approved because it did not meet setback requirements - 100 feet from all property lines for a commercial

building, that there is another building on Mr. Ledbetter's ground which does not conform - but there is a dispute over the line. Mr. Minnick said Mr. Ledbetter said he was given the go sign on the dwelling and had therefore bought $900 worth of materials. It was requested that Mr. Mooreland appear to tell what the zoning office had told the applicant. The case was put over until Mr. Mooreland could be sent for.

Mr. Netzer's case was taken up again. Mr. Schumann had returned with the Hollowell plats. The plats showed that the building on Hollowell's ground was set back 71 feet from the existing right of way but this had not been given a final check. Mr. Schumann reminded the Board that the Hollowell property was zoned for General Business and the building could set back 30 feet from the right of way. Mr. Brookfield suggested that the applicant have his lot zoned to General Business as it would be much simpler to determine setbacks and to protect him for the future. Mr. Netzer said he would build a temporary building and move it back when the highway is widened. Mr. Schumann stated that the Board could not hold him to that. Mr. Brookfield moved to grant the application for a period of one year - to construct a temporary building to be located in line with the gas pumps which is approximately 31-1/2 feet from the present right of way. Mr. Smith seconded. Carried.

Mr. Ledbetter's cas was taken up again. Mr. Mooreland was present. Mr. Brookfield moved to grant the application with the specific stipulation that each of the two dwellings on the property be occupied by one family. Seconded - Mr. Smith, and carried. Mr. White mentioned the other building on this property which is in violation of setbacks and should come before the Board. It was suggested that Mr. Ledbetter have his ground surveyed to determine where the line in question is actually located then come before the Board for a variance on the building which is in violation.

Mr. Zelinski's case was brought up. The Board had asked for a report from Mr. Schumann. This is a single family dwelling location. There was no opposition. Mr. Smith said he thought detailed plans should be presented to and approved by the Planning Commission. Mr. Schumann thought the plan presented was sufficient, but stated that Mr. Zelinski's ground does not come up to the Ordinance requirements and that he would like to get a statement from Mr. Marsh whether or not the Board had the right to grant a duplex dwelling on ground with less frontage than required. Mr. Brookfield moved to defer the case for this decision. Mr. Smith seconded. Carried.

13 - O. W. Nichols, for permission to construct porch and attached garage to come 5 feet from side line on Lot 100-A, Parcel F, Section 6, Huntington, Corner Overlook Drive and Huntington Ave., Mt.Vernon Dist.

The addition will be brick and cinderblock construction. Mr. Nichols explained his plats. He stated that his neighbor, Mrs. Bird, did not object. Mrs. Bird said she had no objections to a garage but thought the applicant should stay within the law which is ten feet from the side line.

Mr. R. J. O'Callahan objected saying they all would like garages but they had bought knowing they could not have them in this location and meet required setbacks and he thought these setbacks should be observed by all.

Mr. Dawson explained that the Board had been granting detached garages with less setback than required - 2 feet if masonry. Mr. Nichols said the Bird house was higher than his and his garage would not obstruct their view, the garage will be 18 feet from the Bird house and there would be no drainage problem, since any excess water would naturally fall on him. Mr. Mooreland stated that he and Mr. Nichols had measured the height of the garage and it would project 33 inches above the ground level on the Bird side.

Mr. O'Callahan withdrew his objections, also three others present. Others present asked for the protection of the Zoning Ordinance.

Mr. Schumann reviewed the two amendments to the Zoning Ordinance relative to Jefferson Manor and Huntington which say the buildings may be located the distance apart equal to half the distance of their average heights. Mr. Smith moved to grant the application due to the size of the lot provided the garage addition is located 7.7 feet from the side property line. Mr. Piggott seconded.Carried. Mr. Brookfield voted No.

14 - Arthur and Roberta Leib, for permission to construct screened porch to come 3 feet from side lot line, Lot 28, Block I, Section I. Delta Subdivision, Falls Church District. Mr. Leib said the porch was already built, that he had not got a building permit and did not know about having zoning approval. Mr. Loe objected. He stated that this porch was actually 2 feet from the line, that it would be a great disturbance to him since it was now necessary for him to build on the lot joining Mr. Lieb, the Board having refused to grant him permission to have a duplex house whoch would have left this lot (between him and Mr. Leib) vacant. He thought it would hurt the sale of a house on this lot. Mr. Smith suggested moving the porch to another side of the house. Mr. Brookfield said the Ordinance had very plainly set out its requirements and he thought this should not be granted. Mr. Loe thought Mr. Leib was well aware of the regulations.

Mr. Schumann said the Board had granted variances of this kind but it has only the Ordinance to go by. He did not express an opinion on the decision. Mr. Smith thought this too great a variance. Mr.

Piggott moved to deny the application and Mr. Smith seconded. The motion carried. Mr. Schumann said this was part of the area to be annexed by Alexandria and he did not know their regulations - it was possible this would be granted by that jurisdiction. He suggested an amendment to the motion to allow Mr. Lieb until January 1, 1951 to remove the porch. (This is the date the annexation becomes effective). Both Mr. Piggott and Mr. Smith agreed to the amendment.

15 - Earl H. Myers, for permission to construct garage addition to dwelling to come 7 feet from side line on Lot 9, Beech Tree Farms, Falls Church District. This will be brick construction. Mr. Myers showed pictures and elevations. There would be 66 or 67 ft. between houses. The driveways are on the same side. There were no objections. Mr. Schumann saw no reason to grant this. If 25 feet is too great a setback then the Ordinance should be changed-otherwise why vary the Ordinance. Mr. Smith moved to deny the application because it does not conform to the Zoning Ordinance andit is at variance with the intent and purpose of the Ordinance. Mr. Brookfield seconded. Carried.

16 - William P. Springston, for permission to locate dwelling 34-1/2 feet from Kurtz Road and carport 24-1/2 feet from Kurtz Road, Salona Village, Providence District, Lot 43. There is a definite slope to the lot and to get the best advantage for drainage the house should be set on the hill. Mr. White did not recall any special slope. Mr. Brookfield thought a carport would not create a traffic hazard. There were no objections. Mr. Brookfield moved to grant the application. Mr. Piggott seconded. Carried. Mr. Smith - not voting.

17 - Andrew W. Cleland, for permission to locate dwelling 40 feet from Kurtz Road, Lot 31, Salona Village, Providence District. Mr. Smith stated that if Kurtz Road is widened by dedication on the opposite side from Mr. Clelend's lot to a 50 foot road, this setback would be all right. He moved to grant the application. Mr. Brookfield seconded. Carried.

18 - Quaker Park, Inc., for permission to locate dwelling with less setback on the side yard than required, Lot I, Quaker Park Estates Falls Church District. This was an engineering error in locating the building - it is already built. There were no objections. Mr. Brookfield moved to grant the application. Mr. Piggott seconded. Carried. Mr. Smith not voting.

The Board adjourned for lunch. (Mr. Brookfield took the Chair for the afternoon session.

12 - Z. H. Skriver, for permission to locate dwelling with 10 foot setback from both side lot lines, Lot 69, Section I, Lake Barcroft

November 21, 1950

Estates, on Lakeview Drive, Falls Church District.

Mr. E. W. Dudley represented the applicant - who was also present. Mr. Dudley said most of the lots along the lake are much wider than that of the applicant, in fact the lots on either side of this lot are much more than required by the Ordinance, therefore there would be considerable distance between houses even though this variance is granted. There were no objections.

Mr. Smith said this was a new development and there was no topographic problem, it would induce others to make the same request and he saw no reason to reduce the setbacks under such circumstances. Mr. Skriver said he felt that this was not an opening wedge for others to apply for variances, that there was a restricted amount of lake frontage and this smaller lot was just one which occurred inevitably in the development. The house he had planned would be attractive and would not depreciate in any way the development.

Mr. Smith said the only solution was to have larger lots for wide houses. Mr. Dawson said this was a high class subdivision and he was not in favor of reducing side yards. He moved to deny the application. Mr. Smith seconded. Carried.

20 - Earnest J. Sutphin, for permission to construct garage and live in it for approximately one year, during which time to construct a dwelling which will be built on a lot with less frontage than required and will require a 24 foot setback from both side lines and a 21 foot setback from one corner on the side line and 50 feet from front right of way instead of 60 feet, on 1/2 acre located on the north side of Old Route 50, approximately 1 mile west of Kamp Washington, Providence District.

Mr. Sutphin said he could not go back farther because of a hill and the well will have to go in front of the house. The lot is 80 feet at the building setback line. This lot was surveyed off before the Ordinance. There were no objections. Mr. Dawson moved to grant the application according to the restrictions as set out in the application and that the final survey should show a frontage of not less than 84 feet and the total of 1/2 acre of ground, applicant to be allowed to live in the garage for one year. Mr. Smith seconded. Carried.

21 - Virginia Electric and Power Company, for permission to relocate substation on ground 200 x 200 feet on the north side of Route 236, 1926 feet west of intersection of Rt. 797 and 236, Falls Church District.

Mr. Anderson represented the Company. He reviewed the conditions surrounding the need to relocate this station. The highway is being widened to take care of development and VEPCo was on the new right of way - therefore necessary for them to relocate and enlarge the

substation to take care of the natural growth in this vicinity. The Company had discussed another location with Mr. Lynch (owner of surrounding property and owner of the property for the proposed relocation) but could not agree. Therefore, the State whose responsibility it is to relocate the substation started condemnation proceedings for this 200 x 200 foot site. It was necessary to take more ground than the substation is now using because of the required setbacks and a larger installation due to increase in load.

Mr. Ware, technical adviser to VEPCo showed the plan for the new substation. He illustrated the increase in load by a graph. The State Highway wants the substation moved immediately in order to complete the highway.

Setbacks with relation to an access road were discussed. Also the question of setting the poles on the access (service) road was discussed. Mr. Lynch wanted to know how much ground would be used for the poles - where they would actually be located. Mr. Anderson asked the Board to consider the application which did not include an easement for the poles.

Mr. Ross from the State Highway related the part of the state in the relocation of the substation. Widening of the highway brought on the necessity for another location and more ground. The Highway Department would bear the cost of moving the station, but would be reimbursed for the purchase of additional land.

Mr. Shockey was representing a group of property owners who had misunderstood the location of the Station.

Mr. Lynch reviewed the history of the property surrounding the substation. Originally it was his farm and he had no objection to the substation but now the property was residential and such an installation would be a great detriment to his property and objectionable to a high class development. The station naturally has to be moved but Mr. Lynch requested that it be located in either a business or industrial district which was more in keeping with the type of installation required. He felt the Zoning Ordinance should protect property owners from encroachments of this kind. In answer to Mr. Smith's question regarding a proper place for this station Mr. Lynch suggested several other points on the map. Mr. Anderson thought the locations suggested not practical and too expensive to move and put in the lines necessary.

Mr. Ware said the Company had explored other locations and negotiated with Mr. Lynch for 90 days but could not agree on a suitable site. (Mr. Piggott asked to be excused)

Mr. Edward Lynch said this was a chance for planning and zoning to show itself, that the highway should be kept free of objection-

able installation.

Mr. Anderson objected to all other locations suggested saying they had been considered and found impractical and expensive. Mr. Lynch read from a newspaper article the profits of VEPCo for the last year.

Mr. Dawson said he felt this would hurt the neighborhood but that it was up to the Highway Department and VEPCo to find another location, therefore, he moved to deny the application. Mr. Smith seconded. Carried.

DEFERRED CASES:

Heliforo F. Maya, to construct dwelling to come 22.75 feet from street and enclose porch to come 6.2 feet from street, Lot 57, Hillwood. This was deferred to look up the deed restrictions on setbacks. It was found that the applicant is asking for less setback than is recorded in the deed restriction. Therefore, Mr. Dawson moved to deny the application. Mr. Smith seconded. Carried.

Elsie Scott, to divide .94 acre into two lots - one containing 1/2 acre, the other .44 acre. Walter Ralph, surveyor, was present with Mrs. Scott. This case had been denied but was reopened at the request of the applicant. Mr. Ralph had made a survey of the ground and presented his plats with a suggested division. He recalled that a 3-1/2 foot strip had been sold to Mrs. Scott's neighbor in order to give room to clear up a setback on a chicken house on the neighbor's lot, thus reducing Mrs. Scott's acreage.

Mr. Dawson moved to grant the application in accordance with plat made by Mr. Ralph, November 20, 1950 and that this plat be made a part of the record. Mr. Smith seconded. Carried.

Melvin I. Deavers, for permission to use existing building as temporary dwelling, on ground westerly adjacent to Rainbow Tourist Court. Mr. Deavers said the tenant was in jail and his wife had lived in his chicken house during that time - that the tenants have now bought land and are building. The objectors said they had no wish to work a hardship on these people - they simply wanted the use of this building as a dwelling discontinued. Mr. Deavers said he had given his tenants 5 days in which to move. Mr. Smith moved to deny the application because it does not conform to the Zoning Ordinance. Mr. Brookfield seconded. Carried.

S Cooper Dawson

S. Cooper Dawson
Chairman

J W Brookfield Vice Chairman

December 19, 1950

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held December 19, 1950, in the Board Room of the Fairfax County Office Building at 10:00 a.m. with the following members present: Messrs Dawson, Brookfield, Smith, and Piggott. Mr. White, Zoning Inspector was also present.

Mr. Brookfield acted as Chairman.

1 - James A. McWhorter, for permission to locate gasoline pumps closer to highway right of way than required on the NW side of Columbia Pike, 100 feet SW of intersection with Gallows Road, Falls Church District.

Mr. McWhorter was not present. Mr. Smith moved and Mr. Dawson seconded that the case be put at the bottom of the list. Carried.

2 - Edward Meiggs, for permission to locate dwelling 15 feet from rear property line, Lot 39, Fort Lyon Heights, on Old Mt.Vernon Road, Mt. Vernon District.

Mrs. Conklin appeared for the applicant. Mr. Dawson suggested that the Board should see a plat of the subdivision. The case was put aside until the plat could be brought from the Planning Commission.

3 - Ernest H. Wayland, for permission to locate detached garage 23 feet from Second Street, North, and 66 feet from West Oak Street, Lots 1, 2, 3, Block 3, Section I, Groveton Heights, Mt. Vernon District.

Mr. Adams appeared for the applicant. This is a corner lot and the required setbacks cannot be met. There were no objections. The ground back of the proposed location slopes and is swampy and it would be expensive to build up the ground suitably. Mr. White thought it would not obstruct traffic if located as requested. Mr. Dawson moved to grant the applicant the right to build the garage straight back from Oak Street, far enough to be 25 feet from 2nd Street, due to topography and due to the fact that this is an old subdivision. Mr. Piggott seconded. Carried.

The plats on the Meigs case were present. The Board discussed at length the road (Old Mt. Vernon Road), the proposed change and the contour of the ground. Mrs. Conklin said the ground drops off sharply in front and it would destroy the landscaping of the front yard if the house were located according to requirements. Route 241 is now inaccessible in front of the lot but it will be landscaped and filled. Mr. Smith moved to refuse the application because it does not conform to the Zoning Ordinance and he could see no hardship nor any reason to grant the setback requested. Mr. Dawson seconded. It was carried.

4 - Bradford Bartlett, for permission to locate detached garage 2 feet from rear property line, 64 feet from Heather Drive, and 65 feet

December 19, 1950

from Wooten Drive, Lot I, Block C, Lee Boulevard, Lee Boulevard Heights, Falls Church District.

Mr. Adams appeared for the applicant. He asked to amend the application to read 70 feet from Heather Lane instead of 64 feet. This would be frame construction. Mr. Dawson recalled the rule of granting detached garages 2 feet from side or rear line if of masonry and 4 feet if frame. Mr. Adams said there was a steep bank back of the house, also there are trees which the applicant wishes to preserve. Captain Bartlett, the applicant, suggested that many others had garages 2 feet from the line - in this same subdivision and that setting the garage 4 feet from the line would mar his landscaping. There was no opposition. Mr. Dawson made the following motion: To grant the application - the garage to be located 70 feet from Heather Lane and 4 feet from the side line, if the garage is frame construction or 2 feet from the side line if the garage is of brick or masonry construction. Mr. Piggott seconded. Carried.

5 - Elmer C. Myers, for permission to locate detached garage 2 feet from side property line and 62 feet from front right of way line, Lot 106, Fenwick Park, 214 Rogers Drive, Falls Church District.

This garage is to be frame. There were no objections. Mr. Dawson moved to grant a variance of 66 feet from the front property line and not to exceed 4 feet from the south side property line. Mr. Smith seconded. Carried.

6 - Cora P. Simcox, for permission to construct addition to present dwelling to come approximately 12 feet from right of way of U.S.#1, located on the SE side of U.S.#1, approximately 3/4 mile south of the Open Air Theatre, Mt. Vernon District.

This is a non-conforming building and the applicant wishes to bring the addition the same distance from the front property line. When the road was widened the state paid the owner $500 instead of moving the building back to the proper setback. There were no objections. This building is being used as an apartment and the applicant wishes to add baths for use of the existing apartments. Mr. Smith thought this could be a traffic hazard in the future because of the buildings being so close it would cause difficulty in parking. Mr. Smith asked Mr. White for his recommendation. Mr. White said if this should be granted it would be a prescedent for others. Mr. Smith said this certainly was not a desirable place for aprtments. Mr. Dawson moved that due to the fact that by granting this application it would in fact recognize and wipe out the non-conforming use of the main building, therefore, the application be denied. Mr. Smith seconded. Carried.

7 - George W. Davidson, for permission to allow building used as dwelling to remain 4 feet from side property line, Lots 12, 13, 14, 15, Block F, Weyanoke, Falls Church District.

Mr. Davidson said this was a frame structure built as a garage and he had lived in it while he was building his permanent dwelling. He wished to allow his nephew to live in it while he (the nephew) is building his own home. Mr. Dawson moved to grant the application for 12 months. Mr. Piggott seconded. Carried.

8 - Howard C. Barlow, for permission to locate detached garage 2 feet from side property line and 2 feet from rear property line, Lot 48, Poplar Heights, 1438 S. West Street, Falls Church District.

The garage will be of masonry construction. There were no objections. Mr. Dawson moved to grant the application - the garage to be of masonry construction. Mr. Piggott seconded. Carried.

8 - Citidel Construction Corporation, for permission to be allowed a distance of 10.8 feet from side property line, Lot 112, Section 2, Bel Air, for dwelling, Falls Church District.

Mr. Potter appeared for the Company. There were no objections. Mr. Potter stated that the building was located in error, by the field man. It is the only variance asked in the subdivision. The building is frame. It was originally staked out correctly but due to the rough terrain the house location was erroneously established. The lots on both sides of this are already built on. Mr. Smith moved to grant the application because it would work a hardship not to do so. Mr. Dawson seconded. Carried.

10 - G. G. Sherfey, for permission to complete dwelling which is located 50 feet from right of way of a 30 foot outlet road, 350 feet east of Route 649, approximately 2 miles south of the juction of Lee Boulevard and Route 649, Falls Church District.

Mr. Sherfey said the foundation is already in. He misunderstood and thought a 50 foot setback was satisfactory. However, his plat shows a 60 foot setback which he did not follow. This was discovered in the inspection of the foundation. Mr. Dawson moved to approve the application because of a hardship not to do so and because this outlet road will probably never be taken in by the State. Mr. Piggott seconded. Carried.

11 -Joseph Moraski, for permission to locate tool shed 2 feet from both side and rear property line, Lot 523, Block I, Section 2, Delta Subdivision, 23 Candida Street, Falls Church District.

This will be of frame construction. Mr. Moraski said his immediate neighbors do not object. He cannot have a garage if it has to be located properly because of a steep hill - also he has no storage space. Mr. Dawson suggested masonry construction. Since the applicant did not wish to use masonry - Mr. Dawsom moved that the applicant be allowed to build a wood structure locating it 4 feet from the side property line. Mr. Smith seconded. Carried.

12 - Aeronautical Radio, Inc., for permission to install, operate, and

maintain remotely controlled radio station, which involves construction of a one story building, on ground located 628 feet SW of Elmdale Road, near Section 3, Pinecrest, Falls Church District.

Two representatives from the Company appeared before the Board. They showed the plan of the proposed building on Mr. Vernon Lynch's property. It will be concrete, approximately 14 x 16 feet, one story, with three wooden guide poles which will be 50 and 60 feet high. Mr. Lynch said he had given the Company a lease for 5 years-during which time if development takes place which this installation would in any way impair the lease would not be renewed. This is a radio receiving station - receiving only - no personnel would be on the premises except maintenance men now and then. It is connected with the National Airport. Nothing will be installed which would interfere with radio, telephones or television. The use of this type of installation was discussed at length. Mr. Smith thought this could very well depreciate property in the neighborhood ahd thought a time limit of one year should be placed on the permit. The Company felt this was too expensive an installation to be sure of only one year to operate. They suggested granting the application following the terms of the lease. Mr. Smith felt there was not sufficient protection to surrounding land for future development and that the Board would be responsible for granting a use that could easily be obnoxious. Mr. Lynch felt that his lease was properly protecting his property. Mr. Dawson made the following motion: That permission be granted to install this station as per the plats presented with the application for a period of 5 years. Mr.Piggott seconded. Carried - Mr. Smith not voting. Mr. Smith felt it should be added that nothing be installed to interfere with radio, television and telephone. Mr. Lynch said that was taken care of in the lease.

13 - Hollin Hall Development Corporation, for permission to locate dwelling 25 feet from Wellington Road on Lots 6 and 7, Block 5 and on Lots 67 and 68, Block 6, Section 4, Hollin Hall Village, Mt.Vernon District.

Mr. Ed. Holland appeared for the Company. He stated that the field party had staked out the houses too close to the line and the mistake had not been brought to his attention until he made the certified survey on actual location. All the lots in this tract are greatly in excess of size requirements. The road is 60 feet wide. The buildings were under roof before the error was discovered and it would be a great hardship to remove them. He did not think these locations would cause a traffic hazard. It was necessary to bring these cases before the Board to clear the title. All other houses in the subdivision are located correctly and are built so this could not set a

prescedent. There were no objections. Mr. Dawson moved to grant the application because the mistake was unintentional on the part of the surveyors and it would work a distinct hardship to make the company move the buildings and also because this is a 60 foot road instead of 50 feet as required. Mr. Piggott seconded. Carried.

14 - Mrs. Charles McGuire, for permission to allow garage which has been converted into a dwelling to remain on 2-1/4 acres, said structure located 10 feet from present permanent dwelling, FallsChurch District, Lots 81, 83-B and part of 76 and 96, Southern Villa Subdivision. Mrs. McGuire said this garage was originally their home while building their permanent home. She wished now to use it for her parents who were old and could not walk up and down the steps into the house. Mr. Smith said that by granting this they were giving sanction to two separate dwellings. They are frame construction. Mr. Dawson moved to grant the application for one year, due to an undue hardship. Mr. Smith seconded. Carried.

DEFERRED CASES:

H. W. Fisher for 18 foot setback from street right of way on Lot 66, Section I, Guilford Subdivision. This case was deferred to view the property - but the Board had been unable to see the house in question. Mr. Dawson moved to defer the case to view the property. Seconded, Mr. Piggott. Carried.

Leo Zelinski, to construct duplex dwelling. This had been deferred for a ruling from Mr. Marsh on granting a duplex with less frontage than required. Mr. Marsh had stated that the Ordinance was very clear on this - the Board did not have the right to grant a duplex in this case. Mr. Dawson moved to deny the case due to the decision of Mr. Marsh. Mr. Piggott seconded. Carried.

The case of James McWhorter which had been put at the bottom of the list was taken up. This is a general business district. Mr. McWhorter has a contract with American Oil Company. The building will be 52 feet from the front property line and the pumps are requested to be 25 feet. This will allow cars to pull in on either side of the pumps. There were no objections. Mr. Dawson moved to grant the application as per the blue print presented. Mr. Smith seconded. Carried.

The Chairman read two letters to the Board - one from VEPCO requesting a rehearing on the request for relocating sub-station on Lynch property between Annandale and Lincolnia. The other letter was from Mr. Hugh Marsh, Commonwealth's Attorney, requesting the Board to reopen the case, and stating that he would like to be present at the rehearing to advise the Board if they so wished. Mr. Lynch

December 19, 1950

was present and objected to the rehearing. Mr. Dawsom moved to rehear the case January 16, 1951. Mr. Piggott seconded. Carried. The secretary was instructed to notify Mr. Marsh of the date and time.

J. W. Brookfield Acting Chairman

S. Cooper Dawson,
Chairman.

* * *

January 2, 1951

A Special Meeting of the Fairfax County Board of Zoning Appeals was held January 2, 1951, in the Board Room of the Fairfax County Office Building at 10:00 a.m. with the following members present: Messrs Dawson, Brookfield, Smith, Piggott. Mr. White, Zoning Inspector, was also present.

Mr. Brookfield acted as Chairman.

1 - A. H. Salter, for permission to allow addition of garage and porch to remain 6 feet from side property line on Lot 50-A, Accotink Heights, Falls Church District.

Mr. Salter located the subdivision and showed his plats. He said the dwelling had been laid off properly and the place sold. While he was away the new purchasers had asked that the building be turned around on the lot - to put the chimney and porch on the opposite side and in so doing the building was located too close to the side line. Mr. Salter did not know of the change and the violation was not discovered or known to him until the house was completed and the loan company was investigating the property.

Mr. Brookfield thought that since the lot is a larger one than required there was sufficient protection and that it would work a distinct hardship not to grant the application. He made a motion to this effect. Mr. Smith seconded. Carried.

Mr. Vernon Lynch addressed the Board. He stated that in view of the reopening of the case of the Virginia Electric and Power Company regarding relocating of the substation on his property, he would like to have the Board view the property in advance of the next meeting in order to save time and repeated testimony at the final hearing. Mr. Lynch has offered two other sites which he wished to show the Board. He felt that if the case were appealed to the Circuit Court - it would simply be a reviewing of the legal aspects of the case rather than rehearing the testimony and that the hearing before the Board of Appeals was the important hearing. The

January 2, 1951

Board was agreeable to the suggestion. Mr. Dawson moved that the Board view the property and return to read minutes after lunch. Mr. Smith seconded. Carried.

J. W. Brookfield Vice Chairman

S. Cooper Dawson, Chairman.

* * *

January 16, 1951

The Regular meeting of the Fairfax County Board of Zoning Appeals was held January 16, 1951 in the Board Room of the Fairfax County Office Building at 9:30 a.m. with the following members present: Messrs Dawson, Brookfield, Verlin Smith, Piggott, and J.Bryant Smith. Mr. Schumann, Zoning Administrator, and Mr. White, Zoning Inspector, were present.

TheBoard members read minutes for the first half hour.

1 - Otis H. Ellis, for permission to locate detached garage 2 feet from rear property line on Lot 23, Block E, Section 2, Columbia Pines, 820 Richard Place, Falls Church District. Mr. Ellis was ill and unable to be present. He asked that his case be deferred until January 23rd. There were no objections. Mr. Brookfield moved and Mr. Piggott seconded that the case be deferred as suggested. Carried.

2 - Woodley South, for permission to construct addition to dwelling, carport and storage room, to come 9.22 feet from side property line, Lot 1-A, Section I, corner Lee Boulevard and Manor Road, Woodley South, Falls Church District.

Mr. Lunter represented the Company. He drew a map location of the building and lot and the board. The structure is completed. It was located in error by the field party and was discovered when certified plats were made. The enclosed storage area is 4 x 6 feet - the entire building is frame. There were no objections. Mr. Smith suggested that the lot was small and this was adding to the crowded condition. He moved that the applicant be granted permission to leave the carport, only, as it is located, provided no part of the carport shall come less than 10 feet from the side property line. Mr. Brockfield seconded. Carried.

3 - Lake Barcroft Estates, for permission to construct carport on front of dwelling with less than the required setback, Lot 75, Section I, Lake Barcroft Subdivision, on Lake View Drive, Falls Church District.

The architect explained the plats. He said the lot was pie shaped-

and a high sloping knoll jutting out into the lake. No part of the house itself touches the setback line. Since the lot slopes in such a manner the house is built on two levels and there is no other place for a garage. It faces on a Cul-du-sac. It would be too expensive to locate the house back farther because of extensive filling. The lot has approximately 13,000 square feet. The carport would come approximately 28 feet from the front property line. Mr. Smith thought it advisable to view the property before making a decision. Mr. Brookfield moved that the case be deferred until January 23rd when the Board would view the property and make their decision on the ground. Mr. Piggott seconded. Carried.

4 - L. A. Childress, for permission to erect detached garage within 2 feet of side property line, Lots 58, 59, 60, Block 5, West Mc Lean Subdivision, Providence District.

Mr. Adams represented the applicant. He stated that the land slopes in the rear of the lot and would be very expensive to build up to locate the garage properly. The neighboring house is approximately 40 feet from the side line. Mr. Dawson said the Board could not allow a 2 foot setback on frame construction (which is what this would be). Mr Brookfield moved to grant the applicant a 4 foot setback from the side property line. Mr. Piggott seconded. Carried.

5 - Alan Cason, for permission to erect detached garage within 54 feet of Pine Drive, and 64 feet from Sipes Lane, Falls Church District, on Lot 12, Block E, Fairdale Subdivision.

Mr. Adams represented the applicant. Mr. Smith said this was the logical place to locate a garage but he thought it was crowding the lot too much. Mr. Brookfield moved to grant the application because it would cause a minimum fire hazard and that the plat shall be made a part of the records. Mr. Smith seconded. Carried.

6 - Mrs. Glynn R. Donaho, for permission to use second floor of detached garage as a dwelling unit; garage being 4 feet from side property line and 4 feet from rear property line, on approximately 1/2 acre on the NW corner of the intersection of Route 236 and Quaker Lane, Falls Church District. Mrs. Donaho said the Health Department had approved the use of their present septic tank and gave them permission to tap on to their present pipe - since the present tank is new and adequate. She has city water. The property has the area and frontage required but cannot meet setbacks for the second dwelling. Mr. Schumann said the matter of setbacks was the only matter in question - that Mrs. Donaho had the right to locate a second dwelling on her property, that if she could meet the setbacks there would be no point in coming to the Board.

Mr. Godfrey objected and presented a petition of 7 names against the aoplication. He owns the property joining and all signers of the petition were residents near the Donahos. Mrs. Donaho was granted a

variance on the garage setback some time ago and planned then to use the second floor as an apartment but did not ask for it from the Board. It was suggested that this living unit be classed as a guest house. Mr. Godfrey said he objected to occupancy of the garage as a living unit under any circumstances. He wished to maintain the character of the neighborhood. Mr. Brookfield moved to deny the application because to grant it would be violating the Zoning Ordinance. Mr. Piggott seconded. Carried. Mr. Smith did not vote.

7 - Frank B. Hand, Jr., for permission to construct addition to non-conforming cottage - said addition to come 8-1/2 feet from side property line, on one acre located on Waverly Way, approximately 1000 feet north of Chain Bridge Road, Langley Farms, Providence District.

Mrs. Hand stated that this would merely be an addition of a bath room for her maid. Mr. Smith had seen the property. He said that because of topography there could be no access to the road and the property could not therefore be subdivided and resold. He felt that the addition was not an unreasonable request. This would not be used as a dwelling since there will be no cooking facilities. The building is old and inadequate for occupancy. There were no objections. This is an old subdivision with considerably more ground than required in each lot. Mr. Brookfield moved to grant the application. Mr. Smith seconded. Carried.

8 - Larchmont Corporation, for permission to locate dwelling 30 feet from Woodley Place (side line) instead of 40 feet as required, Lot 11, Section II, Poplar Heights Subdivision, 101 Woodley Place, Providence District.

Mr. Jack Williams appeared for the Company. Mr. Schumann explained that this property was subdivided in the only manner possible. In order to get the proper size lots and put in the street - this pie shaped lot was left. Mr. Luttrell, who owns the adjoining property, would not sell when approached to secure more land in order to make the lot wider to meet setbacks. The road had to go in its present location to get proper lot sizes. There is no way the developer can acquire more land to increase the width. If a variance is not granted the lot cannot be used. Mr. Smith thought this would set a precedent for other builders and developers - that they might continually have ill shaped lots up for variances. It was suggested that the house be located nearer the side line on the wider part of the lot. Mr. Williams said he had construed that to be the rear line since in the Falls Church Ordinance the side opposite the narrow frontage is considered the rear and also he wanted to leave more space between this house and the neighbor. Mr. Williams said there would be no question of this setting a precedent because all the

lots near have been built on and located properly. He said also creating a difficulty was the house on the adjoining lot which was already built when this property was purchased. The setback for this is correctly established.

Mr. Schumann informed the Board that this house in question is already built. Mr. Smith said he would like to view the property and made a motion to that effect - that the case be deferred until January 23rd to view the property. Mr. Piggott seconded. Carried. Mr. Brookfield not voting.

DEFERRED CASES:

H. W. Fisher, to allow addition to dwelling to remain 18 feet from street right of way, Lot 66, Section I, Guilford Subdivision, Mt. Vernon District. This was deferred to view the property. Mr. Brookfield had seen the property and said the way the house faces this addition does not break the building line,that the development near is not too good. The room is definitely an addition to the house and to the neighborhood and certainly would not damage anything. There were no objections. Mr. Jack Wood represented the applicant. Mr. Brookfield moved to grant the application because it does not adversely affect adjoining property. Mr. Smith seconded. Carried.

Virginia Electric and Power Company, to relocate substation on the north side of Rt. 236 near intersection with Rt. 797, Falls Church District. This case was scheduled for a rehearing at the request of the Company to present new evidence.

Mr. Lynch presented a letter to the Board asking for a continuance because his attorney could not be present. Mr. Brookfield said Mr. Marsh was supposed to be present and he did not want to take action until Mr. Marsh could be present. Mr. Anderson, attorney for VEPCo. introduced Mr. Ralph Ferrell who handled the case for the company. The Board held the case until Mr. Marsh would be present.

Mr. Schumann asked the Board if they would reopen the Norman Loe case or give him instructions regarding occupancy of the apartment. Mr. Loe was given until January 1, 1951 to abandon the use of his dwelling as a two family building but since the Alexandria Annexation suit was not yet settled and the present use had not been abandoned, Mr. Schumann asked - should he give Mr. Loe notice to abandon the use within 7 days or proceed immediately with police action. Mr. Smith thought the Board had been very lenient with Mr. Loe. Mr. Brookfield moved to give Mr. Loe 7 days more to vacate the apartment. Mr. Smith seconded. Carried. The Board voted to give Mr. Arthur Leib 15 days to remove the porch which was in violation and on which he had been given until January 1, 1951 to remove. Motion of the Leib case - Mr. Brookfield and Mr. Smith, Carried.

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Mr. Schumann told the Board that there were two cases of 2 family dwellings in Ravenswood - both have the area and frontage but deed restrictions say a second family cannot live in the basement. These are basement apartments. Mr. Marsh has said the Board can grant these insofar as zoning is concerned but that the applicant would have then to deal with the land restrictions. Mr. Schumann asked the ~~too~~ Board if they wished to hear these cases - or would they throw them out because of the restrictions - saying they had no jurisdiction and would not handle the cases. The Board agreed to handle them.

The Board adjourned for lunch - to hear the VEPCo case at 1 o'clock. Mr. Brookfield acted as Chairman.

VEPCo. The letter from Mr. Ball requesting continuance because of pressure of business and a misunderstanding of the date of hearing was read. Mr. Ferrell objected to the continuance since VEPCo had made lengthy preparations and had no knowledge of the request for continuance until just now. He felt that the case could be continued indefinitely at this rate and already much time had been lost. Mr. Marsh came in at this time and said the hearing of the case was entirely up to the discression of the Board. Mr. Ferrell said since the condemnation proceedings were going forward, time was important to them as they would have to have ample time to readjust themselves after the hearing. His company would be greatly inconvenienced by any more delay. The Chairman ruled that the Board would hear the case.

Mr. Ferrell presented 15 Exhibits to the Board, to be used as evidence, detailing steps in negotiations between Mr. Lynch, VEPCo. and the State Highway Department.

Mr. Ferrell said it was his contention that the Company actually did not have to come before the Board for this use since a recent amendment to the Code covering procedure in acquiring land, granting the right to the State to acquire new land when a utility company is on their land and also the right of eminent domain. But the Company is complying with the Zoning Ordinance requirements.

Mr. Wm. Blake, District Engineer for VEPCo. was sworn in. He went over each site considered by the Company in their search for a new location when it was discovered Mr. Lynch did not want the station at this present location. Mr. Blake explained the requirements for incoming and outgoing lines to the substation, the difficulties in acquiring rights of way on each of the sites and the inefficiency and expense involved in locating on any of the sites proposed. He reviewed his negotiations with Mr. Lynch from the start, his contact with property owners and the Highway Department. Eash site selected by either Mr. Lynch as a substitute or each site considered by the

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Company was found to be impractical.

(Mr. Marsh left for a meeting - saying to call him back if a legal question arose) Before leaving Mr. Marsh gave his opinion of the case. He did not feel that the Zoning Administrator should be superior to the rights of a public service corporation who have right of eminent domain. Mr. White suggested that the Zoning Ordinance prescribes what may be put in various zones in the county. He read from the Ordinance granting this power to the Board of Zoning Appeals. Mr. Marsh doubted the legality of such a power. It was the same thing with regard to the state highways, Mr. Marsh thought. They could not be told where to put the roads - that the good of the many is more important than the harm that could be done to a few. Mr. Ferrell said that is the position of the Company - the right of eminent domain exempts them.

Mr. Blake gave an estimate of the cost of moving the substation to Site No. 2 which had been suggested by Mr. Lynch. It would be at least $13,000 without additional cost of rights of way. Also there was neighborhood objection on this site. He had been advised also by the Highway Department that this was too great an additional cost. On each site considered, the cost was prohibitive, there were objections and it was impossible to get the entire rights of way. Last week, Mr. Blake said, Mr. Lynch had suggested a sight at the SW corner joining the Bennett property and his property. He had refused before to consider this site - therefore no estimate had been made on this site but that it was evident the cost of relocating would be at least $3,000 more than the present site with line relocations running into more than $4500 - a prohibitive cost. This would not include damages.

Mr. Ferrell stated that in the beginning this land was agricultural in character but that the load had increased gradually up to 1944 then in 5 or 6 years it had increased seven times. Now the Company is looking forward to more growth and will need all the area requested in their condemnation suit. Also a large part of their ground would have to be devoted to setbacks - 47% to be exact. The plot plan was discussed. There would be room for landscaping, also room for additional machinery for the added load.

Mr. Smith recalled that many of the sites suggested were not within the required "adjacent" area.

Mr. Ross from the State Highway Department was sworn in. He is the State right of way man. He said the state would almost have to insist on site No. 1 because of the cost.

Mr. F. W. Clarke was sworn in. He had been employed by the Company as the broker to find a site. He reviewed his attempts to locate suitable ground, his talks with Mr. Lynch and his inability

to find anything satisfactory to the company and Mr. Lynch.

Mr. Schumann stated that there was information which should be put before the Board regarding future development and future requirements. The present right of way of Rt. 236 is 105 feet, a 21 foot easement and future subdivision development on this property would no doubt require a 30 foot service road. This would require a 50 foot setback from the right of way of the service road. A 200 foot depth for the substation would not meet this setback if the service road is put in. If there is not space left for the service road and the substation is located 50 feet from the present right of way it would be jutting out in front of dwellings which would have to observe the greater setback. He wished VEPCo could go back farther in order to allow for the good of future planning. They should have 47 feet more in depth, to meet this requirement.

Mr. Lynch said he would rather have this greater setback observed and would prefer to sell the company the extra ground.

Mr. Ferrell said that since the condemnation suit was taking only 200 x 200 feet they could not agree to get more land but that he was sure the company would be willing to acquire the land from Mr. Lynch and observe that setback and allow the service road to go in - but he could not commit the company to that at this time.

There was considerable discussion of rights of way between Mr. Lynch, Mr. Ferrell and Mr. Ross.

Mr. Lynch then presented his case and reviewed his conferences with VEPCo. He definitely did not want the substation at site No. 1 or any other place on his land but if it is necessary to have it - he would give proper rights of way to a new location more suitable - in exchange for the rights of way now used.

Mr. Ferrell asked if the Board could grant a use permit with the possibility of the company pushing back farther if an agreement could be reached with Mr. Lynch with regard to getting more land. This was discussed.

Mr. James Wollan who owns near site No. 1 said he had no objection to the present site.

Mr. Lynch asked the names of those the Company had contacted since the November 21st meeting. Mr. Clarke said he had seen the Whites and Mr. Long.

Mr. Lynch said that Pinecrest is a good development and he is expecting to subdivide along the Pike and there would certainly be damages to his property to have the substation remain in its present location. He read from the Ordinance regarding "affecting adversely the use of neighboring property," and stated that the

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Board, in his opinion, has no authority to grant anything detrimental to residential development. Mr. Lynch said the Whites were willing to give a right of way. A statement was read signed by the Whites agreeing to the right of way necessary.

Mr. T. F. Crosby was sworn in. He is employed by VEPCo as a right of way agent. He said Mr. White wanted $3,000 for the line right of way coming from Falls Church and would not consider the right of way in from Route 236.

In view of the added cost in getting other locations Mr. Ferrell said Site No. 1 was the only practical location for the station. He stated that the station was already there affecting adversely other property - that was an accepted fact - merely moving it back would not change conditions. Mr. Smith said it was this increase in installation that he objected to.

Mr. Lynch stated that the Company is asking for 8 times as much ground as they now have.

Mr. Ross said this substation location was a vicious circle-there would always be objections and that the Highway Department would not consider a site at the added cost shown on the various locations presented.

Mr. Brookfield said in his opinion site No. 1 was the only possible location but since the condemnation suit had been filed the Board could not require the Company to acquire more land and set the station back as it should be and as suggested by Mr. Schumann.

Mr. Dawson said he did not like the idea of granting site No. 1 but in view of the evidence and Mr. Marsh's opinion he felt it was the only decision they could make - to grant the application.

Mr. Smith agreed but he felt that the expanded use did affect the joining property adversely - but due to the evidence and unusual circumstances it left the Board no choice in its decision.

Mr. Schumann asked if the Board granted the application that conditions be attached taking care of the service drive, that that should be put in the motion.

Since the Board did not wish to form the motion hastily the Chairman asked for a recess of 20 minutes to draft a motion. Mr. Smith made the motion and Mr. Dawson seconded.

The following motion was made by Mr. Smith: That the application be granted because evidence shown indicates this site to be the most practicable location for such station to serve the maximum area and the unusual circumstances surrounding this case. The Board acts under the section of the Zoning Ordinance on Page 1 of the Ordinance referring to the Acts of the General Assembly - specifically under the clause referring to the General Welfare of the Community, rather than Section XII, Subsection F, Paragraph 2-b, be-

cause the Board recognizes that this location of the substation affects adversely the use and development of the adjoining property but it is essential that the area be served with electricity. The Board requests that Virginia Electric and Power Company cooperate, to the maximum, with the Zoning Administrator, the Highway Department, and Mr. Vernon Lynch regarding a service drive and zoning restrictions along Route 236, to conform to development anticipated on the adjoining property.

The meeting was adjourned.

S. Cooper Dawson

S. Cooper Dawson, Chairman

J. W. Brookfield, Vice,

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January 23, 1951

A Special Meeting of the Fairfax County Board of Zoning Appeals was held January 23, 1951, in the Board Room of the Fairfax County Office Building at 9:30 a.m. with the following members present: Messrs Dawson, Brookfield, Verlin Smith, Piggott, and J.B.Smith. Mr. White, Zoning Inspector was present.

Mr. Mooreland was also present on the first case, P. B. Morrison.

The Chairman asked for nominations for officers (Chairman and Vice-Chairman) for the coming year. Mr. Brookfield moved that Mr. Dawson continue as Chairman and Mr. V. Smith seconded. Carried. Mr. V. Smith nominated Mr. Brookfield as Vice-Chairman. Mr. JB Smith seconded. Carried.

1 - P. B. Morrison, for permission to locate building and gasoline pumps 50 feet and 30 feet respectively from Leesburg Pike right of way, on 21,329 square feet on Leesburg Pike, at proposed Walter Reed Drive, Carusillo Tract, Falls Church District.

The present right of way was discussed. The property on both side of Mr. Morrison are zoned General Business which allows them a lesser setback than the applicant. On one side is a gasoline filling station, which would work a definite hardship with Mr. Morrison to have to set his pumps back to conform to a Rural Business Zoning. The temporary pumps now installed will be moved when the right of way is widened, in accordance with a former application. Mr. Smith moved to grant the applicant - setbacks to conform to adjacent property on both sides of him. There were no objections. Mr. Piggott seconded. Carried.

DEFERRED CASES:

O. H. Ellis, for permission to locate detached garage 2 feet from rear property line, Lot 23, Block E, Section 2, Columbia Pines, Falls

January 23, 1951

Church District.

This application was deferred from January 16th because of Mr. Ellis' illness. Mr. Ellis said he already had a cinderblock garage back of his house but it spoiled his landscaping and takes up a greater part of his yard - garage and driveway. He wants to either move this cinderblock garage (if it is found to be practical) to within 2 feet of his rear line or if that is impractical to tear this present garage down and construct a new garage within 2 feet of the rear line. He showed pictures of his lot - giving the approximate location of the proposed garage, driveway and retaining wall he will build. There were no objections. A 8 foot bank is at the rear of his lot - he will excavate into that to locate the garage. It will observe the side setback. Mr. Ellis said there were lengthy covenants on the ground and each new structure had to be approved by a covenant committee - which approval he had already secured. Mr. White thought this a satisfactory arrangement, and saw no objection. Mr. Smith moved to grant a garage 2 feet from the rear line if of masonry construction or 4 feet from the rear line if frame construction provided the existing garage is removed or moved to the second location. Mr. Piggott seconded. Carried.

Mrs. Glynn R. Donaho, for permission to use second floor of detached garage as dwelling, property located on corner Quaker Lane and Rt. 236, Falls Church District. Mrs. Donaho, represented by Mr Lillard, asked to have this case reopened. It was denied at the January 16th meeting. Mrs Donaho said since she had the required frontage and area for the second dwelling she could move the garage to face on Quaker Lane and meet all required setbacks but she would prefer to leave the garage in its present location and she thought the present location would be less objectionable to her neighbor. For this reason, Mr. Lillard said, they were asking a rehearing. Mrs. Donaho said if the building remained as it was they would use it only as a guest house or servants quarters but if they moved it they would rent it. Mr. White suggested that the present location was far more desirable. Mr. Smith said he wished to view the property. Mr. Dawson thought it would detract from the present yard and dwelling to relocate the garage as suggested - facing Quaker Lane. Mr. Smith moved to rehear the case February 20 and in the meantime to view the property and that all interested parties be notified. Mr. JB Smith seconded. Carried.

The case of Norman Loe was brought up with Mr. Lillard representing Mr. Loe. Mr. Loe introduced his tenant, Col. Ahee. The Col. is having a house built which was supposed to be completed last November but it is still unfinished and would ask the Board to extend the time of occupancy of the apartment for another two months during

which time the new home will (it is hoped) be completed.

Mr. Hamilton who had objected to the duplex dwelling said he did not object to the extension of two months, the apartment to be occupied by the present tenant, but he wished Mr. Loe would agree not to try to use his building as a duplex if this property goes into Alexandria by annexation. He felt that if a tenant is in the house when annexation is effective it might be easier for Mr. Loe to have the right of a duplex granted. Mr. Loe said he was not obligated to any such agreement. Mr. Smith said that had nothing to do with this Board, the only thing the Board could do would be to act on the property within the county - now.

Mr. Lillard thought the annexation appeal would either be denied and settled within a month or if the appeal is granted it could be 9 months before annexation is settled.

Mr. Smith moved that the present tenant, Col. Ahee, be permitted to remain in the apartment until his dwelling now being constructed for him is completed or for 60 days - whichever is the lesser period. Mr. Piggott seconded. Carried.

Mr. Mooreland asked for time to speak to the Board. He related the case of Mary Ball and Mr. Hamilton. They had asked for right to have a second dwelling on their joint property, for one year after which time the first dwelling would be torn down and the Board had granted this - December 1949. It was found that they could not meet the proper setback on the second dwelling so they came to the Board March 21, 1950 and asked for a 42 ft. front setback on the second dwelling. It was granted. The applicants had construed this to be an addition to their dwelling and the minutes referred to granting an 'addition'. However the actual motion was to grant the application which was for a 42 foot setback. The second dwelling is not attached to the first dwelling and now both stand on the property as separate dwellings. Mr. Mooreland asked the Board if he should make the applicant tear down the first dwelling - the buildings are very close together, or what was the suggestion of the Board in handling this case. It was suggested that if a connection were made between the houses and one kitchen unit taken out it could be considered one dwelling. Mr. Mooreland asked what affect this might have upon future development - or if the property were sold. Mr. Smith questioned the word 'addition' in the minutes suggesting it might be a typographic error. No motion was made - the Board thought it satisfactory to allow the two buildings as suggested - with the one kitchen unit.

Lake Barcroft Estates, for carport setback on Lot 75, Sect. I, was deferred to view the property. The Board adjourned to the property and granted the application, Mr. Brookfield making the following

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motion: That the application be granted due to topography. Mr. Piggott seconded. Carried. This decision was made on the ground. The Board viewed Larchmont Corporation's deferred case for 30foot setback on Lot 11, Sect. II, Poplar Heights, but took no action. Adjourned.

S. Cooper Dawson
S. Cooper Dawson, Chairman

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January 30, 1951

A special meeting of the Board of Zoning Appeals was held January 30, 1951 in the Board Room of the Fairfax County Office Building at 10:00 a.m. with the following members present: Messrs Brookfield, Verlin Smith, J.Bryant Smith, and Piggott.

Mr. Brookfield acted as chairman.

1 - The Texas Company, for permission to locate gasoline pump islands with less than the required distance from Leesburg Pike and Shirley Highway access Road than required on Parcel C, Section 2, Fairlington, Falls Church District.

Mr. F. A. Reagan represented the Company. He stated that the Company would like a 15 or 17 foot setback from the property line. Mr. J. Bryant Smith ~~Brookfield~~ said this was an important intersection and he would like to see the property - the other Board members agreed. Mr. Smith ~~Brookfield~~ moved to defer this case either to a special meeting which is tentatively planned for February 13th or if this meeting is not held, to defer to February 20, 1951 and in the meantime to view the property. The secretary was instructed to notify the Texas Company. Seconded by Mr. Verlin Smith. Carried.

2 - Edith Moore, for permission to use as duplex building on 2.63 acres known as part of Lot 23, Marguerite Perrill Subdivision, Falls Church District.

Mrs. Moore said this was an old house (before the Ordinance) which had been remodeled into separate living units. They wanted to rent part of the house to help make payments on the property. It is a 12 room house of frame construction.

The Chairman asked for objections. Mrs. Morrow presented a petition with 19 names objecting - stating the following reasons: No permit forremodelling to a duplex, it is a single family neighborhood, has

a dug well with bucket, sewage disposal by privy, protested to Health Department, this is a good neighborhood with considerable investment on development. This is depreciating to neighborhood property.

Mr. Omer Hirst spoke against this application. He has developed a good section near Mrs. Moore and while he regretted a hardship to the applicant he felt that a definite pattern has been established and this type of development would impair loans on surrounding land. The building is in bad repair, the ground badly treated, an accumulation of cars in the yard - to grant this would be a hazard because of the sub standard building housing so many families.

There were 11 people now living in the house. Mrs. Keys said she had a 10 room house which she had wanted to convert to two family dwelling and was told it could not be done. Mr. Smith moved to refuse the application because it affects adversely adjoining property and does not conform to the Zoning Ordinance. Mr. JB Smith seconded. Carried.

3 - Bernice Carter Davis, for permission to allow dwelling to remain with less front and less side setback than required, 21,990 square feet, Wellington Villa, #4 North Down Road, Mt. Vernon District.

Mrs. Davis and Mr. Cole, the purchaser, appeared before the Board. Mrs. Davis said she had bought this little old non-conforming building which was 3 feet from the right of way and remodelled it into an attractive dwelling. Since the original building was non-conforming and her addition did not further encroach on the violation she had been given a permit from the Zoning Office to construct the addition. Mr. Smith felt that the issuance of this permit without the applicant first going before the Board was illegal.

Mr. Cole had requested Mrs. Davis to make this application not for the reasons stated in the application but to have the Board grant him the right to build back on the same foundation if the house were more than 50% destroyed by fire. Mr. V. Smith said this was certainly not within the legal jurisdiction of the Board.

Mrs. Davis and Mr. Cole showed the contour and topography of the lot - and how impractical it would be to have to build in any other location. The ground slopes immediately in all directions from the present dwelling and if one pushed back to the 50 foot required setback it would be necessary to build a three level house.

Mr. Cole said this was not actually an abutting house as the Federal Government owned property between the Mt. Vernon Memorial Highway and this property. The addition put on by Mrs. Davis does not further encroach upon the violation. But the fact that the dwelling cannot be built back on the present foundation if more than 50% destroyed has placed a cloud on the title and insurance.

January 30, 1951

It is in his contract to buy that this acception must be granted to allow construction if more than 50% destroyed. Mr. Cole drew profiles of the topography.

Mr. Brookfield said the Board could not do this. Mr. Smith moved that the applicant be permitted to leave the present dwelling as per plat attached, due to topography. Mr. Piggott seconded. Carried.

Howard Johnson, Inc., of Washington, for permission to construct addition to existing building to extend to rear property line, which line is a 30 foot road, Lots 21, 22, and 23, Rust and Smithers Subdivision.

Mr.Terry represented the Company. He stated that the Health Department had ordered them to enlarge their kitchen and put in toilet facilities for the help and increase their facilities or they would have to close up. He showed the plans to enlarge the present building and the new installation. There will be 12,524 square feet added. The building was built before the Ordinance.

Mr. Smith said this was certainly a very small area - he asked about the septic tank. Mr. Terry said he had a letter written by the Company agreeing to hook up to the sewer line as soon as it is available (there is no sewer line available at present). The Health Department has approved the septic tank until the sewer is available.

Mr. Brookfield said he did not like building up to the street line that there are dwellings using this street. Mr. Smith said there was a steep bank at the street entrance from Lee Boulevard and it was not very practical to use this as a thoroughfare as far as the public was concerned, that this was definitely an improvement and he thought no traffic hazard was created. Mr. Terry said the doors opening directly on the street could easily be changed to open on the side. TheBoard agreed that this was a serious violation. Closing the street was discussed. Also the purchase of land across the street. Mr. Smith moved to defer the application until February 20. Mr. Piggott seconded. Carried.

Larchmont Corporation. Mr. Smith moved to defer this until February 20th, Mr. Dawson not being present. Mr. JB Smith seconded. Carried.

Adjourned.

J W Brookfield Vice Chairman

S.Cooper Dawson, Chairman

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February 15, 1951

The Fairfax County Board of Zoning Appeals held a special meeting, February 15,1951, in the office of the Director of Planning, Moore Building, Fairfax, Virginia, at 10 a.m. with the following members present: Messrs Dawson,J.B. Smith, Verlin Smith, Mr. Schumann, Directof of Planning was also present. (No fee paid)

This meeting was called at the request of Mr. Vernon Lynch to request a rehearing on the case of Virginia Electric and Power Company for a use permit to relocate substation on his property on Route 236.

Mr. Lynch read a letter from Mr. Cornelius stating that he would sell approximately 1 acre of ground on the south side of Route 236, immediately opposite the presently located station to VEPCo for relocation of the station at a price of $6,000, including damages. Mr. Lynch pointed out that this man had never been contacted by VEPCo and therefore since it was a logical location for the station he requested a rehearing. He had not received this communitation from Mr. Cornelius until a few days ago and therefore could not reasonable have presented it at the last hearing.

According to Mr. Lynch, this would mean moving the station only 50 feet and the ground in question is low and unsuitable for development. Also ground on the south side of Rt. 236 very near is already zoned for business. The general character of the neighborhood would not be materially harmed since it is all either business or low undesirable for subdivision development.

Mr.Anderson, representing VEPCo said this would mean three lines crossing the street and he did not know if it would be practical from an engineering standpoint. Also, Mr. Anderson did not think a rehearing was in order since this sort of thing could continue indefinitely. He also stated that the Highway would have to be contacted since they are paying the bill and the needs of rights of way would have to be considered.

Mr.Schumann said he felt that Mr. Lynch had met the requirements of the Ordinance in asking for a rehearing since he has submitted new evidence which was impossible to have presented at the regular hearing.

Mr. Anderson said theBoard should have advice of council in granting a rehearing, that the application originally did not include any other site - it was simply requesting a use permit for the one site and that had been granted. No statement was included considering another site, that the case was tied to that particular location and hinged on evidence presented at the hearing.

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Mr. Lynch said Mr.Schumann had consulted with Mr. Marsh and said it was satisfactory to grant the rehearing.

Mr. Dawson said it might be proper to rescind the action of the Board at the last hearing and reopen it on the basis of this new evidence. Mr. Schumann stated that this would have to be done at a regular meeting, publishing and posting the new site suggested. He reviewed the actions of the Board denying the case to find a new site, then since no new site was found the first site was granted. Now, since a new site was found, Mr. Schumann thought it logical to reopen the case on these grounds. Also if the Board rescinds their former action VEPCo will have to apply for a use permit on the new site. Mr. Anderson said he could see no end to this - new sites could be bobbing up indefinitely. He felt council should be consulted.

Mr. Lynch stated that if he took the case to court it would simply be decided whether or not the Board had acted legally - the evidence would not be reviewed. Mr.Schumann read from the Code showing that the evidence would be reviewed and the case heard on its merits.

Mr.Anderson said it was not up to the Courts or the Board to decide where they should locate their substation, that was in effect, taking over operation of the Company.

Mr. Smith thought the Board was within its rights to revoke the action taken before and consider another site. He felt Mr. Lynch should be able to show that the new site would affect him less adversely than the present site.

Mr. Lynch quoted from the Ordinance showing that the Board did not have the right to grant a use which would affect adversely neighboring property. Mr. Smith pointed out from the motion granting this first site that it was granted under the clause specifically referring to "general welfare of the community."

Mr. Anderson said there were two viewpoints to be considered here that someone is always damaged when a substation is installed and the general welfare has always to be considered - weighing one against the other. Mr. Anderson stated that VEPCo had tried to cooperate, had looked for another site and had gone far beyond the requirements but they have to have a substation and it must be in a central location and in locating it so, it would naturally damage someone but that also the general welfare must be considered.

Mr. Lynch said he did not think Mr. Cornelius or anyone else would be greatly damaged as the land was not good for development. He realized that VEPCo could condemn and take his land and that the Board is now his only recourse. He was of the opinion that this entire thing could be worked out with Mr. Ross of the Highway Department and VEPCo.

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Mr. Dawson said he felt it was fair to grant a rehearing. Mr. Lynch asked for a little time to try to work out an amicable agreement - perhaps 30 days. Mr. Ross had stated to him that there was no particular hurry.

Mr. Smith said he felt that the long negotiations indicated that there had not been good faith on the part of someone, that perhaps insufficient effort had not been used in finding another location. He felt that the Board had made a fair and equible decision but that new evidence should be considered. He moved to grant Mr. Lynch a rehearing. Mr. JB Smith seconded. Carried, unanimously.

A special hearing (without pay) was set for March 13,1951 in the Board Room.

Mr. Lynch said it might be practical for Mr. Cornelius to apply for a use permit (he himself would pay the advertisement) on the 13th. It might save time if the Board recinded their former action to grant this new site, that it might facilitate matters if it was known that the new site could be used as such.

It was agreed that Mr. Cornelius put in an application for use permit.

Adjourned.

S. Cooper Dawson
S. Cooper Dawson, Chairman.

* * *

February 20, 1951

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held February 20, 1951, in the Board Room of the Fairfax County Office Building, at 10:00 a.m. with the following members present: Messrs Dawson, Brookfield, Verlin Smith, J. Bryant Smith, and Piggott. Mr. Schumann, Zoning Administrator and Mr. White, Zoning Inspector, were present.

1. Frederick M.Cirule, for permission to erect detached garage with less than the required setback from side property line on Lot 310, Section 4, West Lawn Subdivision, 1108 Wesley Road, Falls Church District.

Mr. Adams represented the applicant. He explained that the ground slopes back of the proposed location of the garage, making it expensive to fill for the proper location. Mr. Brookfield moved to grant the application because of topographic conditions in this manner - the applicant allowed to locate the garage 2 feet from the side property line if of masonry construction or 4 feet from the side property line if of frame construction. Mr. Piggott seconded. Carried.

2. Mrs. Walter M. McNamara, for permission to operate play room and

nursery school in two store buildings, at Annandale, on the south side of Little River Pike, approximately 300 feet west of intersection of Columbia Pike and Little River Pike, Falls Church District.

Mrs. McNamara appeared before the Board. She stated that her idea was to furnish a service for mothers - to have a safe clean place for care of children while mothers were shopping or working. She had first planned such a business at Jefferson Village Apartments but the owners would not rent her the store because they could get more revenue from it for more commercial purposes. She had then found these vacant stores and had contacted many business men in the community who were favorable to such an installation. She planned to fence in the rear yard, approximately 1200 square feet with a high board fence for play. She had opened a store in connection with this play room and had found a very good response to it. Just a day ago she had found that there was opposition from some members of the Citizens Association. She stated that she would maintain high health standards and have perfectly adequate safety features.

Mr. Brookfield thought the front parking features would be dangerous. Mrs. McNamara said the children would be delivered to her door and would not again be on the street since the rooms and play yard would be adequate.

There were no objections from those present. Mrs. McNamara said there had been objections because of a restaurant next door to her- it was said it might be roudy and undesirable. She said she had been working with her store for two weeks and had seen no roudism and the restaurant owner had been most cooperative. At any rate she would not have the children in the school at night, and if the restaurant were ever undesirable it would be at night. She had contacted Mrs. Colcord of the State office. She showed her plan of the play room and fenced yard. Mrs. McNamara said she had not yet asked the approval of the Health Department and Welfare as they would first want to know that the use was granted.

Mr. Smith moved to grant the use permit for a period of one year, subject to the approval of the Commonwealth of Virginia Department of Welfare and Institutions and approval of the Fairfax County Health Department. Mr. Brookfield seconded. Carried. Mr.Brookfield suggested that there was a great need in the community for such a school.

3. Jonathan Woodner, Co., for permission to allow presently located warehouse to remain, for a limited period, with 29.65 foot setback from Graham Road, Lot 260, Section 4, Woodley Subdivision, Corner Graham Road and Woodley Drive, Falls Church District.

Mr. Lunter appeared before the Board. He said the warehouse was already built - built without knowing a permit was necessary and

without knowing the setbacks were not conforming to the Ordinance. He asked for a permit for a limited time, perhaps 18 months. The building was there strictly for construction purposes - storage of materials and was a temporary structure.

Mr. Schumann said his office had had difficulty in getting other temporary buildings removed but this action of the Board, if granting the application, would give the Zoning Office control over the removal of a temporary building.

Mr. Brookfield moved to grant the application for 12 months. Mr. Smith seconded. Carried.

4. Raymond E. Adrian, for permission to erect detached garage within 3 feet of side property line, Lot 7, Section I, West Lawn Subdivision, 803 Lee Boulevard, Falls Church District.

Mr. Adams appeared for the applicant. He said a concrete driveway was already constructed. He stated that the ground slopes two ways making it expensive to locate the garage properly because of the filling necessary.

Mr. Schumann recalled the joint meeting of the Board and the Planning Commission relative to 2 and 4 foot setbacks for garages. Mr. Smith said since they had already granted other similar cases he felt the Board would almost have to grant this. He moved to grant a garage 4 feet from the side line if of frame construction and 2 feet side setback if masonry construction. Mr. JB Smith seconded. Carried.

5. M. H. Powell, for permission to locate tool shed 2 feet from side property line, on part of Lot 7 (2.953 acres) on the south side of Rt. 672, approximately 1000 yards east of intersection with Rt. 674, Providence District.

Mr. Powell showed the plan of his lot development. He wishes to construct a 16 x 30 foot building for a shed. He has a trailer for storage and wished to have the building close to the line so it would not be necessary to make a driveway.

Mr.Schumann noted that the applicant had plenty of room to properly meet all setbacks. The grape arbor back of the buildings would not have to be disturbed if the building were put back in a conforming location. Mr. Smith said he would like to see the property.

Mr. Schumann also stated that the new garage amendment to the Zoning Ordinance did not include storage buildings or other accessory buildings. Mr. Smith thought the Ordinance should be observed. Mr. Powell said he was also trying to avoid a curve in his driveway. Mr. Smith said there was no hardship in an agricultural district, that he could see no reason for crowding so close to the line. It was different on small lots where the yards were so

narrow.

Mr.Brookfield moved to grant the building of masonry construction but withdrew his motion.

Mr. Smith moved to refuse the application because it does not conform to the minimum requirements and that Mr. Powell's land would be much better off for not granting this application. Mr. Smith added that if the Board granted this application in such an area it would affect adversely property in this area. Mr. Piggott seconded. Carried.

6. Mary C. Wrenn, for permission to have less setback from Horse Shoe Drive for existing detached garage than required, Lot 8, Old Courthouse Subdivision, Providence District.

Mr. Wrenn appeared before the Board. He related the history of his case, stating that his wife got a building permit in 1950 and was told by the Zoning Office that all that was necessary to procede was a sketch of the ground showing setbacks. They sent in a sketch and built the garage. Ten months later they were informed that the garage was in violation.

It was brought to the attention of the Board that the original plan of the garage showed that it was to be attached by breezeway-which if this had been done it would have been all right. However, when the garage was built it did not have a breezeway.

Mr. Mooreland was present. He thought there was blame on the part of both the Zoning Office and the applicant. The two sketches were never furnished and the applicant never asked for an inspection. Also the garage did not conform to the plot plan furnished. The applicant went ahead without a preliminary permit.

Mr. Schumann informed the Board that this condition would be legalized by a new amendment which was to be placed before the Board of Supervisors, ~~February~~ February 21st. Mr.Brookfield moved to defer the case. Mr. Piggott seconded. Carried.

7. Robert R. Richmond, for permission to construct addition to dwelling to come 23-1/2 feet from south property line, Lot 4, Pergande Subdivision, on Kerns Road, Falls Church District.

Mrs. Richmond appeared before the Board. She showed pictures of the existing porch which they wished to enclose and enlarge. Restrictions on the ground were discussed. The porch now is of wood construction. The applicant wishes to enclose it with cinderblock and brick. There were no objections. Mr. Brookfield moved to grant the application. Mr. Piggott seconded. Carried.

8. Jack R. Woodside, for permission to construct garage addition to present dwelling to come 5 feet from side property line, Lot 13, Burroughs Subdivision, ProvidenceDistrict.

The plan of the applicant is to construct a garage with an 11 foot

breezeway, of brick, the garage and a frame breezeway. The lot slopes too much to be practical to fill in. Mr. Woodside said, the fact was that after he had made the application he found he could very well put the garage on the opposite side of the house and meet setbacks - that he did not realize that at the time of applying. Mr. Smith said that since the applicant could and was willing to put the garage on the other side of the house he thought the case could well be denied. He moved to deny the application because it does not conform to minimum requirements of the Ordinance. Mr. JB Smith seconded. Carried.

9. Glen W. Leyde, for permission to have duplex dwelling, Lot 34, and part of 62, Section 2, Ravenwood, Falls Church District.

Mr. Hill, Attorney, appeared with the applicant. He stated that Mr. Leyde had purchased this house 8 years ago. Two years ago his wife died and he was left with three small children. After trying various means of having thechildren taken care of while he was working he fixed his basement for living quarters for a family. The man is working and his wife looks after his children. Before constructing this apartment he consulted the Ravenwood Committee or two members of the committee who approved the new construction. It would be a distinct hardship to the applicant to take out the kitchen equipment for the couple as it is the only means of adequately taking care of his family.

Mr. John Davis was present - opposing. He had the signatures of 19 near residents objecting to a duplex dwelling.

The applicant said that if he remarried he would use these basement quarters for servants only.

Mr. Davis said this arrangement had gone on for two years and it would be difficult to erase the prescedent established.

Mr. Dawson suggested that Mr. Davis take it up with the community and ask if granting this arrangement for one year would be objectionable to them and during that year Mr. Leyde could make other arrangements. Mr. Brookfield moved to defer the case until March 20. Mr. Piggott seconded. Carried.

10. Walter R. Chance, for permission to locate dwelling within 10 feet of side property line instead of 15 feet, on Lot 179, Section 2, Barcroft Estates, Falls Church District.

This is a pie shaped lot on a dead end street. The Chairman suggested moving the house back where the lot was wider. The applicant said he had spent a great deal of time figuring every way possible to get the presently designed house property on the lot and there was no solution. If he moved it back the slope was too great to have the terrace he wished. Mr. Dawson suggested that there were too many variances being asked in Barcroft. Mr.

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Schumann suggested viewing the property. He also asked that the house be staked out so the Board could see definitely where the building would be located. It was also suggested buying a 5 foot strip on the one side to give proper setback, since the neighbor-lot was not yet sold. Mr. Brookfield moved that the case be deferred and the Board view the property. Mr. Piggott seconded. Carried.

11. Russo Construction Company, for permission to allow dwelling to remain 38.9 feet from Berkeley Street and 14.4 feet from side property line, Lot 72, Section 2, Westhampton Subdivision, Providence Dist.

The house is already built, it was located in error but with very small variances. There were no objections. Mr. Smith moved to grant the application because it would be a distinct hardship to move the building and because the variances were very small and apparently the mistake in location was an honest one. Seconded by Mr. Brookfield, and carried.

DEFERRED CASES:

Larchmont Corporation, Lot 11, Section 2, dwelling 30 feet from Woodley Place, Poplar Heights, Falls Church District. This was deferred to view the property. Mr. Smith said it would be a distinct hardship to move the building (it is a brick house) and there is ample area on the lot and it would not affect adversely adjoining property. Also there would be no traffic hazard resulting. Mr. Brookfield moved to grant the application because it would be too expensive to move the house and because the house is already there. Mr. Piggott seconded. Carried.

It was discussed whether or not Larchmont could be required to purchase an extra 10 feet joining this land in the event land on that side of this lot in question is developed. It was added to the motion that the area of the lot should remain 10,806 square ft. Carried.

Mrs. Glynn Donaho, for a second dwelling on 1/2 acre, NW corner of Rt. 236 and Quaker Lane. Deferred to view the property. (Case reopened January 23, 1951)

Mr. Robert McCandlish represented Mrs. Donaho. He reviewed the case - the Board denied the application then Mrs. Donaho asked for a rehearing on the grounds of new evidence - placing the garage with required setbacks facing Quaker Lane.

Mr. Godfrey who had objected strenuously to the present location of the garage, did not object to Mrs. Donaho leaving the garage as it is as long as it is not rented and is used exclusively for guests or servants.

However, a letter was read from Mr. Weicking, who joins Mrs. Donaho on the garage side - objecting. Mrs. Donaho's attorney had

contacted all the objectors telling them of her intention to move the garage to face Quaker Lane.

Mr. Brookfield said the Donahos could legally divide this ground and actually have three dwellings if they wished.

Col. Donaho said the size of the garage had not been changed in the least - it was only the interior.

Mr. McCandlish stated that the neighborhood would suffer much more damage by moving the garage to face Quaker Lane than if left as it was now - and that Mr. Weicking is the only one objecting.

It was brought out that the Donahos would have a kitchen unit in the garage. Mr. Smith said this was the situation: Here was a citizen wanting the law upheld and he should be protected against someone who wanted to violate required setbacks.

Mr. McCandlish thought it was the right of the Board to grant a variance when no one is hurt and in this case no one was actually harmed by granting this use.

Mr. Smith thought the rooms over the garage would be all right if they did not contain a kitchen unit - strictly for servants. Mr. Brookfield moved to deny the application because it is in direct violation of the Zoning Ordinance. Mr. Smith seconded. Carried.

The Texas Company, for permission to locate gasoline pump island less than the required distance from Leesburg Pike and Shirley Highway access road, Falls Church District. Deferred to view the property.

The Company wants a 17 foot setback for the pumps instead of 30 feet. Mr. Smith drew a sketch on the Board showing the hazardous location of this filling station and suggested that any infraction on the required setbacks would be undesirable. Cars will be entering the Leesburg Pike and leaving at several different points and he thought any added infringement would not be in keeping with good planning. He moved to deny the application because of the great possibility of creating a traffic hazard at this point. Mr. JB Smith seconded. Carried.

Howard Johnson of Washington, Inc., (at Fairfax Circle) This case was deferred for the Company to try to do something about the 30 foot road in the rear of the building. The Company sent a letter that Mr. John H. Rust is trying to have the road vacated. They would therefore like to have the case deferred until such time as Mr. Rust could carry out this plan. Mr. Piggott moved to defer the case. Mr. V. Smith seconded. Carried.

Adjourn.

S. Cooper Dawson

S. Cooper Dawson, Chairman

* * *

March 13, 1951

A Special Meeting, without fee, of the Fairfax County Board of Zoning Appeals was held March 13, 1951 in the Board Room of the Fairfax County Office Building at 10:00 a.m. with the following members present: Messrs Dawson, Verlin Smith, and Mr. Piggott.

10:00 Joseph Cornelius, for permission to locate substation on one acre of ground located immediately opposite the Annandale Substation, on the south side of Route 236, Falls Church District.

Mr. Vernon Lynch appeared for Mr.Cornelius who was unable to attend. Mr. Lynch read a letter from Mr. Cornelius to the Virginia Electric and Power Company offering to sell the land in question to VEPCo for $6,000 including all claims for damages. Mr. Lynch stated that this ground is the most logical location for the substation since the cost would not be greater for the Highway Department and the damages would be considerably less since property on the south side of the street was not so valuable as his for subdivision purposes. He also stated that he offered to sell the Highway Department the right of way 'which would include approximately 4-1/2 acres) for $2,000 per acre. This ground which he considers worth at least $3,000 an acre. The offer of this sale is contingent upon the substation being located on the Cornelius property. The Company's estimate of moving across the road is approximately $2700.

Mr. McCandlish represented Mr. Lynch. He stated that on the south side of Rt. 236 on the Cornelius ground only Mr. Smarr would be damaged as Mr. Cornelius borders his own land which he is offering for sale. He estimated it would probably cost 3 or 4 times more to build on the present location.

Mr. Smarr, the only objector and joining property owner,said he was planning to subdivide his ground and this would be depreciating to his property. He stated that he would sell to VEPCo for $6500 for 1/2 acre.

Mr. Ross, of the State Highway Department, spoke. He stated that the location of the sub-station did not matter materially to the State but it was his advice that the public would be better served by having the station on the Cornelius property because of the present development on that side of the street which would probably never require a service road. It is largely built up and with a great deal of business. The Highway Department does not like the wires crossing the road but that was not a serious objection.

Mr. Henry Anderson, Attorney for VEPCo, said they were present in neutral capacity but that they wished definitely that the rehearing scheduled for today on the previous case (which granted the use

permit to VEPCo on the present location) be postponed in case the Cornelius case is granted - this in order to arrive at a complete settlement between VEPCo, the State Highway Department, and Mr. Lynch and Mr. Cornelius. (This in the event the present application is granted.) This was agreeable to Mr. Lynch.

Mr. Lynch said in view of all the land that had been taken from him - 55 feet for the right of way, the electric right of way, and the proposed service road he thought it only fair to place the substation below the road, since the owner is willing to sell.

Mr. Ferrell, Attorney for VEPCo., mentioned the additional guy wires needed in crossing the road, which he said Mr. Lynch had agreed to.

Mr. McCandlish said property joining the Cornelius property-with the exception of the Smarr land is business and he considered Mr. Smarr's property far more valuable for business than for subdivision.

Mr. Smith questioned Mr. Ross regarding the relative cost of locating the station on the two pieces of property. Mr. Ross said that was not such an important element in the transaction and did not concern the Board, but that actually the most important thing is the service road.

Mr. Dawson thought the main question before the Board was the damage to Mr. Smarr. He also agreed that the damage was small because of the added possibility of business on the south side, that it was a logical place for business.

Mr. Smith moved that the application be granted because locating on this side of the road offers the possibility of providing a service road on the north side of Little River Pike and it affects less adversely adjacent properties on this location than on the location granted January 16, 1951 on the Lynch tract. Mr. Piggott seconded. Carried.

Mr. ~~Lynch~~ Smith moved that the application of Mr. Lynch for a rehearing on the decision of January 16th which was set for March 13, 1951, be continued until April 17, 1951. Mr. Piggott seconded. Carried.

Raymond W. Ewell, for permission to resubdivide three lots of record, containing a total of 32,254 square feet, into three lots each of which will contain 10,000 square feet plus and to allow less setback from front right of way line and side property lines on all three lots.

Mr. Ewell said he has three narrow lots of record which he could build on - brick house 7 feet from the side lines, but he cannot build attractive houses on these small lots which would be

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in keeping with the neighborhood - therefore, he had divided his lots as shown on the plat to give greater frontage with an area each of over 10,000 wquare feet. At present there is water but no sewer, that he had tried to hook up with one of the privately owned sewer systems but so far had been unsuccessful, however, he now had another plan which would be of advantage to the entire area. These lots would add to the County from the standpoint of good planning and better homes. He had been advised informally by the Planning Commission to try to divide the lots to better the situation there Several present opposing said lots joining were considerably larger but since Mr. Ewell was dividing the lots to make them so much better that they had no objection to that, but did have objection to more dwellings going in now because of the very inadequate sewer conditions. They told of the present conditions which were almost a health menace. The Citizens Association opposed on two grounds - the type of house to go up (which objection Mr. Ewell had taken care of by his general plan and his statements to build first ~~coss~~ class homes) and the sewage.

Mr. Ewell said he had not yet had a percolation test because Dr. Heath of the Health Department had said the ground was too wet to give a fair test.

The objection stated that the Health Department had said the septic tanks have surface drainage in this area - that requirements were not met when this area was developed.

Major Winegar, who is contemplating purchase of one of the lots, has planned a house for this lot. He is eager to get started since his loan has been approved for some time, but he did not wish to aggravate the present situation by adding another septic field.

The objectors said they were perfectly in accord with the division of the lots but did not want another building erected until the sewer conditions could be changed. Mr. Ewell said he could well build small shacks if he wished but did not want to do that. He was very sure the Health Department would give approval because these were lots of record before the Ordinance - even that they would give approval on this new division of lots.

The Citizens Association is now trying to set up a sanitary district to take care of conditions but have not so far been successful.

It was brought out that there is one 50 foot lot joining Mr. Ewell's property which could be built on because it is of record.

Mr. V. Smith said he was heartily in favor of Mr. Ewell's division of the lots and felt he was bettering the neighborhood but he could not vote for this application until more accurate plats were presented - then he would be willing to grant this division subject to

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the approval of the Health Department, because the Zoning Ordinance says this Board must look out for the welfare of the people.

Mr. Smith moved to defer the application until March 20th pending accurate drawings of the proposed lot with house locations showing proposed setbacks. Mr. Piggott seconded. Carried.

The meeting adjourned.

S. Cooper Dawson
S. Cooper Dawson,
Chairman.

* * *

March 20, 1951

The Regular meeting of the Fairfax County Board of Zoning Appeals was held March 20, 1951, in the Board Room of the Fairfax County Office Building at 10:00 a.m. with the following members present: Messrs: Dawson, Brookfield, Verlin Smith, J.Bryant Smith, T.I.Piggott. Mr. White, Zoning Inspector, and Mr. Mooreland were present.

1 - Burton L. Daughtry, for permission to erect dwelling within 30 feet of front property line on Lot 59, Section I-B, Mill Creek Park, on the north side of Route 236, 1 mile west of Annandale, Falls Church District.

Mr. Daughtry showed the location of his lot with relation to the creek which he stated would damage him greatly incase of a flash flood if his dwelling were located according to requirements. The developer of this tract had, some time ago, asked for variances on three lots because of the stream but the Board had granted only one - stating that individuals should come back as the lots were built on. The applicant said that 7 acres across from him was in one ownership and would not be subdivided and the road proposed through his property would probably never be built. Mr. Smith said there was no assurance of this. There were no objections from those present. There is also a steep hill which would make it almost impossible to build across from the applicant's ground on the 7 acre tract. Mr. Smith moved to defer the case until April 3 in order to view the property. Seconded, Mr. Brookfield. Carried.

2 - Milton G. Smith, for permission to allow dwellings to remain at present location: Lot 19 with 29.4' setback from street right of way; Lot 38 with 9.7' side setback and Lot 50 with 7.0' side setback, Section 2, Burgandy Village, Mt. Vernon District.

Lots 19 and 38 are corner lots. Mr. Brookfield stated that he could not vote for violations of this kind - there were too many

of them and probably the only way to stop such violations would be to make the builder or owner move the houses. Mr. J. B. Smith agreed but said it was difficult to meet setbacks exactly in these mass production houses. A certificate was sent in on final locations yet these discrepancies were found. It was suggested that the Certificate of location came in too late. The variance on Lot 50 is for a small tool shed which is on the rear side of the house

Mr. V. Smith moved to grant the variance on Lots 19 and 38 as per application because it was an honest mistake and would work an undue hardship to move the houses and to refuse the variance on Lot 50 because it does not conform to the minimum requirements of the Ordinance. Mr. JB Smith seconded. Carried. Mr. Brookfield not voting.

3 - Murray Schwarzman, for permission to locate dwelling 24' 7-3/4" from rear property line, Lot 133, Section 2, Pinecrest Subdivision Falls Church District.

The applicant said his men had laid out the house on a bad day and evidently did not locate the stakes properly. They did not take care of getting a permit as he thought they would. Later when he realized the permit had not been obtained and had the plats made the discrepancy was found. There were no objections from any one present. Mr.Brookfield moved to grant the application, Mr. V. Smith seconded. Carried.

4 - M. T. Broyhill & Sons, for permission to complete dwelling which is located 14 feet at one corner from side property line, Lot 8, Section I, Broyhill Crest, Falls Church District.

It was noted on the plat that the house sets at an angle. One stike was knocked out and replaced incorrectly. Mr. Brookfield moved to grant the application, Mr. Piggott seconded. Carried.

5 - S. W. Shoaf, for permission to locate detached garage 5 feet from side property line, Lots 12 and 13 and part of 14, Block H, Courtland Park, Falls Church District.

Mr. Mooreland read the new amendment to the Zoning Ordinance which covered this case. Mr. Brookfield moved that the application be granted because the new amendment took care of this setback. Mr. V. Smith seconded. Carried.

6 - Jerome Karle, for permission to locate dwelling 35 feet from front right of way line and 12 feet from side property line, Lot 92, Section I, Barcroft Estates, Falls Church District.

Mr. Karle and Colonel Barger appeared before the Board. Mr.Karle said he was especially interested in saving a very large tree on his lot and was building his house around the tree. But in doing so he could not keep within the setback requirements. He had tried many variations in his plan but had found nothing satisfactory.If

he moved the house back farther the branches from the tree would hit the house.

Mr. Smith said he had seen the lot but did not remember anything but pines. Mr. JB Smith said the same thing. Mr. Brookfield thought the house was simply too big for the lot - that the Board was having to handle too many cases like this. Mr. Mooreland said the Planning Commission was of the opinion that restrictions should be met.

Colonel Barger said these lots were laid out like individual estates - following the topography and that all houses were far apart. There were no objections.

Mr. Smith said he would like to see the lot again, especially because of the big tree. No one knew what kind of tree it is. Mr. Smith moved to defer the application until April 3 to see the tree. Mr. Brookfield seconded. Carried. Colonel Barger said the house would be staked out.

7 - Joseph Foley, for permission to locate garden house within 5 feet of side property line, Lot 22, Section 7, Hillwood Subdivision, 202 Spring Drive, Falls Church District.

Mr. Foley said he wished not to have the waste space of 10 feet between the building and his side line and also the ground is more level closer to the line. Mr. Mooreland said he saw no reason why the applicant should not conform to the Ordinance. Mr. Brookfield moved to grant the applicant a 10 foot setback - which conforms to requirements. Mr. Piggott seconded. Carried.

8 - Charles Olmstead, for permission to construct and operate tourist camp on approximately 3 acres on the north side of Lee Highway, approximately 1000 feet east of intersection with Bull Run, Centerville District.

Mr. Craven appeared for the applicant. Mr. Dawson asked if materials would be available for this kind of construction. Mr. Craven said he had commitments for most of the materials. Mr. Brookfield stated he did not think the plot plans were sufficient. He thought the Board should see where the structures would be placed and just how much ground would be used. He moved to defer the application for better plot plans and for the applicant to show on his plan where the proposed buildings would be located. Seconded by Mr. Smith. Carried. Application deferred until April 17th.

9 - Donald S. Petitt, for permission to locate dwelling 23 feet from side property line, Lot 74, Pinecrest Subdivision, Falls Church District.

Mr. Brookfield moved to grant this application as it is actually taken care of by the new amendment regarding garage-additions on side line. Mr. Piggott seconded. Carried.

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10 - James H. Cason, for permission to locate dwelling 38 feet from right of way line of Franklin Street, Lot I, Section I, Chesterbrook, on Kirby Road, Providence District.

Mr. Smith suggested moving the addition back 2 feet from the side line to meet the proper setback. Mr. Brookfield thought it would look better to continue the house line without a break. The lot line slants which causes this violation. Mr. Brookfield moved to grant theapplication, Mr. Piggott seconded. Carried.

11 - James Monroe, for permission to construct building-addition to presently operating nursery school, Lot 2, Bennett Subdivision, in rear of Tremont Inn, on the south side of Lee Highway, 2 miles west of Falls Church, Falls Church District.

This nursery school was originally granted by the Board of Appeals The applicant wishes to extend the school by adding a new building. It will be of cinderblock construction. Considerable discussion took place regarding the road into this property and a right of way-easement. It was suggested that this building could very well some day be used as a dwelling since the applicant has sufficient ground to subdivide off this lot - therefore, the setbacks should conform to this future possibility. Mr. Smith said he was not in favor of granting this when there was a question of whether or not this was a dedicated road into the property and also he did not think the plot plans sufficient. Also, if this were granted the Board would be making it possible to create a subdivision on a 25 foot road. Mr. Brookfield moved to grant the right to build the building 25 feet from the side line and40 feet from the rear property line and the building to be used exclusively for school purposes. Mr. Piggott seconded. Carried. Mr. Smith voted No because he felt the applicant did not furnish a proper plot plan so the Board could actually know what they were doing.

12 - William L. Rothrock, for permission to complete garage located 75 feet from front property line, Lots 61 and 62, Section 2, Springvale Subdivision, on Calamo Street, Mt. Vernon District.

A stream cuts through this property which would make it impossible to locate the garage properly, because of a possible overflow in rainy weather. The garage as located is on a bank above the stream and in the side-front yard. Mr. White thought it a reasonable request. Mr.Brookfield did not like the idea of a garage in the front yard. There were no objections from those present. The garage would be of redwood construction. Mr. V. Smith moved to grant the application because of the stream and other unusual topographic conditions of the lot. Mr. Piggott seconded. Carried.

13 - Mrs. Glynn R. Donaho, for permission to locate dwelling with less than the established setback from Quaker Lane, on approximately 1/2

acre - NW corner of intersection of Route 236 and Quaker Lane, Falls Church District.

When Mrs. Donaho presented her plats for this application it was found that she had met the established setback - therefore there was no need of action by the Board. Mr. V. Smith moved that the application be withdrawn because there was no question before the Board. Mr. JB Smith seconded. Carried.

14 - Mr. and Mrs. E. B. Montgomery, for permission to operate summer theatre for approximately 10 weeks during the summer season, on approximately 8 acres on the east side of Mt. Vernon Memorial Boulevard, near the junction with Rt. 628, Mt. Vernon District.

Mr. Montgomery said the permit had been issued last year for a period of ten weeks. There had been no ojbections and therefore he wished to continue this use for this season. Mr. Dawson said the Planning Commission had contacted National Capital Park and Planning Commission and Mr. Robinson of that Commission had stated that the Park Police had not found the theatre to be objectionable, therefore, they were not sending anyone to this hearing.

Mr. V. Smith said he could not find anything in the Ordinance giving the Board the right to grant this. Theatres were allowed only in a general business district, and the only clause in the Ordinance where this use might be allowed would be under the "General welfare" clause. Mrs. Lawson said Mr. Schumann had advised Mr. Montgomery to ask for this use from the Board rather than to request a rezoning, as the ground could be restricted by a Use Permit.

Mr. Brookfield said Mr. Wall, from Mt. Vernon, had contacted him and stated that he thought the theatre was a distinct addition to the neighborhood.

Five letters opposing this use were read. The letters are made a part of this case. The McCormick-Goodhart letter mentioned noise which was objectionable to persons in their guest cottage. Mr. Montgomery said this cottage had not been occupied for many years until last year and he had offered to rent the cottage for the actors.

Miss Parker read a statement opposing, which statement was concurred in by 27 residents. The letters opposed because of the noise, changing the character of the neighborhood with a commercial venture, depreciation of their property, disrespectful to the memory of George Washington, violate the character of Mt. Vernon Boulevard, traffic hazard, etc. Miss Parker said she had talked with Mr. Wall who stated that he was well aware of both sides of this situation.

Mr. Robert Lee Davis spoke - opposing. He lives across the road from Collingwood. He felt that this use was not in the interests

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of the general welfare and was a nuisance last year during operation Mr. Huntley Kingsley sopke - opposing. He is located 1/4 mile from Collingwood. He felt that the theatre caused a traffic hazard and general confusion. Mr. James Keith represented Mr. Dudley who was not present - opposing. Mr. Keith thought the Board had no legal right to grant this use and that it was definitely not for the general welfare. Mr. Davis sited parking violations.

Mr. Montgomery stated that the police had not thoought it a traffic hazard after sending a detail to the performances and did not send special police for traffic control and that there was a very slight increase in traffic because of the theatre. The class of people attracted to the theatre were not noisy, or roudy. Most of them were patrons at the Tea Room who stayed on to the theatre. They sold no alcoholic beverages. He stated that parking on the Boulevard was NOT caused by the theatre - that violations occurred all along the Boulevard. He felt that the theatre was in keeping with other memorial theatres. He sited Water Gate Theatre, the Centennial Theatre in Washington, and Williamsburg and stated that theGovernment is spending money to forward theatres of this type. The only noise taking place in connection with the theatre last summer was one birthday party. There is no question but that the people attending were orderly and cultured - not the night-club type. He stated that this definitely was not a money-making venture, it merely added to the cultural atmosphere of the neighborhood.

Mr. Davis stated that in his opinion it is important that this locality be maintained as a neighborhood where people live and can have peace and quiet in their homes. This use could lead to hot dog stands which would greatly depreciate values and tear down their property values.

The operation of the theatre was discussed. Mr. Montgomery said they owned the equipment and the performances were operated by a New York group who were on Broadway during the winter and performed in the outlying districts in the summer.

Miss Parker said that the Mt. Vernon Citizens Association had voted last year to grant this use but the objections had come from those living in the immediate neighborhood who had been disturbed.

Mr. V. Smith said he felt that in fairness to all concerned the Board should hear from the Mt. Vernon Citizens Association. He preferred to defer the case for a statement from that organization. Mr. Montgomery said deferring until the next meeting, April 17th, would be too late to operate this year. Mr. Smith moved to defer the case until April 3rd for a statement from the president of the Mt.Vernon Citizens Association. Mr.Brookfield seconded. Carried.

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The Board adjourned for lunch. Upon convening Mr. Brookfield took the Chair.

15 - Sylva V. Dove, Sr., for permission to operate a restaurant on approximately one acre, located on the south side of Rt. 236, approximately 1/2 mile west of the intersection with Rt. 651, Providence District.

The restaurant would be cinderblock, approximately 50 x 20 feet, with parking space in front - building set back about 75 feet from the property line. There were no objections. Mr. Mooreland said he felt there was no need for a restaurant in a residential district. The applicant said this would be a restaurant for the convenience of the neighborhood, since it was building very rapidly, and not for transients.

Mr. Dawson moved to approve the application. No second.

Mr. Smith moved to defer the application until April 3rd to view the property. Mr. Piggott seconded. Carried.

16 - Bernice Carter Davis, for permission to locate detached garage on corner lot, 12 feet from rear property line instead of 20 feet, Lot 6, Clydesdale, corner West Boulevard Drive and Virginia Avenue, Mt. Mernon District.

Mrs. Davis said the laborers had located the garage incorrectly. She had thought one could put in the foundation then get a permit and have the inspection. The garage is not close to the neighboring house. There were no objections.

Mr. Dawson moved to grant the application. Mr. J.B.Smith seconded. Mr. Piggott and Mr. V. Smith did not vote. Mr. Brookfield voted yes. Carried by vote of Brookfield, JB Smith, and Dawson.

17 - Jack Stone Company, for permission to erect sign, larger than allowed by the Zoning Ordinance, on building in Culmore, west side of Leesburg Pike, Falls Church District.

The Company had misunderstood the required size of the sign-thinking the overall size of one sign could be 120 square feet. The actual lettering comes within this area although the sign itself in its entirety is considerably larger. However, the sign Ordinance says no one sign shall be larger than 60 square feet.

Mr. Mooreland said this was first planned to be 3 signs. But the signs are in reality connected. Mr. Brookfield thought this was entirely too large and too great a conflict with the Ordinance. Cutting the sign into three separate pieces would ruin the affect, Mr. JB Smith suggested. The total sign area is approximately 147 square feet. Mr. JB Smith moved to grant the application because there was no injury caused to anyone by granting it and the building is large enough to receive this size sign and it is a well proportioned sign which by dividing would detract from the well design-

ed effect. Mr. V. Smith seconded. Carried.

18 - V. Ward Boswell, Inc., for permission to allow the following dwellings to remain with less than required setback Hybla Valley Farms, Mt. Vernon District: Lot 500 - 22.16' side setback; 502 - 22.13' side setback: 518 - 24.72' side setback; 43 - 24.85' and 24.96' side setbacks; Part of Lots 45 and 46 with 24.89' and 24.90' side setbacks; Part of Lots 46 and 47 - 24.92' and 24.84' side setbacks; Part of Lots 47 and 48 - 24.86' side setback; Part of Lots 50 and 51 - 24.92' side setback, Part of Lots 44 and 45 - 24.91' and 24.90' side setback.

These houses are already built and occupied. There was an error in the location. The houses were turned around to suit the purchasers. The houses had all been located by the surveyor and while the applicant was away the plans were turned around and in the change errors crept in.

Mr. JB Smith said something should be done to stop this continual flow of cases of houses already built and in violation of the setback requirements. The other Board members agreed.

Mr. Mooreland said he had called this company many times for their final certified plats but they were very slow in coming in and when they finally did come in - they showed these violations.

Mr. V. Smith moved to grant the application because it would work an undue hardship not to do so, since the houses were already occupied, and also because of the character of the neighborhood, the small variations would not depreciate property values. Mr. Dawson seconded. Carried.

19 - City of Falls Church, for permission to construct water tank with 650,000 gallon capacity, 35 feet in diameter and 90 feet high, and access thereto, on a plot of ground 80 x 80 feet, located 146 feet east of Tower Street, Poplar Heights, Sections 4 and 5, Providence District.

Mr. Head represented the City of Falls Church. He stated that the tank they had was not sufficiently high to serve the higher elevations around the City. This tank will be suffiently high. This particular plot was laid out for this purpose when the subdivision was approved. It abuts ground of the radio tower. Mr. V. Smith moved to grant the application because it is a necessary utility to the vicinity. Mr. Piggott seconded. Carried.

20 - Eugene H. Merrill, for permission to have a duplex dwelling, Lot 37 and part of 36, Section 2, Ravenwood Subdivision, Falls Church District.

Mr. Pritchard, the attorney, asked to have this application deferred until April 17th as he was in court and could not appear. Mr. V. Smith moved to defer until April 17th,1951. Mr. Piggott seconded. Carried.

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21 - Town of Fairfax, for permission to install sewage disposal plant on approximately 20 acres located approximately 100 feet from the west right of way line of Scheurmann Road and approximately 100 feet south of intersection with Accotink Creek, Providence District.

Since no one was present to represent the Town this case was put at the bottom of the list.

DEFERRED CASES:

Mary C. Wrenn, for permission to have less setback for existing detached garage, Lot 8, Old Courthouse Subdivision, Providence District. This case was not acted upon as the new amendment to the Ordinance relative to garages had made this setback conforming.

Walter R. Chance, for permission to locate dwelling 10 feet from side line, Lot 179, Barcroft Estates, Falls Church District.

The applicant and Colonel Barger appeared. The applicant said if he moved the house back far enough to meet the requirments he would be 72 feet from the street and would be on a slope which would give him no view. Mr. Smith felt the Board was amending the Ordinance continually, by granting these variances. Colonel Barger said all the lots in the other new sections of Barcroft were much larger and could take care of a situation like this. Mr. V. Smith moved to grant the application because of topography and because of the small exception. Mr. Piggott seconded. Carried.

The Town of Fairfax case was taken up. Mr. Robert Walker represented the Town. He stated that the Town has spent $11,000 on surveys on this property. This special piece of land is at the lowest point and can accomplish disposal for Fairfax without a pumping station. This ground was bought with this in mind. The location has the approval of Mr. Massey's office (consulting engineer for Fairfax County) The present plant can no longer carry the load and they are planning on future development and increase in load. The recommendation of the Planning Commission was read - approving this installation with restrictions for setbacks.

Mr. Krasnow spoke. He stated that land across the road had been up for rezoning to business for an open air theatre and the owner would be glad to use the installation of a disposal plant which he might claim would damage his property for residence as a reason for his rezoning to be granted. Mr. Krasnow wished to be sure this plant is located sufficiently far away from the Aaron land so it cannot be used as a reason for the rezoning. He asked for a buffer strip.

Mr. Mathey also spoke regarding the position of nearby property owners. He wanted it to be clearly stated the reasons for granting this so the action of the Board could not be used in court as a reason for the AAron rezoning.

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Future development was discussed. Mr. Krasnow stated that it was assumed that such an installation would not injure anyone and it was up to the Planning Commission to guarantee this.

Mr. Walker said he disliked the Town of Fairfax becoming a party to any rezoning, that this had been worked out by engineers, andcleared by the State. Mr. Dawson suggested that the application be granted in accordance with the Planning Commission's recommendation. He made the following motion: That the application be granted to be located on the west of Scheurmann Road and that the same be built not less than 100 feet from any point on the north boundary of this property; not less than 40 feet from the south boundary, and be set back not less than 100 feet from the right of way line of Scheurmann Road, adding that he did not feel with these setbacks it would affect adversely any joining property. Mr. Piggott seconded. Carried.

Glenn W. Leyde, Mr. Hill, attorney, represented Mr. Leyde who was not present. Mr. Hill stated that the applicant had asked for a permit for one year. He has the required frontage and area for a duplex but does not wish to continue the use after his present emergency has passed. He expects to marry soon and after that will abandon the duplex use. This arrangement is merely to take care of his children.

Mr. Keeler, who heads the Ravenwood neighborhood committee, spoke. An excerpt from the minutes of the meeting of this committee of March 2,1951 were read. It was stated in the minutes that the Board of Appeals had asked for an expression of opinion of the group regarding giving Mr. Leyde a years temporary permit. They have objected to any change in zoning or any exception to the Ordinance.

The question was raised whether or not the woman in the basement apartment actually looked after Mr. Leyde's children or was she working. Since practically all the neighborhood is opposed to Mr.Leyde having this duplex arrangement and he has had plenty of time to abandon this use, it was asked by Mr. Keeler that the Board deny this application. There were 28 members of the committee present at the March 2nd meeting - objecting.

Mr. Hill said this was merely relieving a hardship situation and there was no desire to ask for a permanent arrangement.

Mr. Dawson moved to deny the application. Mr. V. Smith seconded. Carried.

Raymond W. Ewell, for permission to re-divide three lots in Wellington Estates, Mt. Vernon District.

Mr. Ewell's case was deferred for proper plats of the resubdivision of his lots. These plats were presented. Colonel Winegler, one of the purchasers of the proposed lots was present - also another prospectuve purchaser. The original lots of record were small - 50 ft. frontage and unbuildable except for small houses. The new division

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will allow dwellings in keeping with the neighborhood. The people in the neighborhood objecting did not want more buildings in the section because of septic conditions. Mr. Ewell could not present a report from the Health Department since bad weather had prevented a percolation test.

Mr. Mooreland said this was a Rural Residence area and when the shape of the original lots is changed there was a question of meeting the required setbacks. Mr. Dawson moved to defer this case until April 3, 1951 to determine the legal aspects of locating the dwellings. Mr. JB Smith seconded. Carried.

The meeting adjourned.

S. Cooper Dawson
K.W. Brookfield, Vice Chairman

S. Cooper Dawson
Chairman.

* * *

April 3, 1951

A Special Meeting of the Board of Zoning Appeals was held April 3, 1951 in the Board Room of the Fairfax County Office Building, at 10:00 a.m. with the following members present: Messrs Dawson, Brookfield, Verlin Smith, J. B. Smith, and Piggott. Mr. White, Zoning Inspector, Mr. Mooreland, and Mr. Schumann, Director of Planning andZoning Administrator, were present.

1 - W. R. Smarr, for permission to allow dwelling to remain 41.2' from front right of way line and 16.6' and 17.5' from side property line, and for permission to allow dwelling to remain 44.8' from front right of way line and garage-addition to come 16.1' from side property line on Lots 7 and part of 8 and Lot 10 and part of 9, Resubdivision of Lots 7, 8, 9, 10, Smarrland Subdivision, Falls Church District.

Mr. Walter Ralph, Surveyor, represented Mr. Smarr. These lots were resubdivided and in the resubdivision Mr. Smarr, not being familiar with the surveying did not allow for the curve in the Cul-de-sac. He made a straight line across the front of Lot 7 using the wrong pipes on the side line and set back from the line had had drawn. His intentions were good but his lack of knowledge of surveying caused these errors. Mr. White said the setback of the dwellings did not cause a traffic hazard.

Mr. Hanback who owns Lot 6 objected. He stated that if he built on his lot the houses would be too close together. He said he would sell Mr. Smarr enough land to meet the proper setbacks if the Board would

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allow him to build on less than one half acre of ground. Mr. Verlin Smith and J. B.Smith thought granting the setback was less damaging than reducing the size of the lot.

Mr. Verlin Smith said he would like to see these lots. He asked what price house was on the property. Mr. Ralph said in the neighborhood of 15 or $20,000.

Mr. Hanback thought the house being too close would cause a fire hazard and raise fire insurance.

Mr. V. Smith said he didnt think the front setback was out of reason - but on the side, since the neighbor was objecting he felt that he was entitled to protection.

Mr. Hoffman, the owner of Lot 7, said that with less front setback on the Smarr lots his own home was back as it should be and it put the other houses in front of him, to which he objected.

Mr. V. Smith thought this should be deferred for viewing the property. The Chairman suggested that the Board hear the variances on the other lots first.

Mr. Ralph said the same thing happened on Lot 10, a curve which Mr. Smarr did not take notice of. The house originally set back 27 feet from the side line but a porch was added and a carport put under the porch. This will have three sides enclosed. The addition comes 16.1' from the side line.

Mr. Travers, the owner of Lot 11, objected to this. Mr. Smarr was present and admitted the mistakes in his house locations but said he realized it too late.

Mr. Nelson also objected to the front setbacks on Lots 7, 8, 9, 10 saying houses on these lots would be in front of him. His house has a $32,000 value.

Mr. V.Smith moved to defer the application to April 17th to view the property. Mr. Piggott seconded. Carried.

2 - Walter Jessel, for permission to construct addition to dwelling to come 35-1/2 feet from right of way line of Dogwood Lane, Lot 32, Hollinswood Subdivision, 145 Mimosa Drive, Providence District.

Mr. Jessel said he had started the addition then found it was in violation of theZoning Ordinance. He wants storage space since he has no basement. The present garage will be made into a room. No neighbors had objected. It will be cinderblock. Dogwood Lane makes a horseshoe curve into Leesburg Pike, it is not a through street and this is the only logical place for an addition. Mr. Brookfield moved to grant the application, Mr. Piggott seconded. Carried. Mr. V. Smith voted No.

2 - Harry K. Smith, for permission to replace presently built structures with masonry constructed buildings, for tourist court, and to locate new structures with the same side line setback as presently located

buildings, and to remove present buildings to rear of lot, on 2.42 acres located on the west side of Old Mt. Vernon Road at intersection with King's Highway, Mt. Vernon District.

Mr. Ford represented the applicant. The Chairman said this was near his own property, Penn Daw, and the old frame buildings were immediately against the property line.

Mr. Ford said the present office building will be removed entirely and a new one put in the front corner of the property. This will be used as an office and dwelling. The other frame structure will be replaced with much better buildings - brick construction. At present on the one side of Mr. Smith's property which joins Suburban Residence property the required setback will be 15 feet. The applicant wants to place the new structures on a line with those brick ones already there to make the line continuous and to give space in the center for driveway and play yard. On the opposite side yard this property joins business so no setback is required. This case went first to the Board of Supervisors for rezoning but it was found that that zoning would not relieve this side setback and the Board suggested the case be brought before the Board of Appeals.

Mr. Heath objected. He lives about 1/4 mile away. He said no one could use the land next to this for residential purposes and it was in fact giving the applicant 15 feet of ground. It would also raise the insurance rate.

Mr. Ford thought it was far better to put in good fire proof buildings and that in fact it would lower the insurance rates.

Mr.Dawson said he thought the front setback should be observed.

Mr. Ford stated that he was willing to set back from the front any distance theBoard agreed upon - they were more concerned with the side line setback.

Mr. V. Smith thought there was a question of the Highway Department widening the road at this intersection. Mr. Dawson suggested a 2 foot side setback which would still give sufficient room for driveway and play area between the buildings. Mr. V. Smith suggested building just the courts now and leaving the construction of the front house until the Highway Department could give an answer on the road. Mr. Ford said he did not like having continuous construction going on as that kills business.

Mr. Smith said this would be changing the character of the joining property by putting buildings 2 feet from the line. Mr.Brockfield moved that the application be deferred until a trip can be made to the Highway Department in Richmond regarding the location of the road at this point. Mr. Piggott seconded. Carried.

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DEFERRED CASES:

Mr. James Monroe, whose case was granted at the last meeting asked the Board to clarify the motion passed at that meeting. It was not clear which line was designated as rear line and which the side line. The motion granted a 25 foot setback from the rear line and a 40 foot setback from the side line. The rear line was all right but the requirement on the side line is only 15 feet and the applicant could not observe that. Mr. Brookfield moved to reopen the case. Mr. Piggott seconded. Mr. Brookfield moved to grant the applicant a 25 foot side setback. Mr. Piggott seconded. Carried. Mr. Smith voted No. He did not think proper plats had been presented.

Burton Daughtry, to erect dwelling within 30 foot of front line, Lot 59, Mill Creek Park, Falls Church District. Mr. Smith and Mr. Mooreland had seen the property and thought it not at all desirable for building since it would certainly be subject to flood and both were against granting the application. Mr. Smith moved to refuse the application because it does not conform to the minimum requirements of the Ordinance. Mr. Brookfield seconded. Carried.

The case of Jerome Karle was withdrawn since Mr. Karle is making a new application for a greater variance.

Raymond W. Ewell, to resubdivide 3 lots into 3 lots with more area for each lot, Wellington Estates, Lots 180, 181, 182, Mt. Vernon District.

Mr. Ewell was not present because of illness. Col. Weingert was present. (One of the purchasers of a lot) This case was deferred for a ruling from Mr. Marsh on the status of these lots. Mr. Mooreland stated that Mr. Marsh's opinion was that the Board had no authority to grant this application because one lot was divided into three parts and if by any reason the application was granted it would come under the requirements of the Subdivision Ordinance and Zoning Ordinance, as it is not a lot of record.

Col Weingert cited Par. G, Page 19 of the Ordinance for a reason to grant this application.

Mr. Smith read the paragraph stating that by interpreting this case to be for the general welfare as shown by the people in the community appearing at the last hearing and expressing their approval of the present division of the lots - the Board might well consider granting this application thereby bettering conditions under an exceptional and extraordinary situation.

Mr.Dawson said if the Board granted this the building would have to observe required setbacks for rural residence and this would cut down the size of the house. Mr. Schumann said the Board had the right to instruct the Zoning Office to grant the permit with

less than the required setbacks. Mr. Schumann said he agreed technically with Mr. Marsh but if the Board grants this application and gives variances on side setbacks then the Board of Appeals was making a practical decision - especially since the people in the Subdivision were willing for this division.

Mr. Dawson said any decision to grant this would have to be with the approval of the Health Department. This was agreed to by the other Board members.

Mr. Mooreland said by setting up these three new lots the Board did not have the authority to grant variances on setbacks because they were not lots of record before the Ordinance.

Mr. Smith thought the Board had an obligation to the citizens of this community. Mr. Brookfield said the Board was also bound to protect objectors - it was a question whom the Board was protecting.

Col Weingert said that by leaving the lots as they are the Board was certainly not acting in the best interests of the community.

Mr. Brookfield moved to deny the application. Mr. Piggott seconded. Carried. Mr. Brookfield, Piggott, and Dawson voted Yes. J.B. Smith not voting and Mr. V. Smith voted No.

Sylva V.Dove, Sr., to operate a restaurant on the south side of Rt. 236, approximately 1/2 mile west of intersection with Rt. 651. Deferred to view the property.

Mr. Smith had seen the property. He stated that he saw no need of a restaurant at this location, half way between Fairfax and Annandale. It is a residential area and it was the policy to locate businesses in congested areas. There are two non-conforming stores in this area but no other business between Fairfax and Annandale. The Board of Supervisors had just refused a business zoning in this general vicinity.

Mr. Dove stated that he has owned his ground for many years and thought he could use it as he wished. Mr. Smith said the Ordinance was protecting him from obnoxious business and people in the area should be protected from business encroachment.

Mr. V. Smith moved to deny the application because it is not in harmony with the general purpose and intent of the Zoning Ordinance. Mr. Piggott seconded. Carried.

E. B. Montgomery, to operate a summer theatre at Collingwood, Mt. Vernon District. Deferred to hear from Mt. Vernon Citizens Association and a decision from Mr. Marsh on the legality of theBoard granting this use.

Mr. Montgomery said the Mt. Vernon Citizens Association had met April 2 and had voted 36 to 18 in favor of granting the summer theatre project. Mr. Smith, President of the Citizens Association, was present and spoke. He thanked the Board for withholding de-

cision until the Association could be heard from. He read one letter opposing the theatre which was not presented at the meeting as it arrived too late. The reasons given at the meeting for opposing the theatre were same as given in testimony at the last hearing. The letter added one more reason - that since the Board had denied River Bend saying they did not want a commercial venture on the Memorial Highway - it placed the theatre in the same category.

Mr. Smith asked if the Association had placed a time limit on the recommendation to grant the theatre. Mr. Smith (President of the Association) said No. They had left that up to the Board.

Mr.Dawson said Mr. Wall had contacted him and stated that in his opinion the theatre was a literary and cultural asset to the community.

Mr. Montgomery presented a petition of 50 names favoring the theatre. There were people living within 1/2 mile radius.

Mr. Smith said the membership of the Association was very large but most of those attending were living within a short distance of Collingwood.

Those opposed had objected to the noise which Mr. Montgomery said was certainly not entirely from the theatre. They also stated that property values would be affected. Mrs. Montgomery said River Bend had had an ABC license and they did not, that the theatre was not a commercial venture in the true sense.

Mr. Montgomery said National Capital Parks Police had found this no hazard and they were not opposed to the permit being granted for one year.

Mr. Schumann asked Mr. Mooreland for Mr. Marsh's opinion on the legal right of theBoard to grant this use. Mr. Marsh ruled that under a Rural Residence zoning the Zoning Ordinance does not cover theatres and had no authority to grant this application.

Mr. Smith stated that this might be establishing a trend that could lead to an undesirable use.

Mr. Mooreland referred to Page 19, Par. g of the Ordinance, stating that certainly the whole paragraph applies.

Mr. Lippman Redmond, agent for the Montgomerys, spoke citing his interpretation of the powers of theBoard.

Mr. Mooreland stated that Page 6 Par. 15 listed what uses the Board can grant.

Mr. James Keith spoke for Mr. Dudley in opposition, presenting a petition with 22 names. He stated that the petition presented by the opposition was signed by people living in the immediate neighborhood except 2, that the Citizens Association encompassed a large area of people who were not affected. He also felt that the Board

had no legal right to grant this application.

Mr. Redmond said this would work a distinct hardship on the Montgomerys as they had spent over $8,000 on the theatre, that no further structures were planned. He showed aerial pictures of the theatre and buildings surrounding.

Mr. Mooreland said the action of the Board last year, approving this use, had led to expenditures and it gives a permanence to this use. Continuous uses sets a prescedent.

Mr. V. Smith said the permit had been granted for one year only purposely and no impression was given that this would be permanent. It was limited to one year for the very purpose of seeing the reaction.

The secretary read a telegram from Mr. McCormick-Goodhart opposing the application, suggesting disrespect to the name of George Washington.

Mr. Montgomery asked the Board if there was any semblance of disrespect to the memory of George Washington or if the name had been treated lightly at the last meeting. The Board agreed not. Mr. Smith objected to the implication, in the telegram. Mr. Brookfield stated that he did not think the action of any person in the room could take away from the memory of George Washington.

Mr. Keith's petition was presented.

Mr. JB Smith said he felt that any tax payer and property owner would not welcome this installation next to his home and he could not support such a requested use. He moved that the application be denied because it is not in harmony and in accordance with the intent of theZoning Ordinance and that it affects adversely adjoining property and may in the future affect adversely the entire area. Mr. Verlin Smith seconded. JB and Verlin Smith voted Yes. Mr.Brookfield, Piggott, and Dawson voted No. The motion was lost.

Mr. Brookfield moved to grant the application to operate a summer theatre for a period of one year. Mr. Piggott seconded. Carried. Mr. Brookfield, Dawson, Piggott voted Yes and JB and Verlin Smith voted No. Motion carried.

Mr.Brookfield said this granting did not agree to any further extension of the permit.

Mr. James Keith noted that the opposition would appeal the decision.

Mr. Norman Loe came before the Board asking for an extension of two weeks for his tenant to live duplex, since the home his tenant is building is not quite finished. His time is up for abandonment of the duplex use. Mr. Brookfield moved to grant an extension of 30 days with the understanding that this extension was

final. Mr. Piggott seconded. Carried.

Mr. Rodney E. Didawick asked by letter for an extension of 3 months on construction of his garage since he could not get started during the 6 months period. Mr.Brookfield moved to grant the extension for 6 months. Mr. Piggott seconded. Carried.

Mr. Mooreland brought up the case of Hamilton and Ball. Upon inspection thestructure granted was found to be a separate dwelling located 42 feet from the front line. Some way in the former hearing the word 'addition' crept in and a 42 foot variance was granted. The original intent was to live in this new building temporarily only. The question was whether or not to have the applicant tear down the second dwelling which was now being occupied. As far as the inspection revealed one person was living in each dwelling. Discussion followed - what constituted a family. Mr. Schumann said the Court of Appeals of Virginia had ruled in an Arlington case that one person did not constitute a family.

Mr. Smith suggested limiting the dwellings to one kitchen as to tear down the building would work a distinct hardship- especially since this was a colored family. Mr. Brookfield said this did not harm anyone and there was no crowding on the lot. This is an old practically abandoned road, being a section of the old Ox Road.

Mr. Mooreland cited another case with 3 houses on a lot and related the difficulty in the Zoning Office in carrying out the regulations.

Mr. V. Smith made the following statement - That the Board had been informed of the existing conditions - the original understanding was that the building was to be used temporarily as a dwelling until the new one was constructed and then to be used as an accessory building but only one dwelling. Now both buildings are used as dwellings. This condition exists on 3/4 acre, a tract of land on Old Ox Road, and has been called to the attention of the Board by Mr. Mooreland. The Board requests that the applicants be notified that under the Zoning Ordinance they can use one building as a dwelling and the other as an accessory building, therefore limiting the structures to one kitchen. This was made in the form of a motion. Seconded by Mr. Piggott. Carried.

S. Cooper Dawson

S. Cooper Dawson
Chairman.

* * *

April 17, 1951

A regular meeting of the Board of Zoning Appeals was held April 17, 1951, in the Board Room of the Fairfax County Office Building, at 10:00 a.m. with the following members present: Messrs Dawson, Brookfield, Verlin Smith, JB Smith, Piggott. Mr. White, Zoning Inspector, and Mr.Schumann, Zoning Administrator were present.

Kurt Sonnenburg sent a letter to the Board asking for an extension on his application which had come before the Board 6 months ago for right to locate dwelling with less setback than required and the time had expired. Mr. V. Smith moved to grant the extension for 6 months. Mr. Piggott seconded. Carried. (Time extended to October 1, 1951)

1 - William F. Bonnett, Jr., for permission to live in presently constructed garage as temporary living quarters until permanent dwelling is constructed, Lots 200, 201, 202, Hunting Ridge, Providence District.

Mr. Bonnett sent a letter saying he was moving to Winchester and the necessity for this application was cancelled. He asked that it be withdrawn. Mr. Smith moved that the case be withdrawn, Mr. JB Smith seconded. Carried.

2 - City of Falls Church, for permission to construct pumping station on approximately 8500 square feet, located on the east side of Rt. 7, Providence District.

Mr. Head represented the City. He said the construction of schools had brought about this particular need since the school property is higher than the present system can furnish. The present right of way of Rt. 7 was discussed, which is 80 feet. The station will be 30 feet from the right of way. Mr. Head showed photographs of the type of construction they will build. It was suggested that 30 feet was not sufficient for setback. Mr. Head said it was very expensive to move the building back farther from the main line. There were no objections. Mr. Brookfield moved to grant the application and Mr. V. Smith seconded. Carried.

3 - Hugh McGowan, for permission to locate dwelling 11 feet from both side property lines, Lot 16, Sect. I, Lake Barcroft Estates, Falls Church District.

Mr. Andrew Clarke appeared in the absence of Col. Barger. Mr. Clarke stated that since this was an odd shaped lot, plenty of frontage but narrowing down toward the back, it was difficult to meet the setbacks and build a rambler type house. The house is 54 feet wide. The lots in the subdivision are fit to the contour of the land, thus making this one an unusual shape. The applicant has 13,874 square feet. Mr. White said if the applicant could use his

lot at all - it would be necessary to grant a variance, for this size house, because of topography and the shape of the lot. Mr. Clarke said the house could be pushed farther to the front to meet the side setbacks but they did not wish to break the front setback line and believed a variance on the side setbacks was better planning. Mr. Brookfield moved to grant the application. Mr. Piggott seconded. Carried. Mr. Verlin Smith voting No.

Virginia Power and Electric Company sent word through Mrs. Lawson that they had completed their deal with Mr. Cornelius for location of a substation on his property and would not use the right to build a substation on the Lynch property. Mr. Hamilton, from the local branch of VEPCo was present. The Board agreed that the Lynch case would be closed when a letter is received from VEPCo stating that this property would not be used for a substation. Mr. Hamilton asked for a transcript of the minutes relative to the granting of the Cornelius property for a substation.

The secretary read letters between Mr. Aldrich Dudley and Mr. Dawson relative to the Montgomery Summer theatre case. The letters were put in the case file.

Mr. Verlin Smith discussed with the Board conditions in Lake Barcroft Estates relative to continuous requests for variances on setbacks.

4 - Border Homes, Inc. and John W. Kierman, for permission to locate dwelling 33.61 feet from either Wayne Road or Annandale-Falls Church Road, due to unusual location of Lot, Lot I, Block A, Annalee Heights Falls Church District.

Mr. Lytton Gibson represented the applicant. Mr. Gibson said Mr. Kiernan was a school teacher who was moving into Fairfax County. He had signed a contract with Border Homes for a 3 bedroom house. The financing had been arranged with Vetrans Administration but it was impossible to locate the center line of the Annandale Road and the dwelling had actually been placed 1 foot 6 inches too close to the right of way line. The company had offered Mr. Kiernan another house but the V.A. would not transfer the loan to the other dwelling This would therefore work a distance hardship not to grant this variance. The lot is surrounded by roads on three sides. He is willing to take a variance from either road whichever the Board decides upon but would rather have the variance from Annandale-Falls Church Road because the footings are already poured nearer that side.

Both Mr. White and Mr. Mooreland agreed that the Falls Church-Annandale Road should be widened to take care of the tremendous development bordering it and suggested the variance be given on Wayne Road.

Mr. Brookfield moved to grant the 1 foot 6 inch variance from the south side of Wayne Road. Mr. Piggott seconded. Carried.

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5 - Harvey D. Henson, for permission to locate dwelling 20 feet from side property line, Lot 46, Woodley Hills, Mt. Vernon District.

The lots on both sides of this are vacant. Mr. Luckett, across the street, was present and said he had no objections. The ground is level. Mr. Brookfield moved to grant the application. Mr. JB Smith seconded. Carried. Mr. Verlin Smith voted No.

6 - Charles and Mary Puglisi, for permission to locate gasoline pump island 25 feet from right of way line of Leesburg Pike, intersection of Leesburg Pike and Dunn Loring Road, Lot 20, Sections 1 and 2, Worthington Heights.

It was stated that the right of way of Leesburg Pike at this point is 80 feet. The building on this property is approximately 60 feet back, the variance is on the pump island only. Mr. Verlin Smith suggested that this was a very small lot for a corner filling station, as some day the applicant will probably want a pump island on Dunn Loring Road also. Mr. Brookfield recalled that the Board had taken the stand that pumps are not a structure.

Mr. Mooreland said he thought there would be no traffic hazard since Dunn Loring intersects at an open angle. Mr. Brookfield moved to grant the application. Mr. JB Smith seconded. Carried.

7 - Kathryn Farrar, for permission to operate beauty shop in dwelling located approximately 1/2 mile west of intersection of Route 7 and 604 on the north side of Route 7, Dranesville District.

Mrs. Farrar said her house is being completed and she will live there and have a small beauty shop. There were no objections. The Board considered this under the heading of a home occupation. Mr. Brookfield moved to grant the application. Mr. Piggott seconded. Carried.

8 - R. H. Wooten, for permission to operate lawn mower repair shop in detached home-workshop for one year, Part of Lot 9, Gundervail Subdivision, on the south side of Chain Bridge Road, approximately 1/2 mile west of intersection with Old Courthouse Road, Providence District.

Mr. Wooten said there were no objections from the neighborhood, that this was not a noisy business and would not be objectionable. He wishes to have this shop until he becomes established. Mr. V. Smith moved that the application be granted for the sharpening and repairing of lawn mowers only and that all equipment shall be kept inside the building - application to be granted for one year. Seconded by Mr. JB Smith. Carried.

Mr. Dawson said he would like to discuss the Harry K. Smith application which had been deferred until some member of the Board could discuss the road widening at this point with the Department of Highways at Richmond. Mr. Dawson had talked with the Depart-

ment who stated that they would not know for 6 months about their plans for widening the road at this point. Since these are old non-conforming buildings which could remain there indefinitely, Mr. Dawson suggested that permanent brick buildings would be a great improvement to the entire neighborhood. A fire hydrant has been placed directly in front of the buildings which reduces the fire hazard.

Mr. Smith thought Mr. Furman, the adjoining property owner should be notified before the Board took action. Mr. Smith moved to hear this case at the special meeting on the 24th of April and that the secretary notify Mr. Furman of this. Seconded by Mr. Piggott. Carried.

9 - Roscoe Williams, for permission to locate dwelling with 19 foot 2 inch setback from side line, Lot 30, Section I-A, Mill Creek Park, on Lake Boulevard, Falls Church District.

Mr. Williams was not present. Mr. Piggott moved and Mr. JB Smith seconded that this case be put at the bottom of the list. Carried.

10 - Ernest B. Rauth, for permission to erect dwelling within 10 feet of each side property line in lieu of 15 feet, Lot 83, Section I, Lake Barcroft Estates, Falls Church District.

Mr. Andrew Clarke appeared with the applicant. He stated that Mr Rauth had paid $11,200 for the lot which contains 14,000 square ft. There is a steep drop in the ground (28 ft.) to the lake and a 14 ft. drop on the opposite side. He did not wish to put the house back farther also because it was now located 5 feet from the sewer line. The house planned is 52 feet wide.

Mr. Rauth said he had studied for 3 weeks trying to get his house within the required lines but since the lot narrows toward the Lake front and the sewer line is in front he could not locate the building any other wsy. The house has already been cut down greatly. The living room cannot be turned lengthwise because of the drop in the ground. There were no ojbections from those present.

Mr. Clarke said the original lot layout in Sections I and 2 were not the right width for wide houses but the ground had been cut up according to the contour - to make attractive estates. The newer sections in Lake Barcroft were wider lots and there will be no need to request variances.

Mr. Rauth said his papers had been approved by V.A. and would be finally released contingent upon this variance being granted. The house will cost $38,000 (house and lot).

Mr.Brookfield said there were too many houses coming in from this subdivision for variances. Mr. Clarke said there will be more in these two sections.

Mr. Verlin Smith said the only reason he could see for granting

this application was because of the loan and it would work a distinct hardship, but here was a new subdivision started after the definite trend in homes was toward the rambler type - and lots are too narrow to take this type of building, and that it was against the intent of the Zoning Ordinance andBoard of Appeals to grant variances under such conditions.

Mr. Clarke questioned the Planning Commission' judgment in approving such narrow lots. The secretary explained that the lots all met the required sizes - 65 feet wide at the building setback line and the Planning Commission could require no more than that from the developer since he met the area qualifications. Mr. Smith read Par. 7, page 22 from the Ordinance and stated that by granting this the Board would be reducing the standards and that was not the function of the Board. The developer knew the topography of the ground when he subdivided.

Mr. Clarke stated that the price of the home should be taken into consideration. Mr. V. Smith stated that from a humanitarian viewpoint, it was more fair for the Board to be lenient with a man building a $10,000 home than in this price bracket because that person building the small home may not be qualified to understand the requirements and the Ordinance. In such a case it would work a real hardship whereas this applicant does know the Ordinance and requirements.

Mr. Brookfield felt that this was a special hardship but the Board should not set a precedent. Mr. Dawson thought the three cases up for hearing today possibly should be granted but that the Board should agree to grant no more.

Mr. V. Smith said the Board was simply going against the Ordinance, breaking it down and it was not right even to request such a variance.

Mr. Clarke stated that this was an honest mistake on the part of the developers and the purchasers were the innocent victims - therefor they should have the consideration of the Board. He re-stated that this is an exclusive subdivision with park and club ground for recreational area. He suggested that the Planning Commission, the Board of Appeals, and the Developers meet together to discuss variances in these two sections, I and 2. Mr. Brookfield said he could not favor further variances in Lake Barcroft without investigation and council from the Planning Commission. It was suggested that a joint meeting be arranged.

Mr. V. Smith said that approximately every 5th lot would require a variance in these two sections - that it was a question of simply giving Lake Barcroft the amount of $11,000, which he could not agree to.

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Mr. Brookfield stated that variances in hardship cases were probably justifiable but wholesale variances had never been granted by the Board. He moved to grant this application. Mr. Piggott seconded. Carried. Mr. Verlin Smith voted No.

Mr. Dawson asked the Secretary to arrange a meeting between the Planning Commission, Board of Zoning Appeals, and the developers of Lake Barcroft and Mr. Clarke and notify all concerned. Mr. Piggott made the motion and J.B.Smith seconded.

11 - W Preston Hunt, for permission to operate a general machine shop for defense work for the duration of the emergency, on 41,013 square ft. located about 350 feet south of Little River Pike, west of Guinea Road, Hunt's Village, Providence District.

Mr. Andrew Clarke represented the applicant. He stated that the Board of Supervisors had zoned this land Rural Business. The applicant had put a two story building on the property. He has commitments to perform government contracts which will necessitate operating a machine shop. He applied to the Board of Supervisors for a rezoning to General Business to take care of this type of work, but since the need for this zoning will last only for the duration of the emergency and at the end of that time he will revert to a Rural Business use - automobile repair shop, the Board suggested the applicant come before this Board to get a special use permit for a limited period - rather than rezoning to General Business. The applicant will build a high fence around this entire business.

Mr. Brookfield said the Planning Commission had opposed this rezoning to Rural Business in the first place but the Board of Supervisors had rezoned it against their recommendation. He moved that the application be granted for one year. Mr. Piggott seconded. Carried.

12 - Jerome Karle, for permission to locate dwelling 29 feet from Lake View Drive and 10 feet from side property line, Lot 92, Sect. I, Lake Barcroft Estates, Falls Church District.

Mr. Andrew Clarke represented the applicant in the absence of Colonel Barger. Mr. Karle said his main object was to try to get his house as planned on the lot and preserve a 100 foot tall tree. Mr. Karle's first application for a variance was withdrawn because in the final location of the house it was found to be closer to the front and side line than the application had requested. He is leaving 7-1/2 feet between the house and the tree.

Several members had seen the property but did not locate the tree in question. Mr. Brookfield objected to a variance in the front setback. Mr.Clarke said the only reason for the front setback request is the matter of preserving the tree. Mr. Brookfield questioned which was more important - the tree or the Zoning Ordinance. He moved

to deny the application and Mr. Piggott seconded. Carried.

THE BOARD ADJOURNED FOR LUNCH.

DEFERRED CASES:

Before the deferred cases were taken up Mr. Leyde came before the Board asking for an extension of time for the people in his duplex in Ravenwood. He said they were building a home in Maryland but the house will not be ready for occupancy until about July 1st, 1951. The daughter is in high school in Falls Church and they would dislike to move before school is out.

Mr. George Keeler, from the Citizens Association at Ravenwood, said there would be no ojbections if they had the definite assurance that the duplex use would be abandoned at that time.

Mr. Gordon McFarland also said they wanted to settle this without causing an undue hardship and that the ultimate purpose of the objectors was simply to discontinue this duples practice.

Mr.V. Smith said that the character of this subdivision had already been set - a great deal has been spent by property owners to improve and keep up their homes and the Zoning Ordinance allows duplex dwellings only in districts restricted for that purpose. Therefore, property owners should be protected. He was not in favor of taking action on this case - or in any way condining this use. He moved that the Board defer action until June 19, 1951 and not take positive action. Mr. Piggott seconded. Carried.

Charles Olmstead, for permission to construct and operate tourist court on approximately 3 acres on the north side of Lee Highway, approximately 1000 feet east of intersection with Bull Run, Centerville District. This was deferred for proper plats.

Mr. Olmstead was not present. Mr. Smith moved and Mr. Piggott seconded to put the case at the bottom of the list. Carried.

Eugene H. Merrill, for permission to have duplex, on Lots 38 and part of 36, Section 2, Ravenwood, Falls Church District.

Mr.Ed. Pritchard represented Mr. Merrill. Mr. Pritchard said this was a case of necessity and a hardship, that the Board could grant this use since the applicant has the required area and frontage and he felt that this was in harmony with the intent of the Zoning Ordinance and would not be a detriment to the welfare of the neighborhood.

Mr. Merrill gave a history of his background - having lived in Washington during the past war - went to Germany for 5 years in an advisory capacity for the Occupation Forces, lived under the best conditions, luxurious home, chauffeur, maids, gardners, American schools, etc. He could have stayed on there under such conditions but preferred to bring his children up in the United States. He resigned and came back during 1950 to locate here. He found this

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home with a basement apartment which had been occupied by a colored family. He was told by the Real Estate agent that this basement could be rented. He did not know the Zoning Ordinance prohibited this. He bought the house for $40,000. He has a $20,000 mortgage plus a $3600 bank loan and other loans by note. If he had known he could not rent this apartment he would never have bought the house, since he is heavily in debt and this rent helps to defray some of his expenses and at the same time houses a girl whose husband is in Korea. She helps his wife by baby sitting, eliminating the expense of a maid for Mrs. Merrill. It would also work a hardship for her to find another home.

Mr. Pritchard stated that there is only one driveway and one two-car garage and the place has no appearance of a suplex. Mr. Merrill showed pictures of his place. The nearest neighbors are about 100 feet away and do not object.

Mrs. Lynn, who is living in the apartment, spoke. She confirmed the fact that she helps Mrs. Merrill with the children - about five times a week. Mrs. Merrill also spoke, stating that Mrs. Lynn was very essential to her as help for thechildren. She has four.

Mr. Pritchard stated that the President had declared this a National Emergency and also referred to the Soldiers and Sailors Relief Act which would make it impossible to evict Mrs. Lynn while her husband is serving in the armed forces. During a war one can take in an extra family. Part of the rental is for baby-sitting. He also stated that it would be possible under the Zoning Ordinance for Mr. Merrill to open his home as a Tourist Home which would certainly be detrimental to the neighborhood. They are asking this permission for the duration of the emergency. This use is not interfering with the health, morals, or general welfare of the community and does not adversely affect neighboring property. This situation was certainly better than having a colored family living there - which was the case - and the man was working throughout the community.

Mr.Schumann said the Bard had granted Mr. Leyde the right to a duplex until June 19th only and if this was not permitted - certainly no one else should be given this use.

Mr. Neeler opoke - opposing this use. He cited the covenancts which, according to his memory, did not prohibit the duplex use in this particular section of Ravenwood but this was an oversite and the spirit of the development is against it. This covenant prohibiting this use is in the other sections of the Subdivision. He was surprised that one buying a $40,000 home should go into a neighborhood and request a duplex use. This should be confined to communities allowing this use. He showed a petition (which was made out relative to the Leyde case) opposing such a use. The petition

stated that such use would lower the price, tone, and character of the subdivision.

Since the petition applied only to Mr. Leyde, it was not admitted into the record.

Mr. G. M. McFarland said the Citizens Association went on record as being opposed to all two family dwellings in Ravenwood. Mr. Keeler read an excerpt from the minutes of the Citizens Association opposing the Leyde application.

Mr. Merrill said he would not have bought the house had he not believed he could get some revenue from the apartment but that this was only temporary to help him over an emergency period.

Mr. Keeler said he had sold this house in 1941 to a family who had an old colored couple living in the apartment. The man worked in the neighborhood. They fixed the kitchen for them to eat separately. The woman became an invalid. They were strictly servants

Mr. Ball said the only reason Mr. Leyde's name only was used in the petition against duplex was because his was the only case before them but that the Citizens Association definitely opposed duplex dwellings,

Mr. Dawson and Mr. Brookfield agreed that the human element was of great importance to them although they had denied Mr. Leyde and this was a very similar case.

Mr. V. Smith said he was very sympathetic, especially with the tenant, but he saw no way theBoard could grant this, as it would change the character of Ravenwood and was not in harmony with the Zoning Ordinance. He would prefer to have word from the Citizens Association regarding this case. It was also bad to bring up children in a neighborhood where the other people opposed this mode of living. Mr. Smith moved to defer the case for 30 days and ask for a statement from theCitizens Association. Mr. Piggott seconded. Carried. The case will be heard May 15th, 1951.

Mr. McFarland asked how the Citizens Association could take specific action so this will not happen again. The Board suggested a Resolution indicating their feeling and without names.

W. R. Smarr, for permission to allow dwellings to remain 41.2 ft. from front right of way, 16.6 feet and 17.5 feet from side line and allow dwelling to remain 44.8 ft. from front right of way and addition to come 16.1 feet from side line on Lot 7 and part of Lot 8; Lot 10 and part of Lot 9, Smarrland, Falls Church District.

Walter Ralph, surveyor, represented the applicant. This was deferred to view the property. Mr. V. Smith had seen the property He said the houses cost about $20,000. The owner of Lot 9 objected because he said this jeopardized his view. Mr. Ralph said this was an honest mistake on the part of Mr. Smarr. He took the wrong

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corners and did not count on the curve in the front line. It was agreed that it would be very expensive to move the houses.

Mr. Smith suggested making a carport out of the garage and thereby meeting the requirements.

Mr. Hanbach on Lot 6 said if he built, it would raise the insurance on his property - this dwelling being so close. He had been forced to change his plans to conform to theZoning Ordinance.

Mr. Hoffman on Lot 7 objected. Mr. Schumann thought it was ransonable to grant this as the hardship on Lot 6 would be less than on Lot 7 if it were granted.

Mr.V. Smith moved that the application for Lot 7 be granted because it appears to be an honest mistake and would work a hardship on the prospective purchaser and the one now occupying the building. On Lot 10 he moved that the variance be granted by the walls of the garage be torn out and be made into a carport because it would work a hardship not to do so. Mr. Piggott seconded. Carried.

Mr. Travers who lives on Lot 11 and who had objected strenuously at the previous hearing said his only objection was a drainage problem which is a matter between the two neighbors to settle. He was assured that there was no conncetion between the decision today and his objection previously.

Charles Olmstead, application was considered. Mr. Craven who will be the owner of this ground in a short time appeared for the applicant. The ground joining is zoned Rural business for a depth of 200 feet and 1000 feet in length.

Mr. V. Smith said provisions should be made for future expansion and how could buildings be built back on the property and have a septic field - it would be up hill. He felt that the land should be restricted - otherwise tourist cabins could cover this entire piece of ground. It should be restricted to say - a depth of 250 feet. Mr. Smith moved to grant the application, with the one building as shown on the plot plan. Mr. Brookfield seconded. Carried.

Mr. Smith moved that a letter be sent to Mr. Olmstead from Mr. Schumann advising him of the further use of the remaining property, under the present Zoning Ordinance. Mr.Brookfield seconded. Carried This motion was made on the plot plan submitted.

Roscoe Williams was deferred to May 15th as no one was present to represent the applicant. Mr. JB Smith made the motion deferring, Mr. Piggott seconded. Carried.

Mr. Schumann discussed the new amendments to theZoning Ordinance.

S. Cooper Dawson

S. Cooper Dawson, Chairman

* * *

April 24, 1951

A special meeting of the Board of Zoning Appeals was held April 24, 1951, in the Board Room of the Fairfax County Office Building, at 10:00 a.m. with the following members present: Messrs Dawson, Verlin Smith, and JB Smith. Mr. White, Zoning Inspector and Mr.Schumann, Zoning Administrator, were present.

1 - Pimmet Service Corporation, for permission to install sewage disosal plant on approximately 20,000 square feet, known as Out-lot, on the southeast corner of Pimmitt Hills Subdivision, on the north side of Route 7, approximately 1 mile west of Falls Church, Providence District.

Mr. Lytton Gibson represented the Company. Mr. Offutt, developer and Mr. Griffith, designer of the plant were also present. Mr. Gibson said there was already one sewage disposal plant in this subdivision but it was not adequate to take care of the contemplated new construction. This proposed plant which is already started will service approximately 1740 people or between 3 and 400 homes. The first plant did not come before the Board as it was not required at that time but a new amendment to the Zoning Ordinance requires a public hearing before this Board. While the plat was started before the amendment went into affect and the Commonwealth's Attorney said it was not necessary to go before the Board - the Company chose to do so.

As it is now there is no water or sewage disposal to take care of this construction and the lot sizes require these facilities to be installed. The Sanitary Engineer and Planning Commission have approved this installation. Mr. Gibson said Mr. Griffith who had designed the plant was present and would be glad to answer questions.

Mr. Griffith said the objections to septic tanks because of sanitary reasons could be well taken care of by a modern sewage system which he had designed for this corporation. He said the sewage is treated easily with chemicals, there were no odors nor flies since the organic matter was killed.

Mr. V. Smith asked if there were open sludges. Mr. Griffith said-yes, but since the organic matter had been killed this waste was perfectly pure anc could be used on plants. The germs are killed by bugs - a bug kills bug process - therefore called bio-chemical.

Mr. Gibson said the plans were approved by the State Health Department and the State Corporation Commission. He stated that the Pimmet Service Corporation would maintain the system. The State requires that. There will be a small charge to the users. It is non profit.

Mr. V. Smith asked for evidence that the State Corporation Com-

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mission and Health Department have approved this.

Mr. Gibson said there was only verbal approval and the final approval was not given until the plat was completed. They have just now received final approval on the first plant and it has been completed for some time. But that they could not go ahead until this variance is granted. The only function of the Board, said Mr.Gibson, is the granting of the site. TheBoard has no need to ok the plans and design of the plant. He suggested that the Board make a decision contingent upon the approval of the State.

Mr. V. Smith said he appreciated that final approval could not yet be given but he felt the Board should have more knowledge of the plant.

Mr. Gibson said they could not give, at the present time, any more information than the fact that they had gotten the approval of the Water Control Board, that the Health Department came out and picked the location, Mr. Offutt bought the land recommended for the site. The Company was told to go ahead - verbally - and the plan and design were approved. There will be a hearing before the Water Control Board when the plant is complete and formal approval will be given then. It is a horse before the cart proposition to furnish the Board with formal approval at this time.

There was no plat present with Mr. Corbalis' signature of approval. Mr. Corbalis was asked to come to the Board Room for his advice - which he gave. He stated that he knew little of the proposed plans, that he was not charged with approving the design or plans or even the location. This is a State function and he felt the Board should be concerned only with the affect such an installation would have on adjoining property and the site. He said the best plant was only as good as its administration - that this would be inspected as a public utility. TheBoard should also consider the architectural design of any structures, fencing, landscaping, etc. He felt that the protection of people living near should be considered very carefully.

Mr. V. Smith asked - how could the Board tell if this would be objectionabbe and the people in the neighborhood could not object because there was no information about the installation.

Mr. Gibson said the owner of land adjoining - across Pimmitt Run did not object.

Mr. Offutt said the operation of this plant is under state regulations and if there is a breakdown he could quickly divert to the other plant.

Mr.Corbalis suggested that the Company present more detailed plans.

Mr. Smith said this were certainly proper - that he felt detailed plans of each structure showing setbacks and type of structure should be presented. On the plot plans submitted there was no correct drawing showing the location of the plant and the setbacks. The Board

does not know what they are granting and in the future in case of some difficulty the Board would be accused of granting this blindly. Mr. JB Smith said in the future certainly the Board certainly would have to have better location plans than this - otherwise this would set a precedent and any other applications would furnish practically nothing.

Mr.Sullivan, Presidnet of the Lay Health Association, was present and asked questions about the background of this subdivision, the zoning requirements, setbacks, etc. He wished to see the location on a plat of the homes near the plant. Mr. Schumann thought this was important to know just where the new homes would be with relation to the plant.

Mr.Gibson said that irrespective of what the Board did the plant would be installed as Mr. Marsh had said they could go ahead.

Mr. Offutt said he would be glad to restrict himself from building on the joining lot - Lot 82 - to maintain ample setback if the Board desired. He would have this in his contract with Pimmet Service Corporation.

Mr. V. Smith said in his mind there was no question of the merits of having the plant installed and he did not question the integrity of the Company - it was merely a question of knowing the type of structure to be installed, the setbacks, etc. He would like something concrete on paper to show these things, since the plat presented was entirely inadequate.

Mr. Offutt said the main structure would be underground - like a swimming pool with a concrete slab over it - this will be approximately 30 x 100 feet and the small house about 16 x 18 feet. The land will be landscaped.

Mr. Gibson said the Board could not control the structure. Mr. Schumann stated that the Board could place conditions on their decision. No one had elevations of the building to be erected.

Mr.Corbalis suggested that the Company provide the Board with complete plans showing the buildings and setbacks. Considerable discussion followed regarding setbacks.

Mr. V. Smith moved that the application be granted to build an underground structure approximately 100 x 300 feet and the necessary structure above ground, approximately 20 x 20 x 20 feet high, with setbacks 100 feet from the NW and South boundaries and 50 feet from the east boundary, this subject to the approval of the State Health Department and theBoard does not feel that it affects adversely adjoining property nor the welfare of the Community. Mr. JB Smith seconded. Carried.

Mr.Gibson said they would furnish detailed plans for the record-plot plans, etc. Mr. Offutt agreed.

April 24, 1951

DEFERRED CASES:

Harry K. and Gracie Smith, for permission to construct brick tourist cabins on presently located foundations of frame structures which are non-conforming and to locate new structures with less front setback than required and the same sideline setback as the presently located cabins on 2.42 acres on the west side of Old Mt. Vernon Road at intersection with Kings Highway, Mt. Vernon District.

Mr. Smith/the applicant reviewed the case - he wishes to replace the old buildings with new brick ones. The ground on two sides of him is commercial and on the north he can come to the property line. On the south however, bordering Suburban Residence, the requirement is 15 feet setback. He will tear down the building in the middle of the front yard and replace it with a brick building which will be used as an office and his dwelling.

Mr. Schumann said Kings Highway has a 30 foot right of way and he would have to set the front building, which contains the dwelling, back 60 feet from the property line. The presently located building is 40 feet from the right of way in front. Mr. Schumann said this was a very bad intersection and will be widened, undoubtedly. He also thought the 15 foot sideline setback should be observed.

Miss Furman, owner of the property joining on the south, and her brother, Mr. Furman, were present. Miss Furman said her property was residential and she wished to have the sideline setback maintained. Mr. Smith wanted a 2 foot side setback.

Miss Furman said if they should build a residence on this property they would have to setback 15 feet and she thought she should be protected by having the neighboring buildings 15 feet back. She asked for theBoard to follow the regulations.

Mr. V. Smith said if the Board granted this they were in effect giving the applicant 12 or 13 feet of ground of the joining property.

Mr. H. Smith suggested that to have brick structures would be better for the Furmans as well as himself.

Mr. V. Smith said he thought all tourist court buildings should have a 15 foot side setback because in a sense they are dwelling units. Mr. Schumann said this had been his contention. Mr. Smith thought that if the Board granted this it would be a precedent for other similar non-conforming units. Mr. JB Smith agreed.

Mr. Dawson felt it would be beneficial to allow the applicant to build as he requested - on the old non-conforming foundations, as the buildings themselves would be a distinct improvement.

Mr. H. Smith said - to meet the required setback it would destroy much of his shrubbery and do away with his present driveway.

Mr. V.Smith moved to deny the application because it does not conform to the minimum requirements of the Zoning Ordinance. Mr. JB

Smith and V. Smith voted Yes and Mr. Dawson voted No. Carried.

Miss Furman presented a letter for the record opposing this application.

James Monroe, came before the Board with his application for addition to his nursery school on Lot 2, Bennett Subdivision, Falls Church District, asking for a 15 foot setback instead of the 25 feet as the Board had granted. He said when a survey was made it was found that the Highway had taken an extra 10 feet for Lee Highway and made his lot just that much shorter than he had originally thought. His private road into the school has a turn-around just back of the original building. The new building, if placed 25 feet from his side line, would bring the building immediately against the road turn-around and would not look well. Mr. Monroe said sinde the side setback requirements in this district is 15 feet he would like the Board to reduce the restriction they had placed on him.

Mr. V. Smith said he saw no objection, his only objection in the beginning was because of the poor plot plans and the Board could not tell what they were granting.

Mr. V. Smith moved to recind the action taken at a previous meeting requiring a 25 foot side setback instead of a 15 foot setback. Seconded, Mr. JB Smith, Carried.

Mr. Schumann discussed with the Board the idea of certain amendments he wished to present to the Planning Commission:

1. Requiring applications for sewage disposal plants to be approved by the Sanitary Engineer before the Board can act and the Sanitary Engineer to require the information he thinks necessary. In this way the County can control sewers now so when the Sewer authority does take over the plants will be satisfactory and will not have to be replaced. Mr. V. Smith suggested that plans should be dhown here as well as to the Water Control Board. It was voted that such an amendment be drawn up.

2. Also Mr. Schumann suggested an amendment requiring Tourist Cabins to set the same distance from side lines as residences. Mr. V.Smith said perhaps some definite distance should be decided upon - he proposed 10 feet. It was decided to take this up with the Planning Commission.

3. Since the Merrill case brought out the possibility of having tourist homes in residential localities the Board agreed that this should be changed in the Ordinance and controlled by the Board.

Mr. V. Smith also suggested that Par. G, Page 19 be clarified.

The Board adjourned.

S. Cooper Dawson

S. Cooper Dawson, Chairman

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May 15, 1951

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held May 15, 1951, in the Board Room of the Fairfax County Office Building, at 10:00 a.m. with the following members present: Messrs S. Cooper Dawson, J.W.Brookfield, T.I.Piggott, Verlin Smith, and J.Bryant Smith.Mr. Schumann, Zoning Administrator and Mr. Mooreland were present.

1 - Knox Presbyterian Church, for permission to erect church building with less than required setback from Allen Street, northwest corner of Lee Boulevard and Allen Street, near Jefferson Village Apartments, Falls Church District.

Mr. May, the architect, and Mr. Grill appeared for the applicant. They showed the plan of what will be built now and the plans for future expansion. The church to be constructed now eill have a seating capacity of 250. Future development which will be a Sunday School room and larger auditorium building will hold approximately 500 or 600. They are asking for a small vestibule which will project into the prohibited area 10 feet and will be enclosed. This will give a33 foot setback from Allen Street and 74 feet from Lee Boulevard, allowing for the Service Road. They can meet all setbacks except the one from Allen Street. There is an apartment house on the ground joining this site. Mr. Brookfield asked about parking space. Mr. Grill thought the back lot could well be used for that although it would accommodate only abour 32 cars. Both men suggested that this was a crowded area and many people would walk. They also recalled that the large city churches did not require parking space, that they used the streets. Mr.Brookfield thought this was no excuse for our making the same mistake.

Mr. Schumann said, in this connection, the streets were usually cleared on Sunday in the cities., and parking there was not a problem. Mr. V. Smith said in Arlington they figured about 250 square feet per car for parking. Mr. Schumann suggested that the curb on Allen Street could be moved back to give more parking space. Mr. Brookfield moved to grant the application. Mr. V. Smith seconded. Carried.

The Secretary read a letter from the Virginia Power and Electric Company stating that they would not use the Lynch property for a substation - as granted by the Board of Appeals, since the Cornelius property had been purchased and the use granted and they would use that. The letter was made a part of the records of this Board.

2 - Arthur Cushing, for permission to erect carport within 3 feet of side property line, Lot 16, Block B, Fairdale Subdivision, south side of Sipes Lane, No. 108, Falls Church District.

Mr. Cushing said this is a metal house built by Reliance Homes. Mr. V. Smith thought this was crowding very close and that by granting this there would be many others making the same request. Mr. Brookfield moved that the application be deferred until May 29th in order to view the property. Mr. Piggott seconded. Carried.

6 - Lee A. Chenoweth, for permission to construct carport to come 6 ft. from side line, Lot 7, Block B, Fairdale Subdivision, 107 Pine Dr. Falls Church District. Since this is the same thing as application No. 2, Mr. Smith moved that this application also be deferred until May 29th, Special meeting, in order to view the property. Seconded, Mr. Brookfield. Carried.

3 - Vernon M. Lynch, for permission to operate gravel pit located 2000 ft. south of Rt. 644, north of the R.F.&P. Railroad, approximately 3/4 mile east of Shirley Highway, Mt. Vernon District.

Mr. Lynch appeared before theBoard. He stated that there are no homes near to be harmed by this use. He showed a map of the surrounding country. The Hunter property joining has an old gravel pit on it. There will be an access road from Franconia Road. Mr. Lynch said the state had become very particular about the quality of gravel they use and there is not a great deal of this good gravel around - he is of the opinion that this property does have gravel to meet state requirements. It is a very isolated spot. Mr V. Smith agreed to that saying he thought it was a logical place for a gravel pit. Mr. Schumann questioned just how close dwellings were to the proposed pit.

Mr. Wm. Barber spoke in opposition. He said he opposed this installation strenuously as it is within a residential area - many homes were quite near. The entrance road into the area will be badly cut up with heavy trucks and there are homes on this road. He also said the property owners in the neighborhood had battled long and hard with the State Highway Department regarding the condition of the aprons on Franconia Road, which had been badly broken down by heavy trucks hauling gravel with eccessive weight. They had tried unsuccessfully to have the road widened. As it is - it is also very dangerous especially so because of loading and unloading school busses as the school stop is very near the entrance of the access road into Franconia Road. He said there are 8 or 10 homes in the immediate neighborhood.

Mr. Lee Smith objected. He lives nearest to the property in question, within 200 feet of the existing pit on the Hunter property. He thought this use would reduce property values by continually stripping the land and enlarging the pit. He was of the opinion that this ground should be put in shape and used for residences. Also with a gravel pit-there would be standing water and mosquitos

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Mr. Lynch said the ground slopes on all sides - that the gravel would be taken from the high ground. They would take off 10 or 12 feet of gravel then grade the land and develop it for homes. There would be no stagnant water because it was on a hill and too high. He also said the access road would not be in front of the homes - that he had a 50 foot right of way through the Talbert property.

Mr. Lockhart also objected - because of depreciating values.

Mr. V. Smith asked how much area they would use for digging. Mr. Lynch said he did not know - he didnt know how much gravel was there nor just where it was located - he would first have to find out the quality of the gravel and would have to prospect around.

Mr. Lockhart did not agree that there would not be stagnant water. He said that was natural with any gravel pit. Mr. Lee recalled the hole left on the Harrington Estate which had stagnant water. He did not object to Mr. Lynch using gravel for his own roads but he did object to commercializing the pit.

Ten property owners stood up opposing this use.

Mr. V. Smith read paragraph e, Page 17 providing for the granting of a gravel pit. Mr. Lynch suggested the Board view the property.

Mr. V. Smith moved to defer the case until June 19th to view the property. Seconded, Mr.Brookfield. Carried.

4 - Irving Eckstein, for permission to allow garage to remain located 11 ft. 10 inches from rear property line, which line is Quander Rd., Lot 9, Block E, Section I-A, Bucknell Manor, 818 Cavalier Drive, Mt. Vernon District.

Mr. Milligan appeared for the applicant. He stated that General Industries had contracted to build the garage and was supposed to get a building permit. The builder said the garage would be located 10 feet from the line. The garage was built 9 months ago and just now he was told that this was in violation and should be moved.

Mr. Mooreland said the plot plans did not show that the rear line was Quander Road - which would require a 32.6 foot setback.

Mr. Milligan said if he moved the garage to conform it would cut off the back steps of the house and make it impossible to get from the back door to the garage without a great deal of trouble, since there would not be sufficient clearance. It would cost about $400 to move the garage beside taking out a tree and also that he considered this-being so close to the house-to be a fire hazard. He uses part of the garage as a workshop and this is noisy.

Mr. Mooreland said he had tried for 9 months to get in touch with the applicant and finally did locate Mr. Milligan. Mr. Mooreland was asked to get the permit from his office. The plot plans did not show the road at the rear. This zoning permit was never given final approval to go ahead. General Industries had never called in for

inspection.

It was suggested that General Industries would have to do the moving if theBoard disapproved this application.

Mr.Schumann said the frame garage could now be 4 feet from the side line which might help. The established setback from Quander Road is 32.6Ft. Mr.Schumann suggested that if this were allowed to remain, others would ask the same variation and that no other garage was so close to the line.

Mr. Verlin Smith moved to defer the case until June 19th to view the property. Mr. Piggott seconded. Carried.

5 - Peter and Elizabeth King, for permission to erect addition to dwelling within 10 feet of side property line, Lot 39, Section 3, Tauxemont Subdivision, No. 7 Westmoreland Road, Mt. Vernon District.

Mr. King said he was asking 10 feet but he thought there was some discrepancy in the measurements and that he could come 12 ft. from the line. He showed architects sketch and plan of the addition. The house on adjoining property is 40 feet away. There were no objections. Mr. Brookfield moved to grant a 3 foot variance or 12 feet from the side property line. Mr. Piggott seconded. Carried.

7 - Jennings O. and Creole Lee Daw, for permission to locate detached frame garage 2 feet from side property line, Lot 9, Block K, Sect. 3, Annalee Heights, Falls Church District.

Mrs. Daw appeared before the Board. She said she merely wanted the garage as close as she could get it to the line so not to cut up their yard. The house faces Wayne Street. She was satisfied with a 4 foot setback.

Mr. V. Smith moved to deny the application and that the applicant should locate the garage in accordance with the Zoning Ordinance, which now allows 4 feet from the side line. Mr. Piggott seconded. Carried.

8 - Virginia Hills Development Corporation, for permission to allow dwelling to remain 39.29' and 38.74' from front property line, Lot 12, Block 3, Virginia Hills Subdivision, Mt. Vernon District.

Mr. Victor Ghent appeared for the applicant. He stated that the surveyor had made a mistake in laying out the house location. The concrete floor has been poured. Since the lot is on a curve the difference in setback is not preceptible. Mr. Brookfield moved to grant the application. Mr. V. Smith seconded. Carried.

9 - Kenneth Caird, for permission to construct addition to present dwelling with less than required sideyard setback on part of lot 42, First Addition to Fairland, Falls Church District.

Mr. Caird said it was a distinct improvement to his home to continue the roof line over the addition. He should have 20 feet set-

back for the carport. The nearest neighbor is 80 feet away and has stated that he has no intention of cutting up this property.

Mr. Schumann recalled that there are two regulations in the Ordinance which apply to a carport. An open porch has been considered the same as a carport - since formerly there was no mention of a carport in the Ordinance but the new amendment specifically memtions carport. Under the old open porch ruling a carport could come 15 feet from the side line. In the new amenment the setback in this district is 20 feet from the side line.

There was no opposition. Mr. Caird read the statement of his neighbor not objecting.

Mr. V. Smith said open porches had a way of becoming enclosed and he was not in favor of continually granting them. He did not think it unreasonable to refuse this application.

Mr. Caird said the future of the porch - closed or open - he did not think pertinent. Mr. Smith said the policing power of the Board was not sufficient to check on things of this kind.

Mr. Schumann suggested the carport on the other side of the house.

Mr. Caird objected as this would detract from the appearance of the house.

Mr. V. Smith moved to deny the application because it does not conform to the minimum requirements of the Zoning Ordinance. Mr. Brookfield seconded. Carried. Mr. Piggott voted No.

10 - Ernest L. Sanborn, for permission to allow dwelling to remain 19 feet 6 inches from rear property line, Lots 33 through 38 and 71 through 74, incl., Section II, Lincolnia Park, Falls ChurchDistrict.

In making this application Mr. Sanborn was confused regarding the subdivision name. The lots are actually in Weyanoke, which is an old subdivision. Mr. Brookfield thought the Board had no jurisdiction since this is an old subdivision and the Zoning Administrator could relieve the sideline setback.

Mr. Mooreland said he first heard of this when Mr. Sanborn asked for loan plats. He told Mr. Sanborn at that time that it would be necessary to go before the Board of Appeals as he had gone ahead without zoning approval. He did not get the building permit but not zoning approval.

Mr. Schumann said since Weyanoke is an old subdivision he could reduce the setbacks to 10 feet if the lots contain less than the required area. If other lots are sold with the required area they will have to conform.

Mr. Baker, who is making the loan, said this ground was sold to Mr. Dorsey on provision that it will pass the Board. The well and septic have both been checked and found ok, the only question is this side line setback. Back of the 19 foot setback is a stream

and the ground is unbuildable. A house would have to be 40 or 50 feet away. He said he would see that application is made for zoning approval. There were no objections to the application.

Mr.Schumann said this is a case for the Board since the lots do conform in size and area. Mr. Brookfield moved to grant the application and Mr. Piggott seconded. Mr. Smith asked that it be granted subject to the applicant getting zoning approval. This

11 - was acceptable. Carried.

Woodley Corporation, for permission to locate dwelling 24 feet from rear property line, Lot 26-A, Block 4, Woodley North, Falls Church District. No one was present to present this case - it was voted to put it at the bottom of the list.

12 - Charles W. Cairns, for permission to divide Lot 65, containing 41,785 square feet, Section I, Pinecrest Subdivision, into two lots both of which will contain less than 1/2 acre, both lots having the required frontage, Falls Church District.

Several residents in the neighborhood were present asking just how the lots were to be divided. When they saw the plat there were no objections. It was brought out that the Health Department would have to approve the septic fields.

Mr. V. Smith moved to grant the application because it was a reasonable request. Mr. Piggott seconded. Carried.

13 - A. D. Jerkins, for permission to allow dwelling to remain 24.23 feet from side property line, Lot 2, Block 4, Section 4, Wellington Heights Subdivision, Mt. Vernon District.

There were no ojbections. Mr. Brookfield moved that the application be granted. Mr. J.B.Smith seconded. Carried.

14 - Williams Brothers for permission to allow presently constructed dwellings to remain with the following setbacks:

Lot 51 with 29.9' setback from Romney Street
" 54 " 39.8' setback from W. Greenwich Street and 14.7' from side line
" 55 " 39.7' setback from W. Greenwich Street and 14.7' from side line
" 56 " 39.6' setback from W. Greenwich Street

There were no objections. These locations were slight errors in the survey. The application was granted with the following vote: Lot 51, Motion Mr.Brookfield, seconded V.Smith; Lot 54, motion Mr. Brookfield, seconded Mr. Piggott; Lot 55, motion Mr. Brookfield, seconded V.Smith; Lot 56, Motion V. Smith, seconded Mr. Brookfield. Carried.

15 - Mary S.Brewster, for permission to operate dog kennel on 88 acres located on the west side of Route 645, approximately 1 mile south of Centerville, Centerville District.

No one was present and this case was deferred until June 19th. Motion to defer: Mr. Brookfield, seconded J.B.Smith. Carried.

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16 - P. E. Marenholtz, for permission to erect carport to come 15 feet from side property line, Lot 116, Section II, Lincolnia Park, Falls Church District.

Mr. Reed appeared for the applicant. The old regulation would have granted a 10 foot setback for this but since the applicant did not get in under the old regulations the requirement now is 20 feet. The excavating has been started and the loan ready for approval.

Mr. Mooreland brought up the fact of the old regulations having no mention of a carport - it was treated as an open porch. But the new amendment specifically regulates carports - therefore, this setback should be 20 feet, since it can project only 5 feet into the prohibited area.

Mr.Schumann said he thought a carport had the same affect on joining property as an open porch.

Mr. Brookfield moved to grant the application on the strength of Mr. Schumann's recommendation and because of a hardship created by not granting this variance. Mr. V. Smith seconded. Carried.

17 - Gustav C. Hertz, for permission to have 4 lots which are part of a subdivision, most of which lies in the City of Falls Church, with less area than required in a Suburban Residence District, Lots 7, 8,9,10, Hertz Addition to West Falls Church, and on Lot 10, in the same Subdivision, part of which lies in the City of FallsChurch, to locate dwelling with a 20 foot setback from Kennedy Street, to conform to the required setback in the balance of the subdivision lying in Falls Church, all in Falls Church District.

Mr. Hertz showed his plats and the surrounding development.

Mr. Schumann said Mr. Hertz had been working on this for a year-he could not get the plat in to the Planning Commission for approval before the new regulations went into effect, which has changed the lot sizes. He is asking a small variation from the required area and frontage.

The next street in Fairfax County where our regulations would have to be observed is 100 feet away. It was agreed that this would make a good buffer strip between the two sizes of lots. There were no objections.

Mr.Brookfield moved to grant the application. Mr. V. Smith seconded. Carried.

DEFERRED CASES:

Roscoe Williams was not present. Lot 30, Section I-A, Mill Creek Park, to locate dwelling 19 feet 2 inches from side line. Case deferred to June 19th.

THE BOARD ADJOURNED FOR LUNCH. Upon reconvening Mr. Brookfield took the chair as Chairman.

May 15, 1951

Eugene H. Merrill, for permission to have duplex on Lot 37 and part of 36, Section 2, Ravenwood Subdivision, Falls Church Dist.

Mr. Ed. Pritchard appeared as attorney for Mr. Merrill. He reviewed the case as presented to theBoard at the regular hearing, stating that Mr. Merrill had bought the place in 1950, wishing to live in this type of neighborhood but his finances were limited. He contracted to buy the house for $40,000 having been told by his agent that he could rent the apartment basement as a means of helping to meet some of his bills on mortgages. The prior owners had had a couple living in this basement apartment - the wife was crippled and the husband worked out in the neighborhood. The real estate agent told Mr. Merrill that it was a commun custom in Ravenwood to have apartments in basements and to rent them and that there would be no objection to it. Mr. Merrill checked the records and saw no restrictions against it. He therefore rented the apartment to the Lynns. Later Mr. Lynn, who was an army officer, was sent to Korea and his wife remained in the apartment. He did not know of any objections. Also Mr. Pritchard stated that the Soldiers and Sailors Relief Act protected Mrs. Lynn- that she could not be evicted while her husband was serving in a foreign country. He presented two letters from neighbors not opposing this use, one from Arch McDonald and one from Mr. Pagin. He did not wish to go against the wishes of the community but his finances were in a bad fix temporarily and this is only an emergency stop-gap. Also that it would be a hardship for a war wife to find another apartment. Mr. Merrill was asking for reasonable time to recoup his finances and for his tenant to find another place. He asked the Board for six months consideration. This would not establish a precedent and they would have time to work out the double hardship caused.

Mr. Keeler said this case was deferred for the purpose of getting a statement from the Citizens Association in Ravenwood. The new president, Mr. Shoemaker, had sent a letter stating that the Association was unalterably opposed to renting any apartment in a Ravenwood dwelling for gain. Mr. Keeler said Mr. Pagin was at the Citizens meeting just referred to and voted for the Resolution. He said Arch McDonald was a renter and had no real interest in the community. He felt that there were plenty of apartments for rent now. Mr. Merrill had stated that Mrs. Lynn was paying $80 a month.

Mr. Merrill restated his story of his life in Europe - his very comfortable living conditions and coming home - his purchase of this property - which they enjoy. He had spent considerable in fixing up the house and in furnishings and needed the rent to help defray expenses. He had talked with neighbors who thought

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the attitude of theCitizens Association unreasonable.

Mr. McFarland said the Merrils had had plenty of warning - that they were at the Leyde meeting of the Citizens Association last year and knew the feeling in the community, that this is not a newly developed condition.

Mr. Keeler said he was not opposed to a reasonable delay if the conditions would be rectified.

It was suggested that 30 or 60 days was a reasonable time.

Mr. Pritchard said that was not much time to sell a house and for the tenant to find another apartment.

Mr. McFarland thought real estate was moving very rapidly.

Mr. V. Smith said he recognized the unpleasantness of evicitng a tenant and he had sympathy with Mr. Merrill's situation but he did not favor a duplex in Ravenwood or any other similar neighborhood. He was in favor of delaying action on this application rather than taking any positive action. He felt that Mr. Merrill should report back to theBoard after he had surveyed his situation with a mind toward making some better arrangements and for the tenant to look for another apartment. Mr. Dawson thought 90 days should be sufficient time.

The Chairman asked the group to get together regarding a time settlement for Mr. Merrill and for him to report to the Board.

Mr. Shoemaker, the new president of the Citizens Association, asked: Supposing after the time is granted and Mr. Merrill is still in a bad financial fix and his tenant has not found an apartment- What then? What can the Association expect? Mr. V. Smith said- he thought the sentiments of the Board had been very clearly expressed.

Mr.V. Smith moved that Mr. Schumann send a letter to theCitizens Association of Ravenwood stating the Board of Appeals strongly opposes the use of any residences as duplex dwellings in Ravenwood. Mr. Dawson seconded. Carried. This letter to be sent to Mr. Ira F. Shoemaker, President of the Association, 506 Juniper Lane, Ravenwood, Falls Church, Va.

Mr. V.Smith moved that action on this application be deferred to the regular meeting August 21, 1951, and that it is understood that the tenant is protected under the Soldiers and Sailors Act. Mr. Piggott seconded. Carried.

Mr. Miller, the owner of Lot 10 in Smarrland asked that his case be reopened. He wants to retain the two walls of his garage as he thinks pillars will not sufficiently support the concrete slab, which is the floor of his porch above the carport. Mr. Miller said the objections to this in the beginning had been withdrawn. Mr. Dawson moved to reopen the case and Mr. V. Smith seconded.Carried.

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Mr.Schumann said the people who had appeared before, opposing, should be notified of the date of the reopening. Mr. V. Smith moved to defer action until June 19th. Mr. Piggott seconded. Carried.

Mr. Dawson moved and Mr. Piggott seconded that the two Mr. Smiths represent theBoard of Appeals at the Planning convention to be held at Natural Bridge, Virginia - May 21 and 22. Carried.

The Board discussed the Harry K. Smith case.

S. Cooper Dawson
S. Cooper Dawson, Chairman
John W. Brookfield

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June 5, 1951

A Special Meeting of the Fairfax County Board of Zoning Appeals was held June 5, 1951, in the Board Room of the Fairfax County Office Building, at 10:00 a.m. with the following members present: Messrs Dawson, Brookfield, Piggott, and Werlin Smith. Mr.Schumann, Zoning Administrator, was present.

1 - C. R.Davidson, for permission to construct additional tourist cabins on Lots 34 through 41, East Fairfax Park, Providence District, on the north side of Lee Boulevard, near Fairfax Circle, known as Circle Motor Court.

Mr.Davidson appeared before the Board and located the Court. He requested permission to construct 8 more cabins, frame construction. He now has three septic fields and will check with the Health Department and install more if necessary. Mr. Brookfield moved to grant the application. Mr. Piggott seconded. Carried.

2 - The Jack StoneCompany, Inc., for permission to erect sign with more square foot area than required by theZoning Ordinance, located on the northwest corner of Lee Boulevard, and Patrick Henry Drive, Willston Apartments Shopping, Falls Church District.

J. W. Minton, appeared for the Company. There were 3 signs requested: Sizes 4' 6" x 52' (133 square feet area) 9' x 5' 8" (50 square feet) and 36' 6" x 48' (146 square feet), a total far in excess of the square feet allowed by the Ordinance.

Mr. Smith asked how far the first sign would be readable - this would face Lee Blvd. The answer was approximately 1200 feet.

Mr.Schumann drew the plan of signs and buildings on the black board. There were no objections from those present.

The Chairman asked Mr. Schumann his opinion of this application.

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Mr. Schumann thought the sizes requested were too much.

Mr. Verlin Smith moved to deny the application because it does not conform to theZoning Ordinance and further recommended that the applicant conform to the Zoning Ordinance. Mr. Brookfield seconded. Carried.

3 - W. Parker Richardson, for permission to construct gasoline filling station on approximately 1/2 acre located on the south side of Rt. 642 - 100 feet east of the Shirley Highway, at Lorton. Lee District.

Mr. Richardson appeared before theBoard. Mr. Dawson said he thought every member of the Board should see this property and not make too hasty a decision. Mr. Richardson said he could not buy nor lease the land at the intersection of Rt. 600 and 642 as it is tied up in an estate. The state took some of his property for Rt. 600 which ruined his home site for residence. He then got the strip on Rt. 642. This property is below the road (642) and will have no entrance to the Shirley Highway. He will depend upon local trade only. Mr. Dawson suggested that the Board ask for time on this. Mr. Brookfield moved and Mr. Verlin Smith seconded that the application be deferred until June 19th and that the Board members meet at 9 o'clock on the property, June 19th to view the property. Carried.

4 - John R. Carter, for permission to complete dwelling which is located 38 feet from Wiley Drive, Lot 6, Section I, Wiley Subdivision, corner of Rt. 601 and Wiley Drive, Mt. Vernon District.

Mr. Carter said he bought this property not knowing his exact boundaries because the ground is very low and swampy and the boundaries were not easily established. He has worked on the house for a year. The front setback is 75 feet. Wiley Drive is a dead end street (ending in a hollow) which could never be put through. Mr. Brookfield suggested that with the 75 foot setback from the main road there would be no traffic hazard on this, especially since Wiley Drive is dead end. He moved to grant the application because Wiley Drive is a swampy dead end road and there probably will never be a traffic hazard created here nor congestion. Mr. Piggott seconded. Carried.

DEFERRED CASES:

Lee A. Chenoweth, to construct carport to come 6 feet from side line, Lot 7, Block B, Fairdale, Falls Church District.

Mrs. Chenoweth appeared. The house sets 20 feet from the property line on the opposite side of this lot but there is a storm sewer easement running down the side line which makes it impossible to locate the carport there. This is an aluminum house (Reliance Home). The applicant is asking a 4 foot variance. Mr. Brookfield moved to grant the application. Mr. Dawson said he thought the Board should establish a policy to follow as there would be many

more houses in this subdivision requesting the same variance. If the Board grants one it would be difficult to refuse the others.

Mr. V. Smith said he could see the advantage of getting the cars off the narrow street and with the lack of shade trees in this locality the carport would be a comfort to the people. Mr. Brookfield withdrew his motion and Mr. V. Smith made the following motion: That the application be granted because it would reduce hazard to children by taking cars off the street and it would improve the general welfare of the community. Mr. Brookfield seconded. Carried.

Arthur Cushing, to erect carport within 3 feet of side property line, Lot 16, Block B, Fairdale, Falls Church District.

Mrs. Cushing appeared before the Board. This lot backs up to the Chenoweth lot. The min sewer line runs across the back of this lot. The applicant asked a 7 foot variance. The house on the joining lot is 20 feet from the side line. On the opposite side of the house is a 20 foot setback but the front door opens to the side where it is requested to locate the carport. On the opposite side of the house are a few trees they wished to preserve. Mrs. Cushing said the driveway is already in. Mr. Smith and Mr. Schumann thought the Board would have to draw a line some place on these variances because of the possibilities of wholesale variance requests. Mr. Smith suggested viewing the property to see just about how many more will be asking similar variances. Mr. Schumann thought it would be advantageous to the Board to see the the actual house locations. It was suggested that some definite compromise for carports in this locality be arrived at to make an equal settlement for all. Mr. Smith moved to defer the application until June 19th to study house locations. Seconded. Mr. Brookfield. Carried.

Mr. Vernon Lynch was present and asked for a few minutes with the Board. He has filed an application to be heard June 19th for a warehouse in an agricultural district which will be leased to the U.S.Government for a period of 50 years for storage of government materials. There was a question whether or not the Board had the right to handle such a case since this is a use that is normally granted only in an industrial district. The property is part of that which Mr. Lynch is also applying for a permit to operate a gravel pit.

This government building will be approximately 1600 feet x 600 feet and will employ 400 people. Since the ground will be leased rather than sold to the Government it will be taxable. It will be a 7 million dollar deal. Bids are to be put out immediately and Mr. Lynch did not have time to rezone the property. Therefore, he

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is making this request to the Board.

The Board thought this a very logical place for this particular type of use and was very favorable toward it but questioned their right to consider such an application. Mr. Schumann also felt there was considerable doubt of the Board's jurisdiction in the matter. The regulations were gone over very carefully. Mr. V. Smith thought this a very appropriate place for a warehouse of this type and even if after 50 years the Government gave up their lease it would be all right for an industrial use because of the location. The property borders the railroad.

Mr.Schumann suggested that this be taken up with Mr. Marsh - that the application be kept on the agenda to come up June 19th and he would have a report from Mr. Marsh at that time. This was satisfactory to all concerned.

Mr. Dawson had several matters he wished to take up with the Board: The Wagon Wheel construction of new cabins. Mr. Schumann thought the permits were taken out before the April 23rd amendment.
Mr. Lynch's gravel pit was discussed - also the condition of Franconia Road.
The president of the Bucknell Citizens Association had stated that he thought the suggestion of planting along Quander Road because of garages facing this road a good idea and wished to be present when this case (Eckstein's) comes up on the 19th. Mr. Smith had talked with the landscape engineer of the Highway Department and he had said to send in a plat of the proposed planting. Mr. Brookfield moved that Mr. Smith and Mr. Schumann prepare a plat of Quander Rd. and proposed planting area and send it to the Landscape Engineer. Mr. Piggott seconded. Carried.
Mr. Dawson wished also to discuss the W.P.Richardson case. Mr. Smith thought that by not granting this it would practically be confiscating Mr. Richardson's property and making it unusable. By reducing the setback here he did not think Mr. Lynch's nor Winkler's property were parallel cases since they both owned so much property whereas Mr. Richardson had been so badly hurt by the Highway Department and he also had a topographic condition and it would be a definite hardship for Mr. Richardson.

Mr. Schumann said Mr. Richardson could have asked for a rezoning but the Board of Supervisors suggested that he come before the Board and several of the Supervisors were said to be in favor of granting this.

Mr. Schumann referred again to the Lynch warehouse case. He pointed out the seriousness of handling this case by the Board since in case of opposition it might go to court and the Board would have to establish their authority for handling it and it could look very

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bad for the Board if this authority were challenged.

The Board adjourned.

S. Cooper Dawson

S. Cooper Dawson, Chairman

* * *

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The Regular Meeting of the Fairfax County Board of Zoning Appeals was held June 19, 1951, in the Board Room of the Fairfax County Office Building, at 10:00 a.m. with the following members present: Messrs Dawson, Brookfield, Piggott, J. B. Smith and Verlin Smith. Mr.Schumann, Zoning Administrator, and Mr. White, Zoning Inspector were present. Mr. Brookfield acted as chairman for the morning session.

1 - Victor Bothell, for permission to operate a dog kennel, on 7 acres located on the north side of Route 7, one mile west of Tyson's corner, Providence District.

Mrs. Bothell appeared before the Board. It was shown that this was a very isolated location with no dwellings near. The applicant can meet all 100 foot setbacks from all property lines. There were no objections. Mr. White thought it a satisfactory location. Mr. Dawson thought the kennels should be well back. He moved to grant the application provided the kennels and buildings used for the dogs be set back 200 feet from Route 7 and 100 feet from all other lines. Mr. Piggott seconded. Carried.

2 - Circle Center, Inc., for permission to allow sales office building to remain 15 feet from right of way of Roanoke Street, Lots 2, 3, 4, East Fairfax Park, at Fairfax Circle, Providence District.

Mr. John Webb appeared as attorney for the applicant, who was also present. He stated that a little over a year ago the Board granted the right to locate this building at this setback. The property had changed hands and the new owner wishes to extend this right. There have been no complaints and the business is well conducted. The road has been graveled along the applicants property line for accessibility. Mr. Warrenton, the new owner of the business was introduced. Mr. Dawson asked if this was to be a permanent location for the building. Mr. Webb said yes, in a sense, because it is the only way the building can be placed there. Mr. V. Smith said he did not think the raised car used for advertising purposes was a very

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good thing - as it obstructed the view. Mr. Warrenton said that was only temporary and had served its purpose. Mr. V. Smith moved to grant the extension for one year from the date of the expiration of the previously granted permit, which would be February, 1952. Mr. Dawson seconded. Carried.

3 - Robert E. Stafford, Inc., for permission to locate dwelling with 23 foot setback from Lee Park Court, Lot 7, Salde's Addition to Broyhill Park, Falls Church District.

Mr. Harry Otis Wright appeared for the applicant. The dwelling is the old Slade farm house - very old. If the developer put the road in straight it would come within 3 feet of the house. If they met the required setback it would make an abrupt curve in order to meet the existing road in the subdivision joining - which is a requirement of the Planning Commission that the subdivider meet, in order to have a through road from one subdivision to the other. If the front setback is reduced and the road is located 23 feet from the road right of way the curve will be more gradual and can be satisfactorily connected with the existing road. The locations of the proposed road were shown on the map. This house is old and probably will be torn down in time but at the present it is in the ownership of the Slade family and the developer has no authority to tear it down or move it, and can give no guarantee that it will be torn down. The plat was discussed which indicated the three possible roads and the one specifically recommended by the Planning Commission. Mr. Wright said he could dead end the road but that did not meet with the requirements of the PlanningCommission - which were to meet the incoming road from the subdivision joining. Mr. Brookfield said the Board had no authority over this road - it was a matter for the Planning Commission. Mr. Dawson moved that the application be referred back to the Planning Commission. Mr. V. Smith seconded. Carried.

4 - Wm. J. McCaw, Jr., for permission to allow addition to remain 1 foot and 1.14 feet from side property line, Lots 10A and 9A, Resubdivision of Cloud's Mill Property, north side of Little River Pike, Falls Church District. The original house had an addition put on to come 2 feet from the side line. A permit was given for this. When the addition was completed it was actually 2 feet over the line. This was ok'd by FHA by mistake. Now FHA will not approve a loan until the line is moved over two feet. Mr. Dawson moved to approve the application since the applicant owns the lot bordering this side line and it cannot hurt anyone except himself or the owner of this property. Mr. V. Smith seconded. Carried.

5 - Emless Shackelford, for permission to use utility building as a dwelling on .98 acre located on the north side of Little River Pike, across from the Quartermaster Depot, Falls Church District.

This building will be used for the applicant's daughter and husband. Mr. Schumann thought this a reasonable request. Mr. Dawson moved to grant the application because the area is so near the required amount for two dwellings. Mr. Piggott seconded. Carried.

Mr.Schumann asked to have the Stafford case reopened. The motion to reopen was made by Mr. V. Smith and seconded by Mr. Dawson. Carried.

Mr.Schumann said this application was in the reverse order of most. Usually it was a matter of a building being too near a road or line, this is the road being located too near a house. He went over the three possible locations of the road - asking that the Board consider the middle course of locating the road 23 feet from the existing house to lessen the curve in joining streets and still give plenty of clearance. Mr. Dawson thought the road should be straight to meet the incoming road. However, the Board could not agree that the existing house should be allowed to remain 3 feet from the line which the straight road would cause. Mr. Schumann said if the road were straight it would knock out Lot 9 and he thought this was a reasonable request in the application. Mr. V. Smith moved to defer the application to the 26th meeting for study, since this is the first thing of this kind the Board has handled. Mr. Dawson seconded. Carried.

6 - C. D. Shepherd, for permission to construct addition to non-conforming business to come 20 feet from side property line, on approximately 1/2 acre on the north side of U.S.#1, approx. 70 yards east of the junction of U.S.#1 and 613, Mt. Vernon District.

The location of the ground was discussed. Mr. V. Smith moved to defer this case until July 17th for further study. Seconded, Mr. Dawson. Carried.

7 - M. T. Broyhill & Sons, for permission to allow dwellings to remain with the following setbacks: Lots 89, 98, 101 with 14.8' sideyard setback and Lot 104 with 14.7' side setback, and Lot 133 with 12.8' side setback, Section I, Broyhill Crest, Falls Church District.

Mr.Walter Phillips, surveyor, appeared for the applicant. Mr. Dawson moved to grant Lots 89, 98, 101 and 104 because the dwellings are already built and it would be a distinct hardship to move them. Mr. V. Smith seconded. Carried.

Mr. Phillips said on Lot 133 it was an error in laying out the house. It was noted on the plat that the house was not straight with the side lot line. The lot was sufficiently wide and the setbacks could easily have been met. It was a surveyor's error. Mr. Dawson moved to grant this because it would be a hardship to move the house. Mr. Piggott seconded. Carried.

8 - Harry Otis Wright, for permission to divide Lot 27 into 2 parcels to be known as Lot 27-A and 27-B, with Lot 27-A having .448 acre and

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Lot 27-B having .504 acres and for dwelling to be located on Lot 27-B with less than required setback from Robey Avenue, New Hope, Falls Church District.

The plat was carefully studied. Lot 27-A is pie shaped but leaves ample space between the houses. The house on Lot 27-B is existing. Mr.Schumann thought this reasonable. There were no objections. Mr. V. Smith moved to grant the application because this is a reasonable request and does not affect anyone adversely. Seconded, Mr. Piggott. Carried.

9 - Mr. and Mrs.Eric Bovet, for permission to erect carport and storage room to come 8 feet from side property line, Lot 16, Sect. III, Tauxemont, Mt. Vernon District.

Mrs. Bovet appeared. She showed the architects drawing. The Board was of the opinion that this was too great an infringement. The width of the breezeway was discussed. The applicant did not want to cut that down because of the light and air it allowed. The storage space is entirely enclosed which actually brings the house to within 8 feet of the side line. The neighbors do not object. Mr. Dawson moved that the applicant be allowed to build the carport and storage space within 15 feet of the side line instead of the 8 feet requested due to the location of the house. (The driveway is already in and the other part of the yard already planted.) Mr.V.Smith seconded. Carried.

10 - Leslie W. Ojala, for permission to locate dwelling, the garage side of which will come 15 feet from side property line, Lot 19, Fairfax Forest, Providence District.

Mr. Ojala said there was an abondoned road on one side which had been used as access to an old mill. He did not know the status of the road now. Both Verlin Smith and JB.Smith said that future development would certainly require the opening of this road and if it should be made a 50 foot road which is very likely he would be entirely too close. Mr.Schumann said the 20 foot easement shown on the plat does not belong to the developer, that the inside line of the easement shows on the plat to be the line of the property. Mr. Dawson moved that due to the 20 foot easement the application be denied. Seconded, Mr. V. Smith. Carried.

11 - Mrs. W. R.Curtis, to resubdivide Lots 127, 128, and part of 129, Sect. I, Greenway Downs, Falls Church, with less than required area and frontage, Falls Church District.

There are two existing houses - one on Lot 127 and the other on 128 and part of 129. The applicant showed two different plans of dividing the property. There were no ojbections. East lot would have frontage on a street and with either plan would have approximately the same amount of ground. Mr. V. Smith said he thought the applicant should have certified surveyors plats so theBoard would know what they

were working with or what they might grant. He thought either division was a distinct improvement in the land area, but he would prefer to see what he was doing.

The applicant said she did not wish to have a surveyor make up certified plats on both plans - which would the Board recommend? Since either plan was acceptable to theBoard they agreed that plan B, which the applicant preferred, be surveyed and plats brought to the Board June 26th. A motion was made to this affect - the plat to show the existing buildings. Mr. Dawson moved to defer the case to June 26th - Mr. Piggott seconded. Carried.

12 - Austin and Eva Guest, for permission to enlarge living quarters on second floor of existing garage located on 3 acres on the Gallows Road, 2 blocks off Columbia Pike, Annandale, Falls Church District.

The applicants have been living in a small apartment over their garage while they rent their larger youse. The permit was given for them to live in the garage while the house was being built. But they have continued to live in the garage after the house was completed. Now it is too small and they wish to continue to rent the new house and extend their present living quarters.

Mr.Schumann said the applicants want to improve their living conditions and he thought this a reasonable request. They have 3 acre of ground - very much more than required for two dwellings.

Mrs. Guest said if the property was ever sold it would be sold as a single unit and not as two separate dwellings. There is one heating plant for the two buildings, also one well and pump. They had thought they had 20 feet more of ground on one side but the survey showed the line had been improperly located.

Mr. V. Smith thought the lower part of these or the stretch between the buildings dwellings could very easily be enclosed and the place used as a two family dwelling. Mr. Dawson moved to grant the application provided a breezeway be put between the two buildings. No second.

Mr. Schumann suggested a motion to grant the application subject to the requirement that if conveyed the frontage and area should be according to the requirements of the Zoning Ordinance at that time.

Mr.Brookfield stated that this is now a duplex - in reality. Mr. Dawson withdrew his motion. Mr. V. Smith moved to deny the application because it does not conform to theZoning Ordinance. JB Smith seconded. Carried. Voting: Dawson, Piggott - No. Verlin, JB Smith, and Brookfield - Yes. Carried.

13 - Constructors, Inc., for less setback than required from the street on certain lots listed and less side setback on lots listed, all in Sect. II, Bel Air, Falls Church District.

Lots 208, 209, 210, 211 - with less setback from street right of way, and Lots 223, 224, 225, 214, 215, 216, with less setback from

side property line.

Mr. Harry Otis Wright appeared for the applicant. He said this was an engineering error. The houses are already constructed. Mr. V. Smith asked why the lines could not be reset. Mr. Wright said the houses were sold and occupied and plats recorded. It would be too difficult. Mr. Schumann said they would have to get the agreement of all property owners and loan companies - which probably could not be done. It would be too long a process. There were no objections. Mr. Dawson moved to defer this case until July 17th. Mr.V. Smith seconded. Carried.

14 - Edgar and Ethel Revercomb, to permit location of barn and sheds used in connection with riding stable less than 100 feet from property line, being 35.24 feet from the NW side of a 15 foot outlet road, on approximately 2-1/2 acres on the north side of Georgetown Pike, approximately 1/2 mile west of Arlington county line, Providence District.

Mr. Hardee Chamblis represented Mrs. Revercomb. Mr. Revercomb was ill and not present. Mr. Chamblis said they adked the continuance of the riding stable - the one building ~~mf~~ which is located less then 100 feet or 10 feet plus from the right of way of a 10 foot outlet road. There is a second right of way - 15 feet wide which actually puts the barn 35 feet from the nearest property owner. Mr. Van Esso lives on this joining property and is objecting, Mr. Chamblis stated. His house is well back from the property line. This is a small stable - possibly 10 or 12 ponies and a few show ponies and 2 boarding horses. This is strictly for the children in the neighborhood. There had been no objections until very recently. The Revercombs had no knowledge that they had violated the Zoning Ordinance until this complaing was made. They had paid $2000 to have an addition made to their barn and it would no doubt cost considerably more than that now to have to rebuild it. Mr. Chamblis presented a petition with 10 names favoring the continuance of this stable. The nearest neighbor is a colored man named Grinage whose home is about 50 feet away. Mr. Chamblis said he felt that the Zoning Ordinance was designed for a reasonable interpretation and that the Board did not wish to cause undue hardship to the applicant. He quoted from Section 12 under which this could be granted, since it is not a detriment to the public good etc..

Mrs. Revercomb was questioned by her attorney. They have been operating for 3 years with no complaint until she had a letter from Mr. Mooreland stating their violation of the Ordinance.

Mr. Southall spoke favoring the riding stable. He is from 2 to 300 feet away. He has no objection, in fact suggested that it is very beneficial to the children - to keep them busy and happy and off the

highways. The ages of the children participating in the riding are from 3 to 12 or 14.

Mrs. Jenkins lives 250 away and had no objection. She thought this an asset to the community as an outlet for the children. She had heard of no objections.

Mr. Marshall lives 150 feet away. He is neutral.

Mr. James Keith represented the opposition - Mr. Van Esso. His is the property joining the outlet road previously mentioned. He lives approximately 1000 yards away but uses the outlet road. Mr. Keith showed on the building permit that the barn should have been 100 feet from the road and the permit was not followed upon construction of the barn. Mr. Chamblis said this was all done without the knowledge of the Revercombs. When the permit for the addition was issued the builder who got the permit did not inform the Zoning office of the location of the existing building. Mr. Keith said the use of this outlet road had greatly inconvenienced his clients because of continual traffic of horse vans. They were often held up for long periods and objected strenuously to its continuance, since it was a source of irritation and inconvenience.

Mr. Van Esso spoke - objecting to the use of the road particularly, and also because the building was too close to the line. It was brought out by Mr. Chamblis that this 15 foot road is in litigation now - and inferred that complaint over the location of the barn was never made until this litigation started and it was simply a move to keep the applicant from using the road.

Mr. Chamblis questioned Mr. Van Esso. He asked if he (Van Esso) had made complaint in his 3 years before very recently. Mr. Van Esso said the pending suit had nothing to do with this application- that he objected to the vans and the inconvenience. It is also unsightly, the continual traffic of these vans and was continually getting worse. While he lives 1000 yards away his home has an increasing number of flies.

Mr. Howze objected.

Mr. John Rust said he had had a telephone call from Mr. Abrams, the developer of Pimmitt Hills, objecting for the owners in that subdivision.

Mrs. Howze suggested that if the Revercombs used their own right of way from the highway there would be no objection.

Mr. Chamblis said that was probably true since the trouble in court enjoining the Revercombs from use of this road was the real cause of this complaint, resulting in this application. However, Mr. Chamblis said that would be settled in court and this case has shown that the present use does not affect the neighborhood adversely. He was confident the Board could reasonably grant this application.

Mr. Keith said, provided it was without detriment to others and is not opposed to the intent of the Ordinance. Here was a case where the applicant had violated the Ordinance in not following his permit to locate the barn-addition - then the applicant came complaining to the Board of the expense if not allowed to continue a violation. It was making a farce of the Zoning Ordinance.

Mrs. Van Esso said their greatest objection was to the use of the road - the inconvenience to them and to their friends.

Mr. Dawson said if a road were constructed from the highway to the stable would there by no ojbections. It was brought out that a road already exists.

Mr. Chamblis brought out that Mr. Revercomb did not know of the violation in the location of the addition.

Mrs.Revercomb said this commercial project was not planned, that they first had ponies just forshow. Then children came wanting to ride the ponies and people would insist upon paying their man - it gradually grew into a commercial project.

Mr. Dawson moved to grant this use of the stable for 12 months from this date, provided the vans entering to the stable enter on the Revercomb property. Mr. Piggott seconded. Carried.

Mr.Schumann asked the Board to reopen the Guest case. Mr. Brookfield said he thought it would be a mistake to go to court on this matter. Mr. Dawsom moved to reopen the case at the July 17th meeting. Mr. Piggott seconded. Carried.

15 - L. J. Wilcox, for permission to construct and operate tourist court with less than required setback from Gadsby Road on approximately 1 acre, part of Lots 2 to 9 incl., Hybla Valley Farms, Mt. Vernon District.

Mr. Wilcox said his difficulty was in not being able to get enough space between buildings for cars to park up to the building and still have room to turn around and back out. Mr.Schumann asked the Board to defer this case until he could check the zoning on joining property. It was voted to do so.

16 - Vernon M. Lynch, for permission to construct warehouse to be leased to the Federal Government, on approximately 40 acres located 900 ft. south of Rt. 644, approximately 9/10 mile east of Shirley Highway, Mt. Vernon District.

This case was brought before the Board at the last meeting with the question of whether or not the Board had the Authority to act in such a case - or whether to erect such a building it would have to be rezoned as Industrial Property. Mr. Schumann was asked to get a ruling from Mr. Marsh. He had contacted Mr. Marsh and the answer was No, the Board did not have authority to act as this was not a listed use. The property must be rezoned. Mr. Dawson moved

that since the Board did not have the authority to act that the case be withdrawn. Mr. J. B. Smith seconded. Carried.

17 - Blanche Frye, for permission to operate a sanitary land fill on approximately 63 acres, about 1 mile east of Ft. Belvoir and approximately 1 mile north of Pole Road, Mt. Vernon District.

Mr. John H. Rust represented the applicant. He said there were no homes in the neighborhood except the Fryes. The ground for this reason is ideal for such a use. There are no buildings on the 63 acres. The land is low and almost swampy.

Mr. Dawson asked if the applicant was aware of the Sanitary Fill Ordinance - what machinery he would have to get and the conditions under which it would have to be operated? Mr. Rust said that had all been talked out with Mr. Corbalis and the applicants - and that Mr. Frye would be advised of the expense and the law. He has been dumping there for 3 years.

The Report of the Health Department was read - also the Sanitary Engineer - both approving with restrictions. (See file for both reports) Mr. Corbalis recommended 8 acres within the 63 acres as the area to be used.

Mr. White inspected the property and thought it ideal for such a use - that there were not many places in the county as well suited for this type of plant.

Mr. Smith moved to grant the application the area designated by Mr. Corbalis letter of June 14, 1951 because it does not affect adjoining property and is necessary for disposal of trash in the county - this granting to be subject to the fact that it be conducted in accordance with the Sanitary Land Fill Ordinance. Mr. Dawson seconded. Carried.

Designation of the area to be used as given in the letter of June 14, 1951 from Mr. Corbalis:

300 feet from the north boundary of the property
1000 feet from the east boundary of the property
400 feet from the south boundary of the property, and
500 feet from the west boundary of the property, as shown on the plat presented with the case.

.....

Mr. Schumann returned and the Wilcox case was reopened:

The ground is zoned 180 feet rural business. The applicant is using only 160 feet of this zoning - then the property joins residential property. However has has a 20 foot strip beyond what he is actually using. The setback from this side must be 25 feet. He suggested that Mr. Wilcox start construction on the opposite side of the court and ask for rezoning or a variance on the joining property.

Mr. Dawson said the side road may be important in the future and the building located too close would not be good. Verlin

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Smith agreed. Mr. Schumann suggested deferring this to June 26th. Mr. V. Smith so moved. Mr. Dawson seconded. Carried.

18 - Wm. and Lesta Harris, for permission to install kitchen facilities to be used temporarily, on second floor of dwelling located on Lot 15, Sect. 2, Sleepy Hollow, Falls Church District.

Mr. Charles Patton Henry, attorney, appeared with the applicants. He related the story back of this request. Mr. Harris' parents are very old and need constant care - the applicants have asked them to live with them in order to administer proper care to the old couple. The old father has a mouth cancer and palsy which is very embarrassing to him and others when he eats. It was planned to have a separate kitchen installation for the old parents so they could be to themselves especially at meal time. This is only a temporary arrangement and all use of this second floor as a second living unit will be abandoned when the old parents are gone.

Mr. Robert W. Moore, living diagonally across the street spoke for Mr. Gray, Citizens Assn. Presidnet who could not be present, objecting. He read letters, one from the citizens association and letters between the citizens association and Mr. Harris. Mr. Moore said the neighbors had not been informed by the Harrises just what they were going to do. Considerable arguement followed between the Harrises and Mr. Moore and others whether or not the neighborhood had been properly informed of the Harris intention to take care of their parents in this manner.

Mr. Moore wanted an affidavit saying this use would be abandoned when the need was no longer there. Mr. and Mrs. Harris said they were perfectly willing to give this affidavit. The Board felt that this was a matter more of public relations than of complete disagreement and that the two could get together with a satisfactory agreement.

Mr. Schumann said Mr. Harris had cone to his office and was willing to sign such an agreement.

Mr. Dawson moved to defer the case until July 17 and instructed Mr. Schumann to see that a court agreement be drawn up satisfactory to both parties - so the Board could act. Verlin Smith seconded. Carried.

The Board adjourned to lunch.

Upon reconvening Mr. Dawson took the Chair. The meeting was adjourned to the Circuit Court Room.

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19 - Board of Supervisors of Fairfax County, for permission for location, construction, and operation of a sewage treatment plant and related facilities, on 21.321 acres on the easterly side of Fort Hunt Road, joining Belleview Apts. on the north, Mt. Vernon District.

Mr. James Corbalis appeared for the Board of Supervisors with Mr. Robert McCandlish acting as attorney.

Mr. Corbalis asked for the report of the Planning Commission which approved the site saying in the opinion of the Commission it did not materially affect adversely the health or safety of persons residing or working in the neighborhood and the location would not ultimately affect adversely the development of the neighboring property.

Mr. Corbalis located the tract, by maps. He stated that the plant would take care of from 40 to 45,000 persons and designed to ultimately accommodate 80,000 persons. The State Water Control Board has stated that streams cannot be polluted and the County must have a plant. A letter was read from the Interstate Commission on the Potomac River Basin stating that the erection of such a plant as planned here would not create a health hazard nor be objectionable if properly designed, maintained and operated.

Mr. Corbalis said the selection of this site had been made after long study - engineering and economic - study of topography, necessity, discharge, growth, existing pipe lines and other facilities. It was selected with the knowledge that it was in a residential district but studies had shown that it could be so located and incorporated into the area without harm to such an area. There are no buildings within 350 ft. of the proposed location. The topography is satisfactory-being wooded. The site includes approximately 21 acres - 3½ acres of which will be cleared. The plant will be well screened and would not be seen from any of the surrounding residential area. The school joins this area on the north and no objections have come from that Board. This will be about 700 ft. away. The nearest dwelling is approximately 1600 ft. away. Belleview Apts. is now 1000 ft. away.

Mr. Corbalis went into the three different types of plants which could be erected: The type plant selected for this installation (intermediate) is well suited to the topography, can be economically enlarged when necessary, and can be well suited in architecture to a residential area. It is small and compact. It will have a settling tank for solid materials which materials when dried will be removed and the run-off chlorinated. Mr. Corbalis showed

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samples of material dried and treated which are entirely odorless. The possibility of odors is slight if the plant is properly operated and maintained. Whatever odors might come from the plant will not be objectionable. The actual plant will take up 1½ acres all of which will be thoroughly screened. Structures will be of brick.

Plants in residential areas, Mr. Corbalis stated, are not a novel experience. He recalled four plants either in operation or under construction which are in residential areas. (Vienna, Pimmitt Hills Hollin Hall Village and Town of Fairfax) He showed pictures of plants already constructed indicating how such plans could well fit into a residential area.

A letter from G. Wallace Carper was read regarding an inspection trip he had made at the suggestion of the Board of Supervisors to determine advisibility of such a plant in a residential area. On this trip he investigated construction, operation and treatment facilities of various plans and submitted a detailed report on his findings. Mr. Corbalis accompanied Mr. Carper. The report showed that odors occurred only when the plant was overloaded or improperly operated and maintained. In many localities homes were very near the plant and there were no objection. In one instance a FHA project was very near. General good development was near the plants.

Mr. Corbalis also visited many other plans investigating operation and location and did not find adverse conditions surrounding the installation. He felt that opposition to such a plant was entirely psychological - that it was necessary for people to see a plant to appreciate its inoffensive character.

Mr. Corbalis stated under questioning that Belle Haven was 3950 ft. away from the proposed plant.

Mr. Andrew Clarke asked for the location of alternate sites. Mr. McCandlish thought this was not pertinent. The Chairman overruled Mr. McCandlish's objection. Mr. Corbalis listed the other sites and told why consideration was abandoned.

Mr. Randall Caton suggested that the county hold up construction until after the current regional sewage-disposal survey is completed which might result in the county joining on a regional construction plan.

Mr. McCandlish stated that the attorney general had ruled that a separate plant for Fairfax County Sanitary District No. 1 had to be built with the money from the present bond issue. The regional plan will take care of future development.

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Other locations were discussed, Mr. Corbalis explaining why they could not be considered.

Mr. Oyster, Mr. Wyatt, and Mr. Keller questioned the speaker.

Mr. Harwood of Bucknell Syndicate, representing land adjoining, stated that he is in favor of this installation, for health reasons.

Dr. Heath, County Health Officer, spoke favoring the plant. He detailed health conditions in the county, dangerous conditions regarding septic tanks to which there is no answer due to ground and water levels - except a disposal plant. He spoke of possible odors but said that could be controlled by proper operation. He urged that the plant be installed at the earliest date possible

Mr. J. R. Simpson, Sanitary Engineer for FHA spoke. He reviewed the selected site, plans and type of treatment. He said many FHA projects were located in the imediate vicinity of disposal plants-that offensive odors had been negligible-that FHA would insure to within 4 or 500 feet of a plant. There was no concern whatever about a project 1000 feet away. There are places insured as close as 50 feet. But that was not general. Each case was an individual project and rested on its own conditions. Mr. Clarke questioned Mr. Simpson relative to loans, odors and depreciation of surrounding property, value of projects near such installation.

Mr. A. B. Elliot, Underwriter for FHA spoke. He listed many large projects insured by FHA which had not been adversely affected by a disposal plant. He stated he would not favor underwriting a loan on construction closer than 800 feet from a plant, but it would depend upon the type of plant considered. The one the county anticipates would be satisfactory.

Mr. Kurcias questioned the speaker regarding depreciation. Mr. Elliott said he would reflect the proximity to a plant in his estimate of value. He stated that as an appraiser the market and competitive conditions were determining factors in placing a loan.

Mr. Landrith stated that buildings in Belle View Apts. would be 300 feet of the plant and more buildings to be built would be 650 ft. and he did not think the development would be adversely affected.

Mr. Kinck suggested that because of the plant joining property might become industrial in character or commercial which in his opinion is bad planning. Mr. Elliott thought it had never been demonstrated that such zoning would follow or depreciation would follow this installation.

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Mr. Lee objected - because of establishing a bad precedent.

Mr. Elliott was questioned about loans on Bucknell.

Mr. Oyster questioned loans in a poor market stating that this being a sellers market loans were more liberal. Mr. Elliott thought anything 4 or 500 feet away would be a good loan risk.

Mr. Richey suggested that the psychological factor was important in determining values.

After a 10 minute recess the opposition presented their findings. Mr. Joseph Wyatt, President, Belle Haven Citizens Association spoke. Approximately 150 citizens were present opposing this installation.

Mr. Arthur Shaffer opposed the application stating he favored location of the plant in an industrial zone. He realized the need of the plant and voted for it but was always opposed to this particular location. He was not in favor of locating plants all over the county in residential areas - they should be confined to industrial property in order not to depreciate values. He suggested waiting for the report of Interim Committee on regional sewage disposal.

Andrew Clarke appeared representing opposition in the neighborhood of the plant. He recalled certain projects that the Board of Appeals and Board of Supervisors had opposed because it affected joining property adversely and requested the Board to take consistant action this time. He objected to the site - entering a well developed residential area with this project which is bound to depreciate property. He reiterated the fact that regardless of mechanical factors in operation there would be odors. He suggested that other sites were far more desirable - especially the one near the railroad, Northern Va. Construction Co. property and Cameron Run. This was considered and abandoned - he did not know why. Mr. Clarke stated that the opposing group was present because they were affected and were exercising their right to protest. He asked the Board to be consistant and reject this application.

Mr. Randall Caton, representing the Belle Haven Realty Corporation spoke. He likened this to spot zoning, and charged it would lessen values. It will encourage requests for rezoning and thus depreciate values. He also suggested consideration of other sites and waiting for the report of the Interim Committee on a larger plan for the entire area.

Mr. Joseph Wyatt, President of the Belle Haven Citizens Asso. spoke. He stated that they were interested in orderly development and zoning. He considered this actually a rezoning - permitting an industrial use in the heart of one of the most important residential areas in the county. This is objectionable. He stated that

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this plant and the bonds were discussed without individuals realizing where it was to be located. There was considerable confusion as to the various sites originally discussed. Statements were made that the citizenry was not sufficiently informed.

Mr. Bryant spoke - represent 300 home owners - opposing.

Lester Simpson protested the location - asking investigation of an industrial district. This is an already settled area and the people there should be considered.

Mr. Farrington spoke - opposing -stating there had not been sufficient investigation of other sites. He suggested and industrial area.

Ed. Smith, President of the Mt. Vernon Citizens Association spoke, opposing, also Mr. Childs of Belle View Apartments.

In rebuttal Mr. Corbalis showed the original map which had been carried around from citizens group to citizens group seeking support for the bond issue and the present site was definitely located in red. He felt that the public wwas well informed and this site is in the official records of the Board of Supervisors.

Other sites were discussed. Mr. Corbalis said this one was chosen because it is the most practical from an engineering standpoint - it appears to be the cheapest for construction. The Board of Supervisors had determined the site and it was well publicized, that the engineering report and the map were incorporated in a resolution by the Board of Supervisors on the faith of which the people bought bonds for a sewage treatment plant.

It was brought out that the bond issue did not tie the construction to this one location - it could be diverted to another site. However, expenditures have already been made.

Testimony completed, the Chairman asked for discussion within the Board. After considerable discussion Mr. Brookfield stated that he is a member of the Planning Commission and represents the Planning Commission on this Board. The Commission had voted to recommend this application to be granted. Therefore he moved that the application be granted because Sanitary District No. 1 had voted for it, the money has been borrowed, the Board of Supervisors approved the referendum, money has been obtained and some spent, and the Attorney General says this money cannot be used for anything else except a sewage disposal plant in Sanitary District No. 1. Mr. Piggott seconded. Carried. Mr. Brookfield, J. B. Smith, and Piggott voted for the resolution. Mr. Verlin Smith and Mr. Dawson did not vote.

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Mr. Verlin Smith felt that the motion did not include the reasons given in the Ordinance required for granting such an installation.

The Chairman announced that there were 9 deferred cases yet to be taken up and if any applicants were still present their case would be taken up - otherwise they would be deferred. It was requested that Mr. Eckstein and Mr. Lynch be heard.

Deferred Cases:

Irving Eckstein, for permission to allow a detached garage to remain located 11 feet 10 inches from the rear property line which is Quander Rd., Lot 9, Block No. ___, Sect. I-A, Bucknell Manor, Mt. Vernon District.

The President of the Bucknell Citizens Association was present and stated that the Association did not object - that the garage was located in error and he did not think the property owner should be penalized. The hardship in re-locating the garage was discussed. Mr. Brookfield moved to grant the application but withdrew his motion. Mr. V. Smith thought the Board should hear from Mr. Neal of the State regarding a plan for planting survey. He moved to defer the application pending hearing from the Virginia Department of Highways. Mr. Brookfield seconded. Carried.

Vernon M. Lynch, for permission to operate a gravel pit on approx. 150 acres located 2000 ft. south of Rt. 644 and north of the R. F. and P. R. R. and 3/4 mile east of Rt. 350, Mt. Vernon District.

This case was deferred for inspection of the property. Mr. Lynch explained that he had several roads he could use to get into the pit. He could use whichever the Board designated. This is a natural Industrial location, a gravel pit having been operated on part of this property for some time. The gravel is of first quality - rare in the county - and meets the specifications of the State Highway Department. He will use much of the gravel for his own interests and sell the surplus. This is high ground - really the top of a hill and the excavation will be merely taking down the hill. He paid $80,000 for this ground because of the good quality of the gravel.

Mr. Wm. Barber represented the opposition. He read a letter from the Citizen's Association in the vicinity opposing this use. He felt that this installation would depreciate property values, increase traffic hazard and the outlet road would create a dangerous corner since it is on a curve. Many accidents have occurred there. The highway has recently been rebuilt for people in the area and it will not take heavy truck travel. Gravel truck drivers in Mr. Barber's opinion are notoriously bad drivers - their accident rate is high. He presented a petition opposing signed by 43 residents.

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Mr. F. L. Smith spoke, opposing. He objected to the use of the various roads into the pit.

Mr. Lynch said since he owned so much property in the vicinity he himself would be the last one to wish to depreciate property values. This property will be subdivided in time - after the gravel is taken off. The ground would be put in proper condition upon completion of the digging. Mr. F. L. Smith said that that requirement is stated in the Ordinance but had not been followed.

Mr. Verlin Smith made the following motion: That the application be granted for 1 year within the area designated by the red lines on the plat submitted with this case, provided 100 foot setback from all property lines is observed (excluding the R. F. and P. R. R. side) in conformance with the Zoning Ordinance and at the intersection of the Franconia Road and the outlet road into the gravel pit sufficient filling be put in to make a safe approach and all gravel leaving the entire tract be taken out over the street through the Talbot land, as the Board does not think this will adversely affect adjoining property. Mr. Brookfield seconded the motion and it was carried.

Arthur Cushing, to erect a carport within 3 feet of the side property line, Lot 16, Block B, Fairdale, Falls Church District. Mr. Cushing had said he could meet a 5 foot setback for his carport. Mr. Brookfield moved to grant this 5 foot setback and Mr. V. Smith seconded. Carried.

The meeting was adjourned.

John W Brookfield V.C.
S. Cooper Dawson

S. Cooper Dawson, Chairman

June 26, 1951

A Special Meeting of the Fairfax County Board of Zoning Appeals was held June 26, 1951, in the Board Room of the Fairfax County Office Building at 10:00 a.m. with the following members present: Messrs Dawson, Brookfield, Piggott, and Verlin Smith. Mr. White, Zoning Administrator and Mr. Mooreland were present.

1 - Mr. Andrew Clarke was present representing Messrs Jerome Karle and Kenneth Caird, both of whose applications had been denied by the Board, asking that these cases be reopened. In the Karle case he was of the opinion that the Board had not given consideration to the saving of a particular tree. Mr. Smith asked to have the house staked out. Mr. Brookfield moved to grant a rehearing July 17th.

Mr. Piggott seconded. Carried.

In the Caird case Mr. Clarke said a petition from the neighbors had been prepared requesting that the Board grant this application. He wished to present facts to theBoard that were not presented at the hearing. Mr.Brookfield moved and Mr. Piggott seconded that the rehearing be granted. Carried. (This also July 17th.)

2 - Helen Mar Stevens, for permission to operate a private school on 1-1/2 acres on the west side of Springfield Road, approximately 1-1/2 mile north of the Shirley Highway, Mt. Vernon District.

Mr. Andrew Clarke represented Mrs. Stevens. This is known as the Gellispie property. It was located on a map showing distances from neighbors. Mrs. Heffner who owns property immediately joining this (she does not live on this property) stated she had no objections. She said they would build on their ground later (Lot 17(.

Mrs. Hopkins, owner of the property joining Mrs. Stevens Grasshopper Green School on Route 7 stated that the school was not in the least objectionable to her - that Mrs. Stevens had conducted a good school, well disciplined children, in fact it was an asset to the community rather than a detriment.

Mrs. Stevens spoke - detailing her experience and her plans. The age group would be from 2 to 8 years. She is having to vacate her Fairlington school as the building has been sold and must find a new location. She has only day pupils, a staff of 12 teachers and someone with the children at all times. The ground is partly wooded in the rear but approximately 3 acres are cleared for play area. She will use the workshop as the school room when it is remodeled with proper lighting and air. The place has a deep well and the Health Department has checked the septic tank and said it was adequate now but if there is at any time an overflow they would recommend how many additional feet of field would be needed. The School will have approximately 25 children. There had been a school of this type in the neighborhood and no one objected to it. It is not operating now.

The Chairman asked for objections. Mr. J. S. Watson spoke against the school. His property joins the Gillespies. Hishome is about 200 feet from the Gillespie house and the play area would be in his front yard. He objected to the noise.

Mr. Cole, across Springfield Road, objected. His mother is ill and the added noise would be distressing. Mr. Clarke brought out that Mr. Cole's house was considerable distance away and the noise could not be considered. Mr. Cole also objected because of septic conditions. He stated that the soil in this area does not absorb and the septic field could not be made adequate.

Mr. J. F. Smith objected. His property joins. He did not like

the idea of putting a commercial venture in a good residential district. Any school, no matter how well conducted, would put the street on a commercial basis - and would act as the opening wedge. He had talked with many real estate men who all stated that such a use would depreciate property in the vicinity. It would be noisy. He also spoke of the bad septic field conditions - the property in question is low and does not drain well. He himself is higher but found it necessary to put in 650 feet of extra drainage. He could not see how the Gillespie field could possibly take care of 25 children. Mr. Smith thought this would also encourage others to seek commercial zoning as he was sure many on Springfield Road had that in mind.

Mr. Clarke brought out the fact that this is only a use permit- not a rezoning. Mr. Smith agreed - but the ultimate result is the same.

The school which had been discontinued in the neighborhood was discussed as to objections and septic. Mr. Brookfield said it had been on very much higher ground and had no septic trouble but that the entire area had had great difficulty with drainage.

Mr. Smith said he had often seen overflow in this field but that Capt. Gillespie had had it pumped often and had taken very good care of it.

Mrs. Smith objected to the noise. She also talked with real estate people who had stated that this use would devaluate property values. Considerable discussion followed and Mr. Clarke requested names of the real estate firms contacted. Mrs. Smith gave a list - but questioned what this had to do with the case. Mr. Watson said - after all the property owners themselves were the judge of devaluation of their own property.

Mr. Horton objected because of drainage - it drains toward him and water was often standing on his ground. There are odors and the drainage is not clear water. He objected to this commercialization. However, he would have no great objection of the Health Department would approve the septic field.

Mr.Gordon on Lot 12 objected because of drainage. There is a natural drain toward his property - a stream is running constantly which looks like dishwater. He stated that the ground would take only so much water and adding to the use of sewage would make a very bad situation for him.

Mr. Clarke tried to get Dr. Heath or Mr. Robey from the Health Department to testify as to septic conditions but both were unavailable.

Mr. Smith's wading pool was discussed - the number of children using it and the number of children in his yard.

Three letters were read opposing: From William P. Watts, Jr., Gordon Edwards, and Paul J. Dumm, all objecting for reasons previously brought out - devaluation of property, noise, and sewage.

Capt. Gillespie said the drainage was storm water not sewage.

Senator Clarke suggested that the case be deferred for a report from the Health Department. Mr. V. Smith said if that was the determining facor in the case it was all right to defer it - otherwise he felt they could settle it today. Mr.Dawson said the drainage was very important to him.

Mr. Brookfield moved to defer the case until the next regular meeting. Mr. V. Smith said the case sould ge granted contingent upon the report from the Health Department. The Fire Control Board report was also mentioned. It was thought necessary.

The Chairman summarized the case saying the principal objections were to the drainage caused by a hard pan soil which would not absorb properly for septic fields, the noise, and devaluation of property.

Mr. Brookfield withdrew his motion and made the following motion- to deny the case because of the devaluation of property in the neighborhood. Mr. Piggott seconded. Carried.

3 - Sam A. Hill, for permission to construct addition to present dwelling to come 20.5 feet from side property line and 6 feet from rear line on Lots 4 and 5, Van de Vanter Farms, Providence District.

Lt. Hill appeared. This is a long narrow piece of ground. At the rear is an old road which never was officially abandoned. Lt. Hill is trying now to get title to one half of this road. No one has ever taken title to it after the new road was relocated. Also this is an old lot of record before the Ordinance and the Zoning Administrator could not relieve the setback to this extent. It is impossible to meet the zoning requirements. The Hills bought this property about two years ago and have built a temporary structure. Now they are ready to build their permanent home.

Mr. Mooreland said this road business happened when 237 was rerouted to do away with a curve and it created this lot. Mr. Brookfield moved to grant the application because of the peculiar shape and condition of the lot. Mr. Piggott seconded. Carried.

DEFERRED CASES:

R. E. Stafford; for permission to locate dwelling within 23 feet of right of way line of Lee Park Court, Lot 7, Slade's Addition to Broyhill Park, Falls Church District.

Three plats were shown with proposed road. It is the requirement of the Planning Commission that this road tie in with the road already in existence in the joining subdivision. In order to do this and meet the setback on this old non-conforming house - the road

would have to make a very distinct curve to join. Mr. Stafford presented one plat which the Planning Commission had approved making a 25 foot setback for the house and thereby reducing the curve.

Mr. V.Smith suggested that if this old house were left this close to the road it might encourage the developers to consider this an established setback and make the newer houses conform to that setback. Mr. Stafford said they would definitely not do that and he felt the old house which is of log construction will fall down before too long.

Mr. V. Smith moved to grant the application as per plat requiring the 25 foot setback from the front property line and it is understood that the building setback line will be complied with on Lots 6 and 8, as required by the Zoning Ordinance in this zone, granted as per plat prepared by H.O.Wright, Jr. 6-25-51. Seconded by Mr.Brookfield. Carried.

Mrs. W. R. Curtis, for permission to resubdivide Lots 127, 128, and part of 129, Section I, Greenway Downs, with less than the required area and frontage, Falls Church District.

This case was deferred for surveyor's plats. Mrs. Curtis had shown two possible plans for dividing the lots and was told to have the plat made of Plan B, which was her choice for the division of the lots. This is an old subdivision and the houses are already built. Mr. V. Smith moved to grant the division of the lots according to Plan B as it appears to be for the good of the general welfare of the owners and for the second lot and also because this is an old subdivision. Mr. Brookfield seconded. Carried.

Mrs. J. W. Miller, Lot 10 and part of Lot 9, Smarrland, Falls Church District, had asked for a reopening of his case- requesting that since the objection to his garage by his neighbor had been removed that he be allowed to retain the brick walls of his garage, which are already constructed. Mr. V. Smith had seen the property. He thought it was a mistake to have the garage so close to the line, however, he moved to grant the applicant the right to enclose the third side of his garage in order to make a foundation for his porch. Mr. Piggott seconded. Carried.

W. Parker Richardson, for permission to construct gasoline filling station on 1/2 acre (approximately) on the south side of Rt. 642 - 100 feet east of the Shirley Highway at Lorton, Lee District.

A plat was shown which had been designed by Mr. Schumann, relocating the gas station which would allow access from Rt. 600 to 642. The State had given permission for ingress and egress from Rt. 642, It was agreed that most of the traffic would be on Rt.

642. By locating the filling station in this way it would give room for cars on both sides of the building. Mr. Brookfield moved to grant the application as per map worked out by Mr. Schumann, maintaining the 320 foot setback from the Shirley Highway but with a 16 foot setback on the side joining the neighboring property. Mr. V. Smith added, with Mr. Brookfield's consent, that this include putting an entrance from Rt. 642 to 600 because the corner property is so narrow. Seconded by V. Smith. Carried.

L. J.Wilcox, for permission to construct and operate tourist court with less setback than required from Gadsby Road, on Lots 2 to 9, inclusive, (approximately 1 acre) Block 2, Hybla Valley Farms, Mt. Vernon District.

Mr. Wilcox was attempting to maintain sufficient area in the inside court of his motor court in order to have parking space and room to turn around. It was suggested pushing the entire structure closer to the joining property line. Mr. Wilcox said this would interfere with his drive into the service station on this property and the entrance road to his rear tourist cabins. Mr. Schumann did not wish to break the 50 foot setback line from Gadsby Road because of the very likely development ultimately on this road - it would set a bac prescedent and would not be good planning. Mr. V. Smith agreed that this would cause more requests to line up with this reduced setback. There are already 6 cabins on this property and a gasoline station. Mr. V. Smith moved to defer the application to view the property. Mr. Piggott seconded. Carried. Deferred to July 17, 1951.

Mr. Mooreland asked to discuss chinchilla farms with the Board. He said this had been regarded simply as a hobby but since so much money was involved it was fast becoming a business and he thought should be under restrictions. At present this could be carried on in any district if the owner can meet the 100 foot setbacks. Kennels for dogs have been brought before the Board of Appeals - does the Board wish the same procedure for these farms.

Mr. V. Smith suggested referring this to the Planning Commission for study and report. The Board should also study the problem and report back at the July 17th meeting. Mr. Smith so moved. Mr. Brookfield seconded. Carried.

TheBoard adjourned.

S. Cooper Dawson

S. Cooper Dawson, Chairman

* * *

July 17, 1951

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held July 17, 1951, in the Board Room of the Fairfax County Office Building at 10:00 a.m. with the following members present: Messrs Dawson, Brookfield, Piggott, J. B. Smith, and Verlin Smith. Mr. White, Zoning Inspector, was present.

Mr. Brookfield acted as Chairman for the first part of the meeting.

1 - Lee Kochlek, for permission to allow completion of dwelling which is located 55 feet from center of a 30 foot road and 40 feet from right of way of said road, on 1 acre located approximately 350 feet north of Route 692 and about 1/2 mile east of junction of Rt. 692 and 693, Providence District.

Mr. Kochlek said this is a 30 foot road which has never actually been dedicated. It dead ends and is not improved - more than a good stand of gravel. The property back of this road is a farm which will not be subdivided for many years. Mr. Dawson said, however, that this 30 foot road will some day be widened to 50 feet and will no doubt be an entrance road to the property immediately back of this lot. The applicant now sets 55 feet from the center of this 30 ft. road - he should be 60 feet. Mr. White made the inspection and did the posting and he did not think the five foot variance too great.

Mr. Dawson moved to grant the application because the house on the next lot is substantially the same distance back from the 30 foot road and this is a subdivision recorded prior to the Ordinance. Mr. Verlin Smith seconded. Carried.

2 - Morton S. Beyer, for permission to locate attached garage 15 feet from side property line, Lot 16, and south half of Lot 15, Block 2, McHenry Heights, Providence District.

Mr. Beyer said he had a rambler type house and wished to make the addition in keeping with his present construction, and in harmony with the neighborhood. There is a tree 12 feet from the corner of the house which the applicant wishes to save. This addition will be 45 or 50 feet from theneighbor who does not object. The driveway is already in. Mr. V. Smith suggested cutting down on the width of the breezeway. Mr. Beyer said this would interfere with the architecture of the building and would bring the garage too close to the tree.

Mr. V. Smith moved to grant the applicant a 3 foot exception so the garage would be 17 feet from the side property line, in order to preserve the tree which is 12 feet from the house. Mr. Dawson seconded. Carried.

3 - Garland R. Ritter, for permission to locate carport within 42 inches of side property line, Lot 130, Fenwick Park, on Lawrence Drive, Falls Church District.

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Mr. Dawson said this was bringing the buildings too close together- with such additions, the houses would actually be 15 or 16 feet apart. Mr. Ritter said his driveway was already in - with a retaining wall which would be expensive to move. There were no objections. Mr. V. Smith suggested locating the garage back of the rear line of the house and locating it 4 feet from the side line which would be in line with the driveway. Mr. Ritter said he didnt want it there - it broke up his back yard and planting. Mr. Smith said this was granting too much of a variance and he was not in favor of it. He moved to deny the application because it does not conform to the minimum requirements which have recently become more lenient. Mr. ~~Brookfield~~ Dawson ? seconded. Carried.

4 - Thompson and Case, for permission to have less than required setback for dwellings on the following lots all located in Ellison Heights, Falls Church District:

Lots 5 and 6 with 14.05' side setback and 39.80' front setback.

Lots 7 and 8 with 14.7' side setback.

Lots 26 and 27 with 13.1' and 12.9' side setbacks, all in Block F, and:

Lots 39 and 40 with 14.3' side setback

Lots 43, 44, and part of 45 with 14.7' side setback.

Lots 46, 47, and part of 45, with 13' side setback and 31' setback from Highland Street, all in Block G.

This subdivision was approved in 1907 Mr. Thompson said. Mr.Dawson moved to grant Lots 5 and 6 because it is a very small vairance. Mr. V. Smith seconded. Carried. Mr. Dawson moved to grant Lots 7 and 8 because of the small variance. Mr. Piggott seconded. Carried. Also he moved to grant lots 26 and 27 as it was shown that the house was not straight with the lot line. A later survey showed the dwelling to be on an angle - granted a 1' 11" setback on the west side property line, Mr. Piggott seconded. Carried. Mr. V. Smith moved to grant lots 43 and 44 and part of lot 45 as per the application because it is an old subdivision and a very small exception and it improves the neighborhood by combining the two lots of record. Mr. Dawson seconded. Carried.

Lots 46 and 47 and part of 45 were discussed. Mr. V.Smith moved to defer these to view the property. Mr. JB Smith seconded. Carried.

5 - Charles S. Weaver, for permission to construct garage-addition to present dwelling to come 8.3' from side property line and 34.75' from front right of way line, Lot 30, Brilyn Park, 710 Meridian Street, Providence District.

Mr. Weaver said his lot was level in front but had a steep drop just at the building line. His second floor is level with the front of the lot and the first floor level with the back of the house. It is about

a 25% drop. This would make it practically impossible to locate the garage back of the house - also the drain field is back of the house. Mr. V. Smith suggested that theBoard should see the property since this seems to be a topographic condition. Mr. Smith moved to defer the application until July 31st to view the property. Mr. Piggott seconded. Carried.

6 - E. H. Ayers, for permission to construct additional tourist cottages on 10.4108 acres on the west side of U. S. #1, 7 miles south of Alexandria, Keystone Courts, Mt. Vernon District.

Mr. V.Smith did not think the plats submitted were sufficient since they did not give exact locations of the buildings. It will be necessary to show the locations when the permit is requested. Mr. Dawson moved to approve the application because it is merely carrying out an addition to an existing court. Mr. JB Smith seconded. Carried. Verlin Smith voted No. - as he wanted first to see the building locations. Messrs Dawson, JB Smith, and Piggott voted Yes. Carried.

7 - John A. Myers, for permission to erect accessory building within 3 feet of side property line, on part of Lot 12, 13 and part of Lot 69, Ravenwood, Falls Church District.

No one was present to support this case - it was voted to put it at the bottom of the list. Motion V. Smith, seconded Mr. Piggott.

8 - Frederick F. Neuzig, for permission to erect duplex on Lots 8 and 9, Fairfax Acres, Providence District.

Mr. Neuzig has the area and frontage required for a duplex. There was no opposition. Mr. V. Smith moved to defer the application until July 31st to view the property. Mr. Piggott seconded. Carried.

9 - Charles H. Connelly, for permission to locate tool shed with less than required distance from Alexandria Avenue, Lot 3, Block 3,Tauxemont, southeast corner of Alexandria Avenue and Ft. Hunt Road, Mt. Vernon District.

This is a corner lot and the applicant could not possible meet the 100 foot required setback of an accessory building and still meet the rear 10 foot setback. There were no objections. Mr. V.Smith moved to grant the application due to the narrowness of the lot. Mr. Piggott seconded. Carried. The building is to be an 8 x 10 utility building. This was added to the motion by consent of both parties. Carried.

10 - Helen S. Regan, for permission to operate a private school on 5 acres, part of Lot 2, Farr and McCandlish property, east side of Falls Church-Annandale Road, approximately 1/10 mile north of intersection of Rt. 236 and 649, Falls Church District.

Mr. Hardee Chamblis represented Mrs. Regan. He stated that the property is approximately 800 feet from the intersection of Columbia

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Pike and Route 236 - the business district of Annandale. The building to be used for the school is one the back of the 5 acre tract and is ideally located for this purpose - Mr.Chamblis stated.(It was established that the property was properly posted.)

Mr. Chamblis showed pictures of the 5 acres and the building. The school will be 825 feet from the Falls Church-Annandale Road. The distances to actual dwellings vary from 485 feet to 775 feet. Mr. Chamblis called to the attention of the Board the great need in Fairfax County for schools and that relief from private schools can be of great service to the public system which is already overburdened. He cited locations all over the county where schools are permitted in residential districts since they are entirely out of place in a business district. His clients have looked over the county very carefully to find property that was sufficiently isolated so as not to harm residential property and found this the most adaptable to this use. The building to be used is all on one floor - has passed fire regulations and health inspection. The yard will be fenced for the children to play- which will keep the children at least 75 feet from any dwelling. He spoke of birds being raised on Lot 29 (joining property) and a real estate office of Mr.Simms- also joining property.

The property between the proposed school building and the Falls Church-Annandale Road, Mr. Chamblis said, would lend itself very well to subdivision which could be cut into 12,500 square foot lots. This would no doubt bring children - probably more than a school. He suggested that keeping this ground open and having the school in the rear would be more desirable for the neighborhood than a subdivision. Mr. Regan plans to have about 30 children - ages from 4 to 7 years.

Mr. V. Smith suggested that that age range would not relieve the school situation to any degree-so few of actual school age. Mrs. Regan said she would also have the 3rd grade if the demand was there. This school would also, she stated, be a great help to working mothers.

Mr.Chamblis mentioned the New York Zoning Ordinance which allows private schools in a residential district - saying they are not suitable in business districts. He also stated that the rapidly expanding population of Annandale would greatly benefit by another private school in the neighborhood.

Mrs. Jusstison, whos is active in PTA and welfare work, spoke favoring the school - suggesting that it would be a valuable asset from the standpoint of the school situation and working mothers.

Mrs. Ludwig, who will have charge of the school and will live on the premises, spoke - favoring.

Other private schools in the neighborhood were discussed.

Mr. Gordon Kincheloe represented the opposition. He stated that this is all residential property where people had bought for the express purpose of peace and quiet and did not wish an infringement of business in the neighborhood. Values are high in this neighborhood and he suggested that such a permitted use would depreciate values. There is one school in the neighborhood already - the Annandale Elementary. He presented a petition opposing - with 47 names - all in the general area. He did not think a school for private gain was appropriate in this neighborhood. He again brought out that this type of school would be a very small relief to the crowded school situation as very few would be of school age. He also stated that the plan of Mrs. Regan to enlarge the school would be even more undesirable for those living near. He mentioned the sewage conditions and water.

Mr. Chamblis said they had a well pumping 25 gallons per minute.

Mr. Kincheloe said the purpose of the Zoning Ordinance was for the orderly development of the County and for the protection of purchasers, that people should be assured that they were secure in the character of the neighborhood in which they bought, as far as changing status was concerned. Seven stood opposing.

A map was put up and Mr. Kincheloe indicated the location of those present who were opposing. Each one spoke opposing. They all agreed that this use would depreciate values and cause a noisy nuisance.

Mr. Charles Adams, who owns birds, said this was not a business he carried on but merely a hobby. Mr. Lewis and Mr. Close spoke opposing. They had bought to get away from noise and business and they felt this would destroy their security and confidence in the protection of the Zoning Ordinance. Mr. Adams also opposed.

Mr.Chamblis questioned Mr. Simms about his real estate office on property joining the proposed school.

Mr. Lewis found, incirculating the petition, that all except one were ardently opposed to this use.

Mr. Chamblis read a letter from the Fire Marshall giving ok to the building for school purposes.

Mr. Chamblis cited cases where schools are located in very good residential districts in the county and have not depreciated property. In this case there are only 7 homes near the school - otherwise it is an undeveloped area. The school will be operated under the State Welfare Board, the fire regulations and Health regulations. The applicant has searched all over the county for a suitable location and if the Board is ever to allow private schools in the county this is it.

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Mr. Adams said this school affected a half million dollars of investment - the life savings of many people. All were jeopardized by this business use. He stated it was not fair to these property owners

Mr. V. Smith suggested a buffer strip between the opposing property owners and the ground to be used by the school and a limit to the number of pupils. This was satisfactory to Mrs. Regan.

Mr. V. Smith read the clause under which the school could be granted and with the buffer strip he did not think it would materially harm joining property owners. He made the following motion: That the application be granted because it complies with Section 12, Subsection F, Paragraph 2 and that the number of pupils be limited to 50 and a strip 100 feet wide abutting the rear of Lots 25 through 29 inclusive 100 foot strip abutting the front 1 acre tract owned by Mrs. McClain be excluded from use by the school and that this use be permitted for a 2 year period. Mr. Dawson seconded. Carried.

11 - Mrs. Delaphine Sowers, for permission to use present dwelling as a duplex, Lots 27 and 28, Russell C. Wood Subdivision, Falls Church District.

Mrs. Sowers was unable to be present and was represented by her sister in law. There were no detailed drawings of the house. Mr. Verlin Smith moved to defer this case until July 31st for drawings of the proposed duplex and that the owner contact the Health Department for clearance. Seconded, Mr. Piggott. Carried.

Mr. Dawson took the Chairmanship.

DEFERRED CASES:

Otis H. Ellis, had sent a letter asking for an extension of time on his application to permit location of detached garage 2 feet from rear property line on Lot 23, Block E, Sect. 2, Columbia Pines, Falls Church Dist. Mr. Brookfield moved to grant an additional 6 months and Mr. Piggott seconded. Carried.

Jerome Karle, for permission to locate dwelling 29 feet from Lake View Drive, 10 feet from side property line, Lot 92, Sect. I, Lake Barcroft Estates, Falls Church District.

Mr. Andrew Clarke had asked to reopen this case- which had been denied - to save a very large old tree. It was shown that Mr. Karle had, after the denial of his case, submitted plot plans whereby he could meet the proper setbacks. Mr. Clarke did not know of this. Col Barger said this was done as a last resotr - and it necessitated cutting the tree. Mr. V. Smith moved to deny the application and Mr. Brookfield seconded, because it does not conform to the minimun requirements of the Zoning Ordinance and it infringes on the front setback. Carried. Mr. Piggott voted No. Mr. Dawson voted Yes.

Kenneth Caird, to construct addition to present dwelling with less than required sideyard setback, Part of Lot 42, First Addition to

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Fairland, Falls Church District.

Mr. Andrew Clarke had asked that this case be reopened and it was granted. Mr. V. Smith said he thought this was going too far - that the Board should not grant this case which had previously been denied. There were no ojbections from those present. Mr. Brookfield moved to grant the application. Mr. Piggott seconded.Carried Mr. V. Smith voted No. Mr. Dawson voted - yes.

Mr. Clarke brought up the case of Emmerson Rupert which is advertised and scheduled to come up July 31st - to get an informal decision from theBoard - whether or not they would have objections- in order that Mr. Rupert might go ahead with negotiations with the developer and his loan- if there were to be no objections. This to save him (Mr. Rupert) time. Mr. V. Smith thought this entirely out of order The Board made no recommendation.

Constructors, Inc., Bel Air, Falls Church District, for less setback on the lots listed:

Less setback from street r/w on Lots 208, 209, 210, 211, and less setback from side property line on Lots 223, 224, 225, 213, 214, 215, 216.

Mr. Brookfield moved that since these were very small variances and because the houses were already built and sold to innocent purchasers, these setbacks should be granted and because this street was not a main traffic aftery and had plenty of front setback. Mr. V. Smith seconded. Carried.

Irving Eckstein, to allow detached garage to remain 11 feet from Quander Road, Buckner Manor, Mt. Vernon District. This case was deferred for a report from the Highway Department regarding landscaping. Since the letter had not yet been written to the Highway Department requesting this information there was no report. The case was deferred until the August meeting. Motion: Mr. V.Smith, seconded, Mr. Piggott. Carried.

Mr. C. D. Shepherd, to construct addition to non-conforming business to come 20 feet from side line, approximately 1/2 acre on the north side of U. S.#1, approximately 70 yards east of junction with 613.

No one was present to support the case. Mr. Brookfield moved to defer the case to view the property. Mr. Smith seconded. Carried.

Austin and Eva Guest, for permission to enlarge living quarters on second floor of existing garage, 3 acres on Gallows Road, 2 blocks off Columbia Pike, Annandale. This was reopened at the request of Mr. Schumann. Since he was not present, the case was deferred to the August 21st meeting. Motion Mr. V.Smith, seconded. Mr. Brookfield. Carried.

Wm. J. and Lesta Harris, for permission to install kitchen facilities on second floor to be used as temporary living quarters, Lot 15,

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Section 2, Sleepy Hollow, Falls Church District.

Mr. Charles P. Henry represented the applicants. He reviewed this case. The very old parents of Mr. Harris are both ill and these quarters are to be fixed for their use so they can live privately-since Mr. Harris has a very embarrassing palsay condition and Mrs. Henry has a heart condition. Mr. Henry showed letters from Doctors confirming his statement regarding the health of both parents.

Mr. Henry stated that he had had a conference with Mr. Thomas Gray, President of the Sleepy Hollow Citizens Association, who had vigorously opplsed this temporary use. Mr. Gray said if an agreement could be drawn up between the Harrises and the citizens and this agreement ok'd by their attorneys, Adams, Porter, and Radigan, it would be satisfactory to him and to the Association. Mr. Henry had drawn a declaration and it was signed by the Harrises and which he had submitted to both Mr. Gray and the attorneys. Mr. Gray had thought the signatures of all the citizens concerned should be affixed to the declaration. He, therefore, had drawn up an agreement including this. The attorneys, Adams, Porter, and Radigan, had approved Mr. Henry's declaration - saying it was very fair and they thought covered the situation. They stated that Mr. Gray's Agreement while very similar but they did not think it practical because of the requirement of so many signatures. Therefore, Mr. Henry stated, the Harrises had met the requirements of the Association and gotten the approval of their attorneys. He asked the Board to grant this use as a humane, temporary expedient to relieve the situation in the Harris' home-for the duration of the life of his parents. All these letters and Declaration and Agreement are made a part of these records.

A letter from Mr. Gray to the Planning Commission was read.

Mr. V. Smith said he was very sympathetic toward the situation but the Board understood his attidude toward this area as he had expressed before.

Mr. Brookfield made the following motion: That the application be granted for a period of 1 year or until the death or removal of both parents of Mr. Wm. J. Harris, at which time all kitchen facilities must be removed. Mr. Piggott seconded. Carried. Mr. V. Smith - not voting.

L. J. Wilcox, to construct and operate tourist court with less setback than required from gadsby Road, Part of Lots 2-9, inclusive, Hybla Valley Farms, Mt. Vernon District.

Mr. Brookfield and Mr. V. Smith had seen the property. They were still of the opinion that Gadsby Road could be a main artery into property immediately back of Mr. Wilcox which would be ceveloped for subdivision purposes. Mr. Wilcox said there were three other streets leading to this property which would also serve as entrances to this

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property.

Mr. V. Smith said that by granting this probably 300 cases similar would be before the Board. Also he stated that the State Highway had asked the Zoning Office to maintain front setbacks for safety. The plats were thoroughly discussed. Mr. Wilcox said he probably would not start construction this year as it is so late. Mr. Dawson and Mr. V. Smith suggested turning the buildings so as to use the setback area for parking. It was generally agreed that since Mr. Wilcox was not building now, he make every attempt to rearrange his plan to meet the setbacks. Mr. Wilcox was satisfied to have his case deferred indefinitely to go over his plans. Mr. Brookfield moved that the application be deferred to be brought up at any regular meeting within 6 months. Seconded, Mr. Piggott. Carried.

The John Meyers application was deferred to the August meeting since no one was present. to discuss the case.

The Austin Guest case also was deferred until August 21 - applicant not present.

Discussion of chinchilla Farms was deferred until July 31st.

Mr. V. Smith brought to the attention of the Board a dump on the south side of Lee Boulevard which he had seen State Highway trucks dumping in. Mr. Brookfield moved to instruct the secretary to write to the Highway Department about the dump. This is located about 1/2 mile west of the Falls Church Airport. Motion seconded by Mr. V. Smith.

The meeting was adjourned.

J.W. Brookfield.
S. C. Dawson

S. Cooper Dawson, Chairman

* * *

July 31, 1951

A Special Meeting of the Fairfax County Board of Zoning Appeals was held July 31, 1951, in the Board Room of theFairfax County Courthouse at 10:00 a.m. with the following members present: Messrs Dawson, Piggott, Brookfield, J.B.Smith and Verlin Smith.
Mr. White, Zoning Inspector, and Mr. Mooreland were present.

Mr.Brookfield acted as Chairman.

1 - Lloyd W. Hazelton, for permission to operate a pharmacology laboratory and uses incidential thereto on the premises, on ground located on the northerly side ofRoute 7 near Andrews Chapel, Providence

District.

Dr. Hazelton appeared before the Board in support of the application. He defined the term pharmacology as a branch of medical science - the experimentation of effects of chemistry on normal functions. The Dr. lives on the premises - he has approximately 5-3/4 acres. The surrounding country is predominately farm land. This project started in 1946 with three buildings which were already located on the property. Experiments are performed on dogs and small animals. The work is directed entirely toward submitting scientific evidence to the Department of Agriculture showing what effect chemicals have on food stuffs. Reports have also been submitted to the Surgeon General's office for the Department of Defense.

Mr. Mooreland was asked when he found out about this violation. He stated about 30 days ago. The Doctor did not know he had to have a permit as he had consulted his attorney who said it was not necessary, since working with animals in an agricultural district was permitted. Several of the old buildings are practically on the line - nonconforming. The other buildings are all right for setback - the question arose - is this a commercial venture and if so all animals and the buildings housing them should be 100 feet from all property lines.

The Doctor said nothing was manufactured - nothing was sold except the scientific reports. He had not considered it commercial in the true sense.

The Chairman asked for opposition. Mr. George Hughes spoke. He lives directly across the street - has a 20 acre farm. He felt that this use if continued and probably expanded would devaluate his property. He said that sometimes, when the wind was in the right direction, there was an odor from the burning animals and chemicals - but prevailing winds were in the opposite direction and it did not bother him to any extent. He thought his property might be hurt for the sale for homes.

Mr.Leigh who owns a farm bordering two sides of the Hazelton property said he had no particular objections. There is some odor but not offensive but he was afraid this would be letting the bars down for other commercial uses.

Mr. Hitchcock, who owns property on the north boundary was concerned over the influence of this use on property values. He wondered if he should sell part of his property nearest to the Hazelton line - would this commercial use affect the sale for residential purposes. He felt that it would. He had noticed some odor from the incinerator and noticed the noise of the dogs. He suggested that if this use is permitted - what would the Board feel if later

property near applied for a permit for - say a restaurant - it would be difficult to refuse that, in view of this established commercial activity.

Mr. Dawson agreed that was a point. Mr. V. Smith suggested this would not be a very good spot for a restaurant. Mr. Earl Sanders asked why not good for a restaurant. Mr. Smith said because of the odors. Mr. Sanders said - that was correct - the ordors would be offensive and therefore hurt neighboring property.

Members of the Vestry from Andrews Chapel, across from the Hazelton property, were present - objecting. There were present Messrs Muncy, Sanders, Thayer (Pastor) , and Curry. They all said they were representing the interests of the Church. Their objections were that this project has grown tremendously and they thought it might lead to other commecial activity - the odors were somewhat objectionable and the noise. So far they all agreed that it was not actually objectionable - but looking to the future they questioned if it would be a good thing for the Church.

Mr. Lyle Smith raised the question whether or not this was spot zoning. The answer was - No - only a permitted use.

Dr. Hazelton said he too lived close to the incinerator and sometimes the odors were objectionable but that he had approached a company who designed incinerators which were entirely odorless. He hoped to have this installed and therefore do away with the odors. He said he would not expand his activities toward the Hitchcock property, and would not expand any nearer the highway.

The necessity of appearing before the Board for a dog kennel was discussed. Mr. Mooreland said at one time dogs had been classed as livestock and kennels were approved if they had the proper setbacks but so many complaints had resulted from granting kennels that the Zoning Office had requested these cases to go before the Board.

Mr. V.Smith said a commercial project dealing with animals could operate in an agricultural district if all buildings were 100 feet from all property lines.

It was discussed how many animals the Doctor had. He stated that he could, as a matter of fact, have 4 or 5000 rats - all inside. He now has about 1000 rats.

Mr. Dawson suggested granting the application for a 2 or 5 year period since the Doctor has a large investment, with the restriction that he use the buildings that are already on the property and provided he furnishes an incinerator which will be odorless.

Dr. Hazelton asked if after say 2 years, if they granted that, he would have to come back and have another hearing. The answer was yes. The Doctor thought this was too short a period and would make his entire enterprise very precarious. Mr. Sanders thought

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also that for his investments it was hardly fair to allow such a short time. He said he would be willing to go along with a 5 year permit.

Mr. Dawson made the following motion: That the permit be granted - because the Doctor has a large investment and has been operating for 5 years - for a period of 5 years provided he continues to use the same buildings now shown on his plat and provided he furnishes an incinerator which will be odorless, after which time he shall return to the Board for an extension if he so desires. Also that this use shall be discontinued if the Doctor moves his business. Seconded by Verlin Smith. Carried, unanimously.

2 - Emerson H. Rupert, for permission to locate dwelling 8 feet from one side property line and from 8 to 10 feet from the other side line, which is the lake shore, on Lot 123, Sect. II, Lake Barcroft Estates, Falls Church District.

No one was present to support this case. It was voted to put it at the bottom of the list. Motion - Mr. V. Smith, seconded, Mr. Dawson, and carried.

3 - Benjamin F. Ryan, for permission to construct garage-addition to present dwelling to come 30 feet from front right of way line, Lot 16-A, Churchill Subdivision, corner Boxwood Drive and Glenheather Drive, Providence District.

The house is located cornerwise on the lot. The applicant showed his plats with the proposed addition. There were no objections. He could not put the addition on the opposite side as it would shut out the light and air - covering windows. Also, the lot falls away abruptly on that side. If he put the addition back it would disrupt the drainage. The neighbors do not object. He wants the garage also for storage space. The neighbor is 15 feet from his side line. Other homes in the subdivision are located so they would not have to ask for a variance.

Mr. Brookfield thought the front setback should be maintained. Mr. V. Smith stated that the Board had never granted this kind of variance - from a front line. He moved to deny the application because it does not conform to setback requirements. Seconded, Mr. Dawson. Carried.

DEFERRED CASES:

Frederick Neunzig, for permission to erect duplex dwelling on Lots 8 and 9, Fairfax Acres, Providence District.

Mr. Neunzig said he was combining two lots and building with the center line as the party wall for the two dwellings. Mr.Verlin Smith said - since the applicant had the two lots - sufficient frontage and area - why did he not wish to build the two dwellings. The applicant said he wished to rent one house and this would make the

construction cost less. He would build an attractive rambler and he thought it would be an addition to the neighborhood.

Mr. Hardee Chamblis represented himself as opposing - and also spoke for others in the neighborhood. He showed the location of the applicant's property with relation to his own and those opposing. He said he was against this variance as he thought it was depreciating to property values. He said there was nothing personal in his opposition but he did not think a duplex should be located in any one-family residential district. Those present opposing were Mrs. Curran, Mrs. Smith, Mr. Henry, TheFairchilds, Tylers, and Fitzhugh. There are no restrictions on the property to prohibit this type of dwelling but in Mr.Chamblis opinion by granting this it would open the way for others to request the same thing - and the Board would find it difficult to refuse. Mr. Chamblis said these were beautiful lots - ideally suited for single family dwellings and the Zoning Ordinance should be enforced. By refusing this application theBoard is not causing a hardship to the applicant as he has sufficient ground for two dwellings and such a variance would undoubtedly affect surrounding property adversely. Those opposed stood.

Mr. Neunzig said he would not put up anything objectionable - in fact the dwellings he had planned would be an improvement to the neighborhood.

Mr. V. Smith said he did not think this type of dwelling would fit into the plan of development in this neighborhood - he moved to deny the application as it does not conform to theZoning Ordinance and would affect adversely the surrounding neighborhood. Mr. Piggott seconded. Carried.

Mrs. Delaphine Sowers, for permission to use present dwelling as duplex, Lots 27 and 28, Russell C. Wood Subdivision, Falls Church District.

Mrs. Sowers was not present as she has just taken a new job and could not very well leave. Mr. Dawson moved to view the property (this case had been deferred for that purpose) today amd make a decision on the ground. Seconded, Mr. Piggott. Carried.

Mr. C. D. Shepherd, for permission to construct addition to non-conforming business to come 20 feet from side line on approximately 1/2 acre on the north side of U. S. #1, approximately 70 yards east of junction of No. 1 and 613, Mt. Vernon District.

Mr. Dawson moved to view the property and make a decision on the ground. Mr. V. Smith seconded. Carried.

Mr. Charles S. Weaver, for permission to construct garage-addition to dwelling to come 8.3 feet from side line and 34.75 ft. from front right of way, Lot 30, Brilyn Park, Providence District.

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Mr. Weaver said the slope of the ground prevented him from putting the addition in any other location. Mr. V. Smith had seen the property and he thought the slope was not sufficient to warrant this exception. Mr.Brookfield said he also was opposed to encroaching on the front setback. The applicant showed his plans and suggested that it would be a distinct improvement to the subdivision and to the building. There were no ojbections.

Mr. V. Smith agreed that it would be an improvement but it would disrupt the Zoning Ordinance. He moved to deny the application because it does not conform to the minimum requirements of the Zoning Ordinance. Mr. Dawson seconded. Carried.

Mr. Mooreland brought up the Bovet case. The Board had granted a 15 foot setback on this. Now the applicants wished to bring the breezeway within 1" of the dwelling and call it detached. He asked the Board's advice. What distance could the breezeway come and still be called detached. It was agreed that 5 feet was the nearest distance.

It was discussed just what was the back yard in this case - the house sets kitty-corner on the lot.

Emerson H. Rupert was not present. His case was deferred until the August 21st meeting.

One lot was deferred in the Thompson and Case case - to view the property. It was stated that he had gone ahead with the construction. Mr. Mooreland had notified him he was in violation. He had had time to come before the Board. This is scheduled to be heard August 21st.

J. W. Brookfield

S. Cooper Dawson, Chairman

* * *

August 21, 1951

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held on August 31, 1951, in theBoard Room of the Fairfax County Courthouse at 10:00 a.m. with the following members present: Messrs Dawson, Brookfield, JB Smith, Piggott, and Verlin Smith. Mr. Mooreland was also present.

1 - Lucy C. Lahendro, for permission to operate a beauty shop in basement of dwelling, Lot 22-B, Section II, Huntington Subdivision, 1409 Huntington Avenue, Mt. Vernon District.

Mrs. Lahendro said she would have no sign - that she had had a beauty shop in a shopping center in Huntington but the rent had been raised too high to carry on. She felt it is important to have a beauty shop in the neighborhood and wished to continue in her basement.

Mrs. Rodway spoke for Mrs. Lahendro. She said Mrs. Lahendro had been very accomodating and honest with her customers - therefore the neighborhood had brought a petition, which she presented, signed by about 70 people, all asking the Board to grant this use. She did not think this would in any way devaluate or harm their property.

Mrs. Lahendro said she would employ no help. Mr. Verlin Smith asked about parking facilities. There is limited parking but all her customers - or the greater number of them are near and parking is not a problem. There were no objections.

Mr. Brookfield said he saw no objections - he moved to grant the application for one year. Mr. Piggott seconded. Carried.

2 - Frank Lea, for permission to erect and operate tourist court on 3-1/2 acres located on the westerly side of U.S.#1, immediately joining Keystone Courts, Mt. Vernon District.

Setbacks were discussed, also the zoning. It was suggested that this be deferred for Mr. Mooreland to check the zoning - as a tourist court cannot be granted in a Rural Residence District. Motion to defer - V. Smith, seconded by Mr. Brookfield. Carried.

3 - Earl S. Posey, for permission to construct and operate tourist court on 1.904 acres located on the west side of U. S. #1, 2000 feet south of junction with Route 628, Mt. Vernon District.

Mr. Posey said he would not put the cabins down the center of his ground with 50 foot driveways on both sides. There are tourist courts on both sides of him. There was a question about getting a permit from the Health Department.

Mr. Dawson said there was sewage drainage running directly thru this property in an open ditch. Mr. Posey said he had planned to pipe that - he didnt know where the drainage came from nor where it went. Mr. Dawson thought this section may not take a septic field He was not in favor of this application unless the sewage could be taken care of. The property had always been in this condition. Mr Brookfield thought the applicant should have special approval of the Health Department. He moved to defer this case for a report from the Health Department - on September 18th. Seconded Mr. V. Smith, Carried.

4 - David R. Campbell, for permission to divide lot as per plat filed with application, containing approximately 1/2 acre located on the west side of Route 716, approximately 7/10 mile south of Route 236

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Mt. Vernon District.

Mrs. Campbell appeared before the Board. The property was located. Sewer is available but no water. The lot is 210 x 98 feet. Water is now in Burgandy Village and may some day be extended to this property. Mr. V. Smith said if the lot were divided, a building could not meet the setbacks - regardless. Members of the family of the applicant own surrounding property. She wishes to build this house to rent. The square footage should be 15,000 square feet for each dwelling, which is considerably below the requested amount. A driveway on the property will give the outlet for the second dwelling. Mr. Brookfield said this was all very urban type property being so near Burgandy Village.

It was noted that no dimensions were shown on the plat and there was no accurate survey. It was the opinion that the Board should have a plat drawn from the deed. Mr. V. Smith moved to defer the application until accurate plats could be presented. JB Smith seconded. Carried. Deferred until September 18th, 1951.

Mr. Mooreland had returned and Mr. Lea's case was taken up. This property is zoned Rural Residence and should be Rural Business before the Board can grant a tourist court. Mr. Lea said he had septic tanks and will have sewage. Mr. Brookfield moved to defer the case for 60 days to give the applicant a chance to request a rezoning - then come back to the Board for final action. Seconded by JB Smith. Carried.

5 - E. L. Reynard, for permission to erect tool shed approximately 20 feet from right of way of Route 717, on 8 acres, corner Routes 193 and 717 (Se. corner) Dranesville District.

Mr. Lowe appeared for the applicant. He said in the first place Mr. Reynard had not gotten a permit for the tool shed because it was to cost less than $250 - he did not get zoning approval. He changed the tool shed into a better building and was denied a permit because it would be too close to the right of way of Rt. 717. He was locating it in line with another old building which was too close to Rt. 717. (22 feet) Another old building is 2 feet from Rt. 717. ~~Rt. 717~~ has never been used to any extent and has not been improved.

Mr. Lowe read the Ordinance relative to established setbacks. Mr. Mooreland thought that applied to dwellings only - the Ordinance, however, says "any building."

Mr.Brookfield said he did not think this would hurt the neighborhood - he moved to grant the application. Mr. JB Smith seconded. Carried.

6 - Samule Lingle, for permission to construct addition to existing gas station with less setback than required from Old Columbia Pike and

to relocate pump island with less setback than required from Columbia Pike, known as Triangle Service, located on the south side of Columbia Pike at intersection with Lincolnia Road and Old Columbia Pike, Falls Church District.

Mr. Lingle and a representative of the Shell Oil Company appeared before the Board. Mr. Lingle said the small triangle shown on the plat would be taken away when the road was finished. The state will widen the road and make a dual highway there (Columbia Pike). There is a bay now on the side of the filling station and the applicant wishes to roof and enclose this bay. He wishes to line the pumps up with the road - making a better entrance. The station will be modernized and greatly improved.

Mr. Dawson wondered about widening Old Columbia Pike. He thought the building would be very close in case that is widened. Mr. Lingle said there was a 9 foot retaining wall there now. The state has allowed 4 entrances to the station.

It was figured that the addition would be only 55 feet from the center of Old Columbia Pike. Mr. Dawson thought this too close, as a great deal of traffic could develop on that road.

Mr. V. Smith said he would like to see the property. The representative from Shell said Mr.Schumann had seen the property and thought it was all right - due to the retaining wall.

Mr. Brookfield moved to defer the case until September 4th for inspection by the Board. JB Smith seconded. Carried.

7 - William G.Dodson, for permission to construct dwelling on lot which contains less than 1/2 acre (80 x 230) feet, part of Lots 4 and 5, Annandale Acres, Falls Church District.

Mr. Robert McCandlish is handling this for the applicant and had sent word asking for deferral until September 18th. The case was put over until that date.

8 - Elmer C. Pitman, for permission to construct addition to dwelling to come 21 feet from side property line, Lot 50, Fairland, Braddock Road and Ridgewood Drive, Falls Church District.

Mr. V. Smith discussed with the applicant the idea of putting the addition on the opposite side, but it was not feasible because of topography and the septic field. Mr.Brookfield moved to grant the application and Mr. V. Smith seconded. Carried.

9 - Samuel Enix, for permission to locate dwelling 34 feet from Oxford Street and 40 feet from Downing Street, Lot 16, Section 2, Englandboro, Falls Church District.

There is a ravine at the back of this lot and in order to get in the septic field the house would have to be moved forward on the lot. Therefore, it could not meet the setbacks.

Mr. V. Smith thought this would cause others to ask for a similar

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variance - especially on Lots 18 and 19. It would be establishing a setback. This is an old subdivision - recorded in 1936. Mr. Smith thought it would create a bad situation when the other lots were built on. He suggested combining lots. The applicant said the property was too expensive for that. Mr. Brookfield moved to grant the application due to the size of the lot, the topography, and because it is an old subdivision of record which could not be changed. Mr. JB Smith seconded. Carried. Verlin Smith voted No.

10 - Malice and Brooks, for permission to allow dwellings to remain as listed: On lot 61 with a 14 foot setback from side property line. On Lot 64 with 36.6 foot setback and 37.8 foot setback from Devon Drive, Block 4, Holmes Run Park, Falls Church District.

These houses were located incorrectly through a mistake by the foreman. There is sufficient room on the lots but when putting in the stakes the road was not in and there was no assurance where the property line was. The house on Lot 61 is cocked to make an irregular setback. Mr. Brookfield moved to grant Lot 61, Mr. Piggott seconded. Carried. Mr. Verlin Smith moved to grant Lot 64 because it is on a curve and all the houses are in line. Mr. JB Smith seconded.Carried.

11 - R. Roy Case, to locate dwelling and detached garage on Lots 3 and 4, Block G, Ellison Heights, both with less than required sideyard, south side of Haycock Road - 73 feet east of Grove Avenue, Providence District.

Mr. Lytton Gibson represented the applicant. He said this is an old subdivision which had been approved without an accurate survey. When a certified survey was made these discrepancies showed up. There was no opposition. Mr. Brookfield moved to grant this since it is a small variance. Mr. V. Smith seconded. Carried.

12 - George D. Weickhardt, for permission to locate dwelling 23 feet 6" from one side property line and 19 feet from the other side line, Lot 39, Block E, Mt. Vernon Terrace, Mt. Vernon District.

This is located near Ft. Belvoir. Mr. Brookfield moved to grant the application since it is an old lot of record. Mr. V. Smith seconded. Carried.

13 - Maartha R.Van Tine, for permission to operate a beauty shop in room attached to present dwelling on 25 acres located on the south side of Wolftrap Road, approximately 1/2 mile east of Chain Bridge Road, Providence District.

There were no objections. Mr. V. Smith asked Mrs. Van Tine how close she was to property lines. She did not know - but stated considerable distance since they have about 25 acres. In time they probably will subdivide the property but will leave 5 or 10 acres for the home. She has worked but now wishes to be home with her young child. Mr. V. Smith moved to grant this application. Mr. Piggott seconded. Carried.

14 - Clara and Frank Golay, for permission to erect storage room to come 36 feet from Martha Road, Lot 130, Section 4, Hollin Hills Subdivision, Mt. Vernon District.

This request is made to have added storage room. This particular location of the room was suggested by the architect to give more privacy. There is a 10 foot strip along the street for planting purposes which will not be used for addition to the street. Mr. Brookfield did not like the idea of this addition jotting out in front of the main house.

The applicant said the addition would be constructed of fir siding the same as the house. Mr. Dawson thought it would add to the house greatly. There were no objections. Mr. V. Smith moved to grant the application because of the additional 10 foot strip along the road which in affect would permit such a variance. Seconded, JB Smith. Carried. Mr. Brookfield not voting.

15 - T. S. Strother, for permission to operate art brick plant (hand made brick) on Lots 1 through 9 inclusive and Lots 27 through 21, Incl., and Lots 28 through 35, Incl., Cameron View Subdivision, Little River Pike and Telegraph Road, Falls Church District.

The property was located on the plats. The entrance is on Dale Drive - off Duke Street. The land is joining the railroad and the business will be carried on near the railroad. Mr. Strother described the type of brick he was making - waterproof, using tripple seal - the same as used in making bombs - there is no shrinkage. There were no objections. Mr. Brookfield moved to grant the application and Mr. Piggott seconded. Carried.

16 - O. J. Downs, for permission to construct addition to non-conforming dwelling to come 4 feet from side line, Lots 23 and 24, Southern Villa, corner Cherokee Street and Annandale Street, Falls Church District.

This dwelling has been built since 1925. Mr. Downs wants to put on a 6 x 7 foot bath room which will come too close to the side line. There was no opposition. Mr. Brookfield moved to grant the application. Mr. V. Smith seconded. Carried.

The Board adjourned for lunch.

17 - W. N. Rogerson, for permission to construct and operate gasoline filling station and to locate pump island 20 feet from right of way line of U.S.#1, NW corner U.S.#1 and Telegraph Road, opposite Pohick Church, .97 acres, Lee District.

The Board Discussed the state right of way line. There were no objections. Mr. Brookfield moved to grant the application and JB Smith seconded. Carried.

18 - Bernice Carter Davis, to permit the use of building on premises as a residence; said building being located 15 feet from rear property

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line, Lot 4, Clydesdale Subdivision, Mt. Vernon District.

Mrs. Davis' attorney, Shield McCandlish, had thought the Board would convene from lunch at 2 and was not present. Mrs. Davis asked to have this case put over until Mr. McCandlish arrived. By motion-Mr. Piggott and JB Smith it was agreed to take this up later.

19 - Charles W. Barnes, for permission to construct garage-addition to dwelling to come 20 feet from Gouther Road, Lot 12, Section I, Bel Air Subdivision, Se corner Gouther Road and Annandale Road, Falls Church District.

The addition would be of frame construction, the same as the dwelling. Mr. V. Smith thought this would create a prescedent for other houses on Gouther Road and also that it would be considerably out in front of any other houses meeting the required setback on that street. He suggested locating the addition on the other side of the building. He said the Board had never granted such an exception as this. Mr. Barnes said he wanted the breezeway for the dining room and therefore could not locate it on the bed room side. Mr. Smith said they had tried very hard to maintain street setbacks, and it would be very poor planning to grant this. He moved to deny the application because it did not conform to the minimum requirements for setback from the street and would be a gross exception to the Zoning Ordinance. Seconded, Mr. Brookfield. Carried.

Mr. McCandlish was present and the Davis case was taken up.

Mr. McCandlish said this building was originally built for a garage and was within the requirements. Mrs. Davis sold her home and wished to live here temporarily. The owner of Lot 1 had filled his property and had changed the natural drainage so it flows on Lot 4. Mrs. Davis could not put in a septic field without cutting several large trees and she did not think this desirable. She wishes to use this building as a dwelling until she can get sewage then she could build on the front of her lot. Mr. McCandlish read from the Zoning Ordinance permitting a reduction in such setbacks on lots of record, and that this is a lot of record. He showed a picture of the building. He showed the location of the joining lot indicating the small portion of the lot which actually affected the objecting neighbor. There were no objections from the people in Wellington. Mrs. Davis had also been told she could have a septic field on this lot-which later developed was in error. The small trinagle which was taken from this lot was put in with the neighboring lot in order to make it conform to the half acre requirement.

Mr. Mooreland said this was not a lot of record, that it had been changed when Clydesdale was made a subdivision, about a year ago. (April, 1950) Mrs. Davis at that time came before the Board to resubdivide these lots and created the Subdivision, Clydesdale. He also

said Mrs. Davis had repeatedly come before the Board having violated the Ordinance and asked the Board for clearance. He felt she had done this too often. She had put three additions on this little building without permits. He felt that the Board should not grant this.

The owner of the adjoining lot, Mr. Walton, was in Europe and had engaged Mr. Douglas Adams, Attorney to oppose Mrs. Davis' application. Mr. Adams said this invaded the privacy of Mr. Walton. Also that Mrs. Davis had built without approval - he asked that the application be denied.

Mr. McCandlish said in 1938 a Deed of Trust had been put on record giving the exact dimensions of this lot with the exception of the small triangle - therefore he considered this to be a lot of record. He stated that when Mrs. Davis put Clydesdale on record - two lots were excluded - Lots 3 and 4 - this lot in question and the lot at the opposite end of the subdivision. The plat was made including this lot merely to give the whole picture. He also said that Mrs. Davis did not violate the Ordinance by making the three additions to the building as they cost less than $250 and did not require a permit.

The following neighbors were present, all of whom did not object: Mrs. De Pree, Mr. Dewey, Mrs. Wilkins, Mrs. Bell. They all felt that this would not in any way depreciate their property.

Mr. McCandlish said he thought this was reasonable and that because this was a lot of record before the Ordinance the Board should grant the application.

Mr. Adams said his client was really the only one affected since the others do not live in the vicinity - just own property there and he felt the Ordinance should be respected.

Mr. V. Smith said Mr. Mooreland, who administers the Zoning Ordinance, should know if this is a lot of record - he would like to have this cleared up. Mr. Brookfield said he thought this was a point of law. He suggested granting the application for one year. Mrs. Davis said she did not know if she could get sewage within a year but that she would build just as soon as she could get sewage- but did not want to be tied down to one year.

Mr. V. Smith said Mrs. Davis should have had zoning approval for each addition she put on to the building even though it cost less than $250.

Mr.Brookfield moved to grant a permit to use the building as a residence for one year - there was no second- therefore he withdrew his motion.

Mr. V. Smith moved to defer the application to determine if this is a lot of record before the Ordinance. Mr.Piggott seconded.Carried.

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20 - Ernest H. Wayland, for permission to convert garage into a dwelling, Lots 1, 2, 3, Block 3, Section I, Groveton Heights, 300 West Oak St., Mt. Vernon District.

Mr. Mooreland said a year ago the Board granted Mr. Wayland a garage 23 feet from 2nd Street. Now he wishes to use it as a dwelling. Mr. White investigated when the report came in that this was being used as a dwelling. The use was abandoned now. The building restriction line on the property is 10 feet. (This is a lot of record) Mr. Mooreland said Mr. Marsh had said we could not require more than the required setback recorded with a lot of record. There was a question about the validity of this. There has been no consistency in allowing buildings to follow the old restriction line as opposed to the required setback by the Zoning Ordinance.

It was suggested that this building could be moved and meet proper setbacks. This garage is located on Lot 1 and the present dwelling is on Lot 2 and 3.

Mr. V. Smith suggested tying the two together with a breezeway and make a duplex. He suggested that this be deferred for study. He moved to defer the case until September 18 and request Mr. Schumann and Mr. Mooreland to study the possibility of making this into a duplex and if decided to do so to notify Mr. Wayland so he could make application for a duplex or for any suggestion that they (Mr. Mooreland and Schumann)might have to offer. Mr. Piggott seconded. Carried.

DEFERRED CASES:

Thompson and Case: Lots 46 and 47 and part of 45 - with a 13 foot side setback and 31 foot setback from Highland Street, Block G, Ellison Heights. No one was present to support this case. It was deferred to September 18th.

Eugene Merrill: To have duplex, on Lot 37, and part of 36, Ravenwood, Falls Church District. This was deferred for the abandonment of duplex use by this date.

Mrs. Merrill appeared before the Board. She said Mrs. Lynn who was occupying the apartment and whose husband had been in Japan and Korea was now buying a home. Mr. Lynn is home now. They had though the house would be ready for occupancy in September but it will not be ready for them now until into October and she asked the Board to allow Mrs. Lynn to live there for that time. She felt it was unreasonable to ask them to move for such a short time.

Mr. Brookfield suggested a 30 day extension. Mrs. Merrill thought that was insufficient. She said the Board had granted this in the first place because of the difficult position of her tenant and she thought the time should be extended further for the same reason.

Mr. Keeler, who had opposed the original application along with

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many other citizens of Ravenwood stated that he had no objection to an extension until October 15th - but he would like the assurance that this apartment would not be rented again.

Mr. Brookfield asked Mr. Keeler if he would be satisfied with such a motion. Mr. Keeler said yes. Mrs. Merrill said she was not satisfied with that and she thought the neighbors in Ravenwood were outrageous.

Mr. Brookfield moved that Mrs. Lynn, the present occupant, be permitted to live in the apartment until October 15, 1951, and that it is understood that this apartment cannot be rented again. Mr. JB Smith seconded. Carried. Verlin Smith not voting, Mr. Piggott not voting. Carried - three voting for the motion.

Dr. Lloyd Hazelton came before the Board asking for a rehearing on his case to have a pharmacology laboratory on property on Rt. 7, across from Andrews Chapel. He handed a letter to theBoard stating his reasons for the rehearing.

Mr. Brookfield moved to grant the rehearing on September 4th. Mr. Piggott seconded. Carried.

The case of Delephine Sowers had been decided on the ground-the Board members adjourned to the property at the last regular meeting. They moved to grant the application (for duplex). Motion Mr. Brookfield, seconded, JB Smith. Carried.

The case of C. D. Shepperd also was deferred for decision on the property. It was voted to grant this also. Motion, Mr.Brookfield second JB Smith. Carried. Mr. V. Smith voting No. He thought this was a bad situation and would create a traffic hazard.

The meeting adjourned.

S. Cooper Dawson
S. Cooper Dawson, Chairman

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August 28, 1951

A Special Meeting of the Fairfax County Board of Zoning Appeals was held August 28, 1951, in the Board Room of the Fairfax County Courthouse at 10:00 a.m. with the following members present: Messrs Dawson, Brookfield, J.B.Smith, Piggott. Mr. Schumann, Zoning Administrator, was present.

Mr. Brookfield acted as Chairman.

1 - Frank A. and Annie Twitchell, for permission to file subdivision plat with lot areas in accordance with the original ordinance pertaining to Urban Residence Districts, being 9 acres located approximately 800 feet west of Fall Church-Annandale Road and approximately 1500 feet south of Lee Boulevard, joining Westlawn on the west, Falls

Church District.

Mr. Jack Wood represented the applicant. He stated that Mr. Twitchell had bought this land about 30 years ago. This land was originally Rural Residence zoning , then Westlawn was rezoned to Urban Residence. Mr. Twitchell sold them ground at that time to straighten out their line. The Westlawn sewer line goes through Mr. Twitchell's property. This ground of Mr. Twitchell's was rezoned to Urban Residence before the new amendment requiring 10,000 square feet for average of Urban lots. At the time of rezoning the requirement was 7200 square feet for Urban. Mr. Twitchell was told that if he had a preliminary plat approved before the Amendment requiring larger lots was effective, he could still subdivide his lots according to the old size - 7200 square feet. He had a buyer at that time but due to his lack of knowledge of subdividing and various delays he was unable to get the plat on record and the sale fell through. However, when this ground was zoned Urban the Board of Supervisors required Mr. Twitchell to leave a buffer strip directly on the east side of his ground - Rural Residence - indicating that land joining this would also be left Rural Residence. Mr.Twitchell did this but later this parcel joining Mr. Twitchell's Rural area and the Falls Church-Annandale Road was zoned to Urban, leaving Mr. Twitchell's buffer strip Rural between the two Urban parcels.

Mr.Wood said it was very important to Mr. Twitchell to have the right to divide these lots into 7200 square feet as he has a tentative sale for the property if it can be divided this way and larger lots would be too expensive to develop. The purchaser would not buy on the larger lot size basis.

Mr. Rouse had put his plat on record before the larger lot size amendment went into effect and therefore developed on a 7200 square foot basis. This makes Mr. Twitchell's property entirely surrounded by 7200 square foot lots except the little buffer strip which he had been required to leave Rural Residence. It is logical and consistent planning, Mr. Wood contended, to have these lots conform to the present lot sizes - both because of tieing in with streets and sewer and for the type of house. On larger lots it would be necessary to build more expensive houses and they would not sell if surrounded by the smaller houses on small lots. Mr. Wood considered that this was not setting a prescedent because it is a unique case, in view of the conditions in the background and the present development. The necessity of holding to the new larger sizes would work a considerable hardship on the applicant. It was shown how many lots would be lost if dividing under the amendment.

Mr. Schumann asked Mr. Wood if theBoard granted this would Mr. Twitchell request rezoning of this buffer strip and then come to

the Board for 7200 square foot lot sizes. Mr. Wood said yes - he was already contemplating the rezoning and he felt that it would be consistent to ask for the same lot size. There would be a reasonable doubt in the case were it not for the Rouse rezoning and the smaller lot sizes on that property, but 7200 square foot lot sizes for the entire area was a natural and consistent development.

Mr. Schumann said the new amendment required an average of 10,000 square feet. Mr. Brookfield asked if the Board could amend the action of the Board of Supervisors. The Board agreed Not.

Mr. Wood said there would be no purpose in asking this variance if the Board of Supervisors had kept their word to keep the Rouse ground Rural. It was the intention of the Board when they granted Mr. Twitchell Urban zoning that the lot sizes would be 7200 square feet.

Mr. Schumann read from the Ordinance the powers of the Board. It was agreed that the Board probably did have the right under the hardship clause, and since the powers of the Board had been broadened by amendment, it might not be entirely out of line.

Mr. Schumann said the Board could judge the case from two different standpoints - from Mr. Twitchell's position and his wish to put on record a plat with 7200 square foot lots. He could not accept the plat because of the new amendment. He drew a parallel assuming the lot sizes surrounding this property had been 50 foot lots - then the applicant might well be asking for that lot size which would certainly be undesirable. But the applicant could consistently ask for this because of uniformity. All the lots in this area, Mr. Schumann said, are non-conforming now, even thought they are uniform.

Mr. Schumann said, in his opinion, the Board could grant this but in doing so would set a prescedent and Mr. McMillen who joins this Urban ground to the south and whose property is now Rural would undoubtedly ask for Urban zoning and the same small lot sizes. Also there were several others in the immediate neighborhood who would come to the Board for the same reason. If the Board grants these other cases it would certainly be amending the Ordinance.

Mr. Wood thought this against logic and was also penalizing his client and creating a distinct hardship.

Mr. Schumann said if the Board granted this application, the reason should be well spelled out in the minutes - otherwise it would be difficult to turn down any others asking the same thing.

It was shown that approximately 6 lots would be lost in conforming to the average 10,000 square foot lots.

There were no objections from those present.

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Mr. Dawson made the following motion: That the application be granted because of extraordinary circumstances and the exceptional situation and because the entire property is surrounded by 60 foot lots - 7200 square foot area and would entail exceptional hardship and undue loss upon the owner to conform to the regulations. Mr. JB Smith seconded. Carried. Mr. Piggott voted No.

2 - Patty Archer and Dell Hatch, for permission to give riding instruction and to conduct pony-ride stable on 12 acres located at the corner of the Guinea Road and the Burke Road (652) Lee District.

Both applicants appeared before the Board. The poby-ride will not be located near the barn but in the future will be nearer the Burke Road when they will have 10 cent pony-rides. Mrs. Archer said all buildings and pony rings would be 100 feet from all property lines. No new buildings will be constructed. There were no objections. Mr. Dawson moved to grant the application and Mr. Piggott seconded. Carried.

TheBoard adjourned.

John W. Brookfield.

S. Cooper Dawson, Chairman

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September 4, 1951

A Special Meeting of the Fairfax County Board of Zoning Appeals was held September 4, 1951, in the Board Room of the Fairfax County Courthouse at 10:00 a.m. with the following members present: Messrs Brookfield, who acted as Chairman, JB Smith, Verlin Smith, and T.I.Piggott. Mr. Schumann, Zoning Administrator, was also present.

1 - Bucknell Syndicate, Inc., for permission to install and operate a pumping station on approximately .06 acre, Section 4, Bucknell, at junction of Rollins Drive and Radcliffe Drive, Mt. Vernon District.

Mr. Charles Harnett represented the Company. He stated that the contemplated construction in this area will necessarily be taken care of by this installation. The area can be served by a gravity plant and sewage to be pumped by forced main to the main line. The plant itself will be practically unseen, as the structure will set about 2-1/2 feet above the ground - the main structure will be underground. This is a necessary utility, Mr. Harnett said, and it has the approval of the Sanitary Engineer and Mr. Massey. There was no opposition. The White Oaks tract joining has paid for connections to this plant. The development of White Oaks depends upon proper sewage installation.

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Mr. Byron Massey appeared before the Board. He showed plats which his company had made up and submitted to the Sanitary Engineer. The plat which he labeled Condition No. 3 was acceptable to the Sanitary Engineer and therefore the one adopted by the developers.

Mr. Verlin Smith moved to grant the application subject to the written approval of the Sanitary Engineer and a copy of his approval being sent to the Zoning Office, the application granted according the plat Condition No. 3. Mr. Piggott seconded. Carried.

2 - Virginia Hills Development Co., for permission to allow dwelling to remain 14.77 feet from side property line, Lot 8, Block 3, Virginia Hills, corner of The Parkway and Virginia Hills Avenue, Mt. Vernon District.

Mr. Hall appeared for the Company. He stated that the house was laid out with particular regard for meeting the street setback- but it was put back a little too far and encroached on the side yard. His company had always taken particular precaution to give a little extra setback from streets. The lot has 10,000 square feet. There was no opposition. The applicant had not submitted plot plans.

Mr. Verlin Smith moved to defer the application until the plot plan is submitted to the Board of Zoning Appeals by a certified surveyor. Seconded, Mr. JB Smith. Carried.

DEFERRED CASES:

Samuel Lingle, for permission to construct addition to existing gas station with less setback than required from Old Columbia Pike and to relocate pump island with less setback than required from Columbia Pike, on approximately 1 acre, Section 2, Englandboro, Falls Church District.

Mr. Roy Swayzey appeared for the applicant. This application was deferred to view the property - but none of the Board members had seen the property. Mr. Swayzey reviewed the case. The question had been raised at the original hearing about the widening of Old Columbia Pike. Since the Board had not been on the ground it was moved to defer the application until September 18th to view the property. Motion V. Smith, seconded Mr. Piggott. Carried.

Dr. Lloyd Hazelton, to operate pharmacology laboratory and uses incidental thereto on 5-3/4 acres on the north side of Rt. 7, near Andrews Chapel, Providence District.

Dr. Hazelton had requested a rehearing which was granted by the Board for this date.

Mr. Lyle Smith stated that he thought a rehearing should be handled with the same dignity as an original hearing and that the case should be readvertised and posted and all interested persons notified. He said many in the neighborhood had not been notified,

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although the room was fairly well filled with those opposing this rehearing.

Mr. Verlin Smith said there was nothing in the Zoning Ordinance to require readvertising of a rehearing and nothing to require notifying the interested parties. He said the Zoning Office had notified all those it was possible to get in touch with.

The letter from Dr. Hazelton was read requesting the rehearing.

Mr. Brookfield said that even though the Ordinance did not provide for readvertising he felt that it should be done - this was merely his own opinion.

Mr. V. Smith said he too thought everyone interested should be notified and it looked as though everyone who was interested was present.

Mr. Lyle Smith stated that there were several who did not hear of the rehearing.

Dr. Hazelton stated that there were several who were favoring his rehearing who had not thought it necessary to be present. Mr. Brookfield thought this was a legal question.

Mr. V. Smith asked Dr. Hazelton if he cared to make his statements today and hear the opposition after it was readvertised. The Dr. said he would prefer one hearing for all.

Mr. V. Smith moved to defer the rehearing pending readvertising-until October 16th, the next regular meeting. JB Smith seconded. Carried. Dr. Hazelton agreed to pay the fee.

The Board adjourned.

J W Brookfield
S.Cooper Dawson, Chairman

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September 18, 1951

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held September 18, 1951 in the Board Room of the Fairfax County Courthouse at 10:00 a.m. with the following members present: Messrs Brookfield, Verlin Smith, and T.I.Piggott. Mr. Brookfield acted as Chairman. Mr.Schumann, Zoning Administrator, and Mr. White, Zoning Inspector, were present.

1 - L. J. Wilcox, for permission to extend tourist court on Lots 2-9, inclusive, Block 2, Hybla Valley Farms, northeast corner of U.S.#1 and Gadsby Road, Mt. Vernon District.

Mr. Sitnek appeared in the absence of Mr. Wilcox. The Board had seen this property in connection with Mr. Wilcox' former application and thought this was a satisfactory plan. There were no objections. Mr. Verlin Smith moved to grant the application as per plat submitt-

ed, subject to the approval of the Health Department and that a copy of the said approval be sent to the Zoning Office. Seconded, Mr. Piggott. Carried.

2 - Poor Richard's Antiques, for permission to construct and operate an antique shop on 1-3/4 acres located on the south side of Lee Highway, approximately 1/4 mile east of junction with Route 645, Centerville District.

Mr. Souther, the applicant, appeared before the Board. He showed a drawing of the proposed building with plans for future development. This will be for a shop and home. The property was located as being .4 mile from a filling station on one side and .2 mile from the diner at the junction of Rt. 645 and Rt. 211. The building will be 50 feet from the front property line and about 70 feet from the side line. There were no objections. A parking area is planned. Mr. Smith moved to grant the application provided an approach to Lee Boulevard is made at the approximate level of the Boulevard and a parking area is provided. Mr. Piggott seconded. Carried.

Mr. Moncure asked for the continuance of the Earl S. Posey case which is scheduled to come up at 2:00 p.m..He asked this delay to get approval from the Health Department. The Board agreed to defer the case but at the suggestion of Mr. V. Smith did not take offical action until the time of the hearing.

3 - Fairfax Beach and Tennis Club, for permission to construct and operate club house, recreation center, bathing beach, and pertinent facilities, athletic games, entertainment, restaurant therewith on 93.245 acres, Lake Barcroft, Falls Church District, located north of Section I and north of Barcroft Lake.

Mr. Moncure appeared for the Club. He read from Section 4, par. 10 of the Zoning Ordinance which states that such a club can be granted by the Zoning Administrator without a public hearing, but the only facility necessary to come before the Board is the permit for a restaurant. However, the Company included all the facilities in the application and asked the Board to act on it as Mr. Schumann, the Zoning Administrator, preferred to have such a large project covered by approval of the Board of Appeals.

Mr. Moncure showed drawings of the proposed installation, club house, restaurant, swimming pool and grounds. This club will have a restricted membership- although not entirely restricted to those who live in Barcroft Estates. The structures will conform to the type of homes now being built in Barcroft. There are approximately 70 acres of land and 20 acres of water.

Mr. Schumann stated that Glenn Carlyn Drive now a dedicated

road is in direct line with this Barcroft property and shoud eventually go on to Annandale from Lee Boulevard. The Planning Commission wants that connection made because it would be a shortcut between the two main arteries. He stated that Mr. Clarke had appeared before the Planning Commission and this was discussed. No official action was taken by the Planning Commission because it was not necessary but because of the large area involved and possible future development the Commission wanted the Board to know what is being done here. He stated the restaurant was the only necessary feature to bring before the Board.

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Mr.Brookfield suggested deferring the application because of the through road suggested by Mr. Schumann which he thought should be put in. Mr. V. Smith agreed and thought the project should have more study.

Mr. Moncure suggested having a special meeting for the decision-it was suggested October 9th at 10 o'clock. Mr. V. Smith moved to defer the application until October 16th unless the Board has word from Mr. Moncure to the contrary in which case a special meeting would be held October 9th at 10:00 a.m. Mr. Piggott seconded. Carried. (Mr. Moncure had stated that it may be necessary to start construction before the 16th).

4 - Virginia Hills Development Company, for permission to allow dwelling to remain 14.74 feet from side property line, Lot 6, Sect. I, Virginia Hills Subdivision, Mt. Vernon District.

Mr. Hall appeared for the Company. This is a corner lot and is completed. In laying out their homes the Company has always taken particular precaution to meet the street setbacks and usually allow 3 inches beyond the required setback, Mr. Hall said. In this case they did not realize that it would throw the side yard off these few inches. There were no objections. Mr. V.Smith moved to grant the application because it is a small violation and appears to be an honest error. Mr. Piggott seconded. Carried.

5 - Virginia Electric and Power Company, for permission to construct and operate substation on ground located 1446.5 feet southwest of Route 123, along the VEPCo transmission line which crosses Rt. 123 - 4.5 miles west of Occoquan, Lee District.

Mr. Anderson appeared for the Company. He said they have the right of way from the main line and need this substation to serve Fort Belvoir and a new signal station to be located at Woodbridge for the Army. There are two homes about 1400 feet away on Rt. 123 and the Company has bought property from them, Mr. Anderson stated. The location of the substation was shown on the map. Mr. Anderson said the Company thought this was a fortunate location as it was almost surrounded by woods and there were no homes to be bothered

by this installation.

The Chairman asked for opposition. Mr. Straus, representing Mr. Galen and Klein, near property owners spoke. He said Mr. Galen was not opposed to the substation but did not wish to give up the land for future right of way - as it would spoil his property. He asked if the company would later take right of way through his land. Mr. Anderson said that was in the future, he could not say. Mr. V. Smith said that was not a question before the Board at this time. Mr. Anderson said the Company would certainly pay for any right of way it took.

Mrs. Bryant, property owner on Rt. 123, said VEPCo is taking a 20 foot right of way through her property and had bought property from her for which they paid very little. Also they paid her only $2,790 for the right of way-which was too little. Mr. Brookfield said that was not the concern of the Board.

The Chairman asked Mr. Schumann for a statement. Mr. Schumann had seen the property and said he thought this an excellent location - and that the Board should grant it.

Discussion followed between Mrs. Bryant and Mr. Anderson all of which did not pertain to the question before theBoard.

Mr. V. Smith moved to grant the application because this appears to be a suitable location and is a necessary utility for the area. Mr. Piggott seconded. Carried.

6 - Jerome Karle, for permission to construct addition to dwelling to come 7 feet from side line (said addition is an open porch) and to locate dwelling 14.6 feet from other side line, Lot 92, Section I, Lake Barcroft Estates, Falls Church District.

The Board studied Mr. Karle's plot plan. One corner of the dwelling angles over the side line. The engineer measured to the side setback parallel with the house - but the line drawn directly from the corner of the house to the side property line was less as the house is on an angle. Mr. Karle said he could have a 5 foot porch according to the Ordinance but this is too narrow. However, Mr, Karle was perfectly willing to let the porch go if the Board felt it was too much of an infringement. The garage is under the house, so there would be no need to ask an exception at any later time for that. There was no opposition. Mr. V. Smith moved to grant the application for a porch un-enclosed except for a screen, a concrete slab and roof to come not closer than 7 feet from the side property line on the west side of the dwelling and to grant the requested 14.6 foot setback on the opposite side line. Seconded, Mr. Piggott. Carried.

7 - Helen W. Brewer, for permission to construct addition 5 x 8 feet to come closer to side line than allowed by the Ordinance, Lot I,

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George T.Bennett,Subdivision, Falls Church District.

Mrs. Brewer said this addition would come about 2 feet from the side line. There is another cinderblock building on the property which is used only for storage.

Mr.Schumann suggested that since Mrs. Brewer owns Lot 2 the question of her selling that might be taken into consideration. Mrs. Brewer said she had no intention of selling Lot 2 especially as her septic field would be on that lot. Mr. Verlin Smith asked how about throwing the two lots together. Mrs. Brewer said she had considered dividing the lots to face on Bennett Drive with a division between the two buildings. The Board thought this a good idea. There were no objections. Mr. Smith thought it would be to Mrs. Brewer's advantage now to divide the lots for future sale, and have a surveyor look her property over with a view to subdividing. He moved to grant the application as per plat submitted provided the septic field is located on Lot 2. Seconded, Mr. Piggott. Carried.

8 - Jessie Lansford, for permission to operate rest home on Lot 43, Sect. 2, Greenway Downs, Falls Church District.

No one was present to support this case. It was voted to put it at the bottom of the list. Motion, Mr. Smith, seconded, Mr. Piggott.

9 - Howell N. Richardson, for permission to erect dwelling with one 20 foot sideyard and garage side yard with 17 foot setback, Lot 42, Block E, Mt. Vernon Terrace, Mt. Vernon District.

It was shown that the lots facing the river were divided on slanting lines rather than straight - which makes it impossible to build a 50 foot house and meet the required side setbacks. Mr. Richardson showed a model of the lot, which demonstrated the peculiar topography and the position in which he wished to place his house. (Had model of house also) If he placed the house parallel with the street, which he wished to do, the side setbacks would be violated. He was not asking to violate the intent of the Ordinance as he too wishes space between the houses. The neighboring house would actually be considerably farther from Mr. Richardson's house, except for one corner, than if the lot lines were straight and the house were meeting the 25 foot setbacks. The ground slopes and is low toward the river at the back. There was no opposition.

Mr. V. Smith moved to grant the application because of the unusual shape of the lot and the topography. Seconded, Mr. Piggott. Carried.

10 - Nick Basiliko, for permission to construct and operate motel on approximately 1-1/2 acres located about 210 feet south of Edsall Road and about 465 feet east of centerline of Shirley Highway at Edsall Road cloverleaf, Falls Church District.

Mr. Art Post represented the applicant. Mr. Post showed drawings

of the proposed structure which will cost in the neighborhood of $300,000. They can meet all setback requirements. This has been given special approval - or encouragement - by Fort Belvoir because of the housing shortage. These units will have a hot plate for limited kitchen facilities which the applicant feels would be especially good for military personnel on limited detail at Fort Belvoir. They will not be rented to permanent guests but limited to about from one day to three or four weeks, transient guests. There will be 40 units and the administration building.

Mr. Brookfield pointed out that this land drained well for septic field.

The planning of the cloverleaf was discussed. Mr. Post said the applicant had planned to set the buildings back 60 feet from the second service road which skirts the cloverleaf - this to take care of a possible future widening of this service road. Mr. Schumann said that this cloverleaf will probably have great need for good planning and need for development of this type if the plans of the Planning Commission and the State Highway are carried out to take care of local and through traffic. It is believed that this will be a very important intersection. Mr. Post said the Highway Department was of the opinion that the plan of this installation was especially good inview of the future importance of this spot.

It was shown on the map that there are two service roads around this cloverleaf - one for the through traffic and one for local.

Mr. Post stated that since this was the first motel along the Shirley - he felt it would set the tone for others. They wish to start before October 1st because of the limitation on materials.

Mr. V. Smith moved to grant the application because it will more than conform to requirements in setbacks and has the approval of the Highway Department and is a necessary establishment for the area. Seconded, Mr. Piggott. Carried.

11 - Woodley Corporation, to allow dwelling to remain 12.35 feet from side line and 31 feet from front right of way line, Lot 241, Sect. 1, Woodley Subdivision, on Lewis Place, Falls Church District.

Mr. Travis represented the company. He said this was an engineering error. The house is already built. The portion that violates the setback is a storage room. There is a carport on the opposite side from the one on which the variance is requested.

Mr. Gammel, owner of Lot 242, said he would like the assurance that the front of the house would not be enclosed to bring the building closer to the front line - which would happen if ever the carport were enclosed. He would like a motion restricting extension of the house in this way.

The owner of Lot 241 said he might wish to enclose the carport.

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Mr. Schumann said it was not permissible to enclose any part of the building to come closer than 40 feet from the front right of way but that he could have a front porch extending 10 feet into the prohibited area.

The question came up regarding setback for the carport. Mr. Schumann said that was all right. He said the Zoning Office had considered a carport to be the same as an open porch since there had been nothing in the Ordinance about a carport.

Mr. Travis said the engieer had measured the setback from the centerline of the cul-de-sac and this center point had been found to be in error. By time the error was discovered the house was under roof.

Mr. V.Smith said this was asking too great a variance - he moved to defer the application until October 16 to view the property. Mr. Piggott seconded. Carried.

The prospective purchaser of the house was present and said it would work a distinct hardship for him not to be able to occupy the house by October 1. The owner of Lot 242 said he did not think this setback would hurt - he had no objection to the present structure. Since it was on a curve it was barely preceptible.

12 - Parson Weems Antique Shop, for permission to operate an antique shop on approximately 1 acre, located at 221 West Boulevard Drive, Lot 63 Wellington, Section 2, Mt. Vernon District.

Mrs. Slayden appeared before the Board. She said they had the permit for a tea room but thought it would add character to the tea room to add an antique shop. She is doing away entirely with the night club (which was known as Rustic Manor). Since the plats were not clear, Mrs. Bernice Carter Davis was asked to explain them - which she did. Mrs. Davis stated that Virginia Avenue is a dedicated road - 40 feet wide except a part of it which is 35 feet. The building originally sat in the street - but part of it was torn off. Mrs. Davis stated that the president of the Mt. Vernon Citizens Association could not be present and had asked her to represent him. The Association had discussed this project at their last meeting and wished to ask - is this a use permit in lieu of the restaurant license or in addition to the restaurant. She was answered that this is in addition - as the restaurant permit is still in effect. Mrs.Davis said if this is a home selling antiques the Association is not opposed to it but they are definitely opposed to the sale of alcohol and opposed to a commercial zoning. She suggested that alcohol was not in keeping with the name of Parson Weems Antique Shop.

Mr. Lynn who lives 100 yards away was disturbed over commercial zoning. They were assured that this was not a rezoning, but only a use permit.

Mr. V. Smith moved to grant the application for the sale of antiques in connection with the restaurant so long as the present use of the property continues. Mr. Lynn said he would much prefer to limit the time to one year. Mr. Smith added this to his motion. Seconded, Mr. Piggott. Carried.

Mr. Pope asked the Board if the Weaver case could be heard next since the advertised time for the case had gone by and he, Mr. Pope, who was opposing the application was on military leave for 3 hours and had to get back. Mr. V. Smith said they might take the opposition and the case itself in the scheduled order as many others had been waiting a long time. This was agreeable. Mr. Pope presented a petition signed by 11 families opposing this application (which requested kitchen facilities for two families). The petition was read. Those opposing were all living near the applicant. Mr. V. Smith said the septic tank would have to be approved for the extra family by the Health Department. Mrs. Pope and Mrs. Brackett registered opposition. Mrs. Brackett said she had no objection to Mr. Weaver - but she did have objection to his tenants. The case was put over to hear the balance of it later.

13 - Philip C. Coyle, for permission to convert utility building into a second dwelling on .694 acres on the north side of Route 642, approximately one block west of intersection with Silver Brook Road, Lee District.

Mr. Smith asked why the applicant wished to convert this building. Mr. Coyle said possibly to rent.

Mr. Schumann quoted from the Ordinance requirements for a second structure. There were no ojbections. However, the plat showed that there was not sufficient frontage nor sufficient area.

Mr. Smith thought this would set a bad prescedent. He moved to deny the application because it did not conform to the minimum requirements of the Zoning Ordinance. Seconded, Mr. Piggott. Carried.

14 - M. T.Broyhill & Sons, to allow dwellings to remain as listed: Lot 59 with a 14 foot side setback and on Lot 24 to have a 39.1 foot setback from Herbert Street; Section I, Broyhill Crest, Falls Church District.

The plot plan on this was made in conformance with the requirements and it could not be determined how the houses were located. The houses are under roof. Mr. V. Smith moved to grant the 1 foot sideyard setback variance on Lot 59 and the .9 foot exception on Lot 24 because they are small errors. Seconded, Mr. Piggott, carried.

15 - M. T. Broyhill & Sons, to locate dwelling 39 feet from Herbert Street on Lot 168, Section III, Broyhill Crest, Falls Church District.

This is a corner lot and cannot possibly meet the setbacks, from front and side both. The developer thought it better to maintain the front required setback therefore asked for this variance on the

side. Mr. Schumann said these plat were put on record under the old ordinance, therefore the corner lots were not large enough to take care of the required setbacks. There were no ojbections.

Mr. V. Smith moved to grant the 1 foot exception on Lot 168 as requested. Seconded, Mr. Piggott. Carried.

16 - Carlyle V. Parker, to construct two additions on front of existing dwelling - carport to come 28 feet from front right of way line and bedroom to come 36 feet from front line, Lots 164 and 165, Wellington Park Estates, Mt. Vernon District.

Mrs. Parker had asked that this case be deferred until October 16th because of illness. It was voted to defer the case as requested. Motion Mr. V. Smith, seconded, Mr. Piggott. Carried.

Mr. McCandlish asked for the deferrment of Mrs. Bernice Carter Davis' case which was scheduled for 1:50 for permission to use building on the premises as a residence with a 15 foot rear setback, Lot 4, Clydesdale, Mt. Vernon District, because Mr. Dawson and the other Board members were not present. Mr. V. Smith moved to defer the case as requested. Mr. Piggott seconded. Carried.

17 - Leslie L. Lemert, to construct porch and garage to come 10 feet from side line on Lot 56A, Madrillon Farms, Old Courthouse Road and Rt. 838, Providence District.

Mr. Lemert said the driveway is put in to the proposed garage. It will be of brick construction. A large tree is just in back of the garage location and the septic field to the rear of the house. This is the only logical place the garage could be put. The garage will be 150 feet from the nearest house because the side yard of Mr. Lemert's lot is the rear line of the adjoining lot.

Mr. Brookfield thought this was a distinct addition to the property. Mr. V. Smith thought this would be amending the Ordinance - granting too much and it would give others the excuse to ask for the same thing.

Mr. Lemert said he thought it was a definite improvement to the neighborhood as it did away with the box-like appearance of the house and added architectural interest. There was no opposition. Mr. V. Smith moved to grant the application because the rear lot line borders commercial propeety and is located so the side affected is the rear lot line of the joining lot. Seconded, Mr. Piggott. Carried.

18 - Eastern Construction Company, for permission to complete dwelling which is located 25 feet from right of way of Graham Court, Lot 8, First Addition to Homecrest, Falls Church District.

Mr. Epstein appeared for the Company. The house in question is under roof. One corner is 25 feet from the front right of way and the other is 48 feet. The proper setback is 30 feet (this is a sub-

division recorded before the amendment requiring a 35 foot setback in an Urban District). In making this corner turn the developer made a curved turn instead of right angle - which was done as a safety measure. This was an inadvertent error by the field man. However, it is not discernable because it is on the curve and does not show the difference in setback. It is not a traffic hazard.

Mr.Blair who lives down the block a few houses stated that it did appear to be out in front of the other houses - at least it looked to be more than a 5 foot error. Mr. Brookfield questioned the accuracy of the plats shown. Mr. Epstein showed the certified plat which had been presented with the case.

Mr. Blair said he thought this was undesirable but that he was not making a protest and did not wish to be recorded as objecting. Mr. Epstein said this was their first field error in this development. There was no other opposition.

Mr. V. Smith said he would rather view the property than pass on it now. He moved that the application be deferred until October 16th to view the property. Mr. Piggott seconded. Carried.

19 - T. B. Wood, for permission to construct addition to present dwelling to come 28.1 feet from Jonathan Place, which is a dead end street, Lot 29, Block 4, Woodley North, NE corner Rosemary Lane and Jonathan Place, Falls Church District.

Mr. Wood has a carport now but wants to make it into a two car garage - for extra storage as well as garage. There were no objections. This is a cul-de-sac and will never be a through street as it is already built up. Mr. V. Smith suggested putting this addition on the back of the house. Mr. Wood said this would be very expensive since he has a three level house and the living room is to the back with large windows which he does not wish to enclose. There is a 5 foot drop to Jonathan Place.

Mr. V. Smith said the Board had never made such an exception as this. However, he moved to grant the application due to topography and the present location of the carport and because this is a cul-de-sac. Mr. Piggott seconded. Carried.

20 - Retlaw, Inc., to allow construction of dwelling to come 39.7 feet from Leonard Road, Lot 76, Section 3, Pimmitt Hills Subdivision, Providence District.

Mr. Walter Phillips appeared for the Company. There were no objections. Mr. Piggott moved to grant the application because of the small variance. Seconded, Mr. V. Smith. Carried.

21 - Regester Construction Corp., for permission to construct dwelling to come 37.1 feet from Leonard Road, Lot 64, Section 3, Pimmitt Hills Subdivision, Providence District.

Mr. Walter Phillips appeared before the Board for the Company.

He said Leonard Road dead ends into acerage. There were no objections. Mr. Piggott moved to grant the application and V. Smith seconded. Carried.

22 - Samuel T. Weaver, for permission to have kitchen facilities for two families in present dwelling, Lots 5 and 6, Section 4, Groveton Heights, Mt. Vernon District.

Mr. Weaver said he had owned this property since January, 1951. He is requesting a temporary permit to have these kitchen facilities to accommodate enlisted personnel at Fort Belvoir. He could, as a matter of fact, rent this house for $150 a month to some officer and would probably be ahead financially himself - but since the housing conditions for soldiers are so limited in the lower income brackets he would like to continue renting these apartments. He now has three families in the house which includes 10 people. He has a septic tank but will hook on to the sewer very soon.

Mrs. Pope stayed after the opposition was presented. She spoke again opposing. She said Mr. Weaver had asked for a two family dwelling but that he has three families there- which does not agree with the application and the advertising. Should the applicant do away with the third kitchen? She said they wanted this area to remain a single family neighborhood strictly residential. Also she mentioned the fire hazard. Mr. Weaver said he had had this checked with the fire authorities.

Mr. V. Smith moved to defer the application to view the property- defer to October 16th. Mr. Piggott seconded. Carried.

23 - Potomac Rifle Club, affiliated with National Association, to conduct rifle range by supervised club on approximately 1/2 acre located about 1/2 mile west of Route 236 and 613 junction, and approximately 500 yards north of Route 236 and approximately 500 yards south of Rt. 613, Falls Church District.

Mr. Deihr appeared for the Club. He stated that they had been operating in Alexandria for 25 years as an indoor range. Now they have to give up their building and wish to enlarge and have an open air range. The Fairfax County Police will use this as a pistol range. It will be perfectly safe as a high bank is surrounding the range itself and a hill beyond that will give added protection. They will use mostly 22 rifles - very few high powered guns.

Mr. Brookfield thought this was a very unfortunate location for this kind of installation. He could see the protection for normal shooting but if the gun were raised too high there was no protection and a subdivision is just beyond this tract.

Mr. Deihr said there would be a supervisor on duty at all times when the range is being used. There was no opposition. Mr. Deihr spoke of the safety in supervised shooting especially for young people.

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Mr. V. Smith moved to defer the application to view the property. Mr. Piggott seconded. Carried. Deferred to October 16th.

The case of Jessie Lansford was taken up - it had been put at the bottom of the list.

Mrs. Lansford said she wished to have a rest home for people who were not seriously ill and who did not have contagious diseases, mostly just elderly people who had no home.

Mr. Smith asked if the applicant had the approval of the Fire Contro. Board. She said No. The building is of frame construction. Also it will be necessary, Mr. Smith said, to get approval of the Health Department, which Mrs. Lansford had not yet gotten.

Mr. Smith said the new fire regulations were very rigid and he thought it was very necessary to see their requirements before starting anything as it could be that they would require installation too expensive to make it practical to operate. There was no opposition. The building is furnished with sewer and water. Mr. Smith said he would see that Mrs. Lansford got the name of the proper authorities to contact regarding fire control. Mr. Smith moved that the application be deferred until October 16. Mr. Piggott seconded. Carried.

DEFERRED CASES:

Samuel Lingle, for addition to gas station with less setback than required and to relocate pump island with less setback on Lot I, Englandboro, Falls Church District.

This was deferred for the Board to view the property, which they had done. The question was raised regarding traffic on Old Columbia Road in case of future widening and development. Mr. V.Smith did not like the idea of the road through the station pulling out on the Old Columbia Road - the hill on this road made a very hazardous condition. Mr. Lingle said the entrance was from Columbia Pike toward the back of the station. This exit road could be moved back farther to give more clearance before meeting the hill on Old Columbia Road. Parking area will be in the rear also.

Mr. V. Smith made the following motion - to grant the application to cover the existing lube bay, provided the road from the front of the property to the repair shop in the basement be located on the west side of the existing buildings and the present approach to Old Columbia Road be closed and a new approach, if any, be located from the property at the southern most boundary of the property. Mr. Piggott seconded. Mr. Smith added this - that the pump island be moved not less than 50 feet from the right of way line of Columbia Pike and parallel thereto as per plat submitted with the application. Mr. Piggott seconded this addition. Carried.

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Ernest Wayland, to convert garage into dwelling, Lots 1, 2, 3, Sect. I, Block 3, Groveton Heights, Mt. Vernon District.

No one was present to support the case. This had been deferred for a report from Mr. Mooreland and Mr. Schumann. Mr. Mooreland said they had studied the case and their report was that the case be denied. Mr. V. Smith moved that the application be denied because it does not conform to the minimum requirements of the Zoning Ordinance. Seconded. Mr. Piggott. Carried.

David R. Campbell, 1/2 acre on the west side of Route 716 - 7/10 mile south of Rt. 236, Mt. Vernon District. This was deferred for proper plats. The applicant had the plats which were satisfactory to the Board. Mr. V. Smith moved to grant the application because it is a family setup and the variance asked is very small, and it would work a hardship not to grant the application. Seconded, Mr. Piggott. Carried.

It was moved by Mr. Smith and seconded by Mr. Piggott that the Posey case be deferred until October 16th as requested earlier by Mr Moncure, for a report from the Health Department. Carried.

William G.Dodson, for permission to costruct dwelling on Lot which contains less than 1/2 acre (80 x 230 feet), part of Lots 4 and 5, Annandale Acres, Falls Church District.

Mr. Mooreland asked to give the background of this property. He said that some time ago Mr. Lowry came before the Board (1947) asking to divide his two lots - which application was denied. Then he built on one lot taking 101 feet frontage (Lot 4) then he sold another lot which was 40 and 60 feet of Lots 4 and 5, leaving an 80 foot lot which he sold. This, however, was not a buildable lot in this area. (Rural Residence District) Now Mr. Dodson, who owns this lot has requested the right to build on a lot 20 feet short of the required frontage and with only 3,300 square feet area.

Mr.Brookfield suggested that by refusing this the Board was depriving the applicant of the use of his lot.

Mr.V. Smith said the Board would be showing partiality to this owner to grant this application when they had refused the same thing to the original owner, and if this were granted it would set a bad prescedent. Mr. Lowry, the original owner, had fouled things up without regard for the Zoning Ordinance or Subdivision Ordinance.

He could see no reason to grant this.

Mr. Dodson said the lot was being used for baseball for youngsters in the neighborhood and it had caused some difficulty with baseballs flying through windows. He had thought if he could build a small house on the lot it would do away with this lot as a playground - otherwise he disliked making the boys stop their play.

Mr. Piggott moved to defer the case until October 16th. Mr. Smith

seconded. Carried.

Thompson and Case, for less setback on Lots 46, 47, and part of 45, Ellison Heights, Falls Church District. No one was present to support this case. Mr. Smith moved to defer the case until October 16th and that Mr. Thompson be notified to be present. Mr. Piggott seconded. Carried.

The Board adjourned.

John W. Brookfield.

S. Cooper Dawson, Chairman.

* * *

October 16, 1951

The regular meeting of the Fairfax County Board of Zoning Appeals was held October 16, 1951 in the Board Room of the Fairfax County Courthouse at 10:00 a.m. with the following members present: Messrs: Dawson, Brookfield, Verlin Smith, JB Smith, T.I. Piggott. Mr. Schumann, Zoning Administrator and Mr. White, Zoning Inspector.

1 - Thompson and Case, for permission to have 13 foot side setback and 31 foot setback from Highland Street, Block G, Lots 46, 47 and part of 45, Ellison Heights, Falls Church District.

Mr. Thompson was present. This is a corner lot 100 x 150. Back of the lot is a 20 foot road which leads to other property. The house itself is located according to requirements - it is the garage which projects into the prohibited area. Mr. Brookfield moved to grant the application since the house is already built and there were no objections. Mr. V. Smith seconded. Carried.

2 - Lowell R. and Leona Wright, for permission to operate an antique shop on approximately 5 acres on the east side of Leesburg Pike, about 600 yards west of Dranesville Junction, Dranesville District.

Mr. Wright was present. He stated that this is a very old house. The little extra building to the side was built on attached by a breezeway. This is the part they wish to use as the antique shop. All setbacks are met - approximately 75 feet from the front line and 30 feet on the side.

Mr. Brookfield asked what they intend to do with the balance of the acreage. Mr. Wright said - simply to keep it for garden and pasture.

The Chairman asked Mr. Schumann for his opinion. Mr. Schumann said that since the applicant wished to use only the little ad-

ditional building, the Board could confine them to that area - he saw no objection. If they wish to expand they will have to come back to the Board.

A sign was discussed. Mr. Wright said they would like to have a sign - but not a large one. From the Ordinance it was determined that they could have one with an area of 10 square feet.

Mr. Brookfield moved to grant the application to conduct an antique shop in this addition to the original building and that a sign not larger than 10 square feet be allowed. Mr. Piggott seconded. Mr. Brookfield added that the time limit of 5 years be added to the motion. Mr. Piggott agreed. Carried.

3 - Louis J. Carusillo, to erect automobile filling station on property located on the south side of Rt. 7, about 1-1/2 mile west of the Shirley Highway - joining Morrison's Texaco Station, Claremont, Falls Church District.

Mr. Carusillo and Mr. Blake from American Oil Co. were present. Mr. Carusillo said this property was zoned General Business. There is a filling station next door. There were no ojbections. The sewer is across the street and the applicant said he would connect with that as soon as he could.

Mr. Schumann said the applicant might run into difficulty with the Health Department. Mr. Carusillo said the Health Department had made an inspection and he understood there was no objection. However, if it is necessary for more field he would make the ground available as he owns the land bordering this proposed station. He intends to put a shopping center on that ground - but can give more area very easily for the septic field.

Mr. Blake said this was the same pattern used for all of their filling stations and he thought the area was sufficient.

Mr. V. Smith said he would rather defer this until October 23 and view the property.

Mr. Carusillo said his entire frontage would be used for ingress and egress since he owns considerable frontage. His shopping center could, as a matter of fact, be a continuous entrance to the filling station. He said it had been approved by the State Highway Department. The pumps will be 70 feet back from the centerline of the road. The motion to defer was put to a vote. Carried.

4 - Raymond E. Edwards, to allow presently located dwelling to remain 48.6 feet from right of way of Braddock Road, Lot 4, Smarrland, Falls Church District.

Mr. Edwards said this was a mistake which occurred when the front bedroom was added. There was no opposition. TheBoard discussed the width of the right of way of Braddock Road. Mr. V. Smith moved to grant the application because it is a small variance and

would be no traffic hazard. Mr. JB Smith seconded. Carried.

5 - Hampton E. Turner, to locate detached garage with 4 foot rear yard setback, Lot 90, Tremont Gardens, Falls Church District.

There were no objections. The neighbor affected most had stated that he had no objections. Mr. Brookfield moved to grant the application. Mr. Piggott seconded. Carried.

6 - Henry W. Cauffman, to allow side porch to remain 7 feet from side property line, Lot 4, Block C, Section 4, Lee Boulevard Heights, Falls Church District.

Mr. John Webb appeared for the applicant. He stated that the applicant got a permit for the home and did not understand about the open porch. The neighbor most affected was present and said he did not object. The Chairman asked Mr.Schumann his opinion. Mr. Schumann stated that if the neighbor did not object he thought it was all right. Mr. V. Smith moved to grant the application because it does not affect adversely adjoining property. Mr. Piggott seconded. Carried.

7 - E. F.Bladen, to extend use of the saw mill granted by the Board of Appeals on an 88.5 foot x 301.97 foot area on Glyndon Street and Owasa Street near the Town of Vienna, Providence District.

This was granted for one year and was extended for another year by the Board. The applicant asked just what was meant by operating commercially. He hardly considered he had operated that way, as most of his work was done for his own use. The mill was originally set up for a commercial purpose - then it burned down. Now he is ready to build 5 houses and wants to use the saw mill for these buildings. There were no objections. Mr. Brookfield moved to grant the application for one year. Mr. Piggott seconded. Carried.

8 - W. H. Holland, to construct garage-addition to present dwelling to come 7-1/2 feet from side property line, Lot 9, Second Addition to Fairview, Mt. Vernon District.

This will be of brick and cinderblock construction. The house is now the same distance from both sides. There were no objections. Mr. Brookfield moved to grant the application as it did not affect adversely adjoining property. Seconded, Mr. Piggott. Carried.

9 - Arthur T. Learnard, to construct detached carport to come 1 foot from side property line, Lot 8, Walnut Hill, Falls Church District

The applicant said this would be simply a concrete slab - and a roof suspended by 4 posts. He did not wish to build a garage as he did not want to put that much money into it. His driveway is already in and by moving the carport in farther from the side line it would make an awkward turn. There are two concrete aprons

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already in the entrance to the driveway. There is a bank at the rear which would be too expensive to level. A letter from the joining property owner was read - stating he had no objections.

Mr. V. Smith said the Board had never granted a carport this close to the line. Mr. Dawson asked if the port couldnt be located 2 feet from the line. He thought that some future owner might wish to enclose this for a garage. Mr. V. Smith moved to grant the application 2 feet from the side property line and it should be optional with the applicant whether he make the carport 10 feet wide or move it in farther and make it 11 feet wide - so long as he maintained the 2 foot setback. Mr. Piggott seconded. Carried. Mr. Brookfield voted No.

10 - Arthur F. Phinney, to complete addition to dwelling (porch and carport) to come closer to side line than allowed by the Ordinance, Lot 62, Sect. 4, Pine Ridge, Falls Church District.

This case was withdrawn as it was shown by a certified survey that his setback was all right. Mr. V. Smith moved to pass over this application. Mr. Piggott seconded. Carried.

11 - Edward A. McMichael, to construct garage-addition to dwelling to come 35 feet from right of way line of Paul Spring Road, Lot 43, Section 2, Hollin Hills, Mt. Vernon District.

Mr. Michael said his living quarters are at the back of his house. This is a particular design many houses in this subdivision have used. Mr. V. Smith thought it very desirable from the living standpoint but thought the setbacks should be observed.

Mr. McMichael said this road would probably never be a through thoroughfare. There is a park joining and one across the street. Mr. Brookfield thought the park would cause future traffic. The applicant said this was a private park - just for the subdivision. There were no objections.

Mr. V. Smith thought that because of the park across the road it would be possible in the future to get more road ground if necessary. He moved to grant the application because the street is dedicated in excess of 50 feet and because there is a dedicated park across the street and joining the property. Mr. Piggott seconded. Carried. Mr.Brookfield voted No.

12 - Bernard and Effie Anderson, to construct and operate convalescent home on approximately 25 acres on the west side of Hunter Mill Road immediately opposite intersection with Rt. 678, Dranesville Dist.

Both Mr. and Mrs. Anderson were present. They stated that they wished to build a large rambler which would take care of a few convelescent patients and to make their own home there also. It will be no more than two stories, with the patients on the ground floor. They have talked with the state authorities and will meet

all their requirements for size of rooms, fire protection, etc. The building would be of fireproof construction and would be attractive.

Mr. Brookfield thought the plot plan and general outlay was not sufficient. Mr. V. Smith suggested that the building outlay was no necessary as that was controlled by fire regulations and the Board need not concern itself with the overall plan.

Mr.Schumann read from the Ordinance so all would know the restrictions under which such an installation could operate.

Mr. Ball from whom the Andersons are buying said he thought this would be a good thing for the neighborhood, in case of illness and that it would certainly be no nuisance and he did not feel it would devaluate property.

Mr. Anderson said the patients would be all old people who were ill, people convelescing, or for emergency cases. He said the hospitals were eager to have convelescent homes to relieve their load There would be a trained nurse on duty all the time and Mrs. Anderson is in training now and will be a trained nurse by August. She is a diatician now, her certificate is recognized by the District and all the States.

The Chairman asked for opposition: Captain Bachman lives joining the Andersons. He represented some of the land owners in the neighborhood. He presented a petition signed by 44 residents - opposing. The petition opposed on four counts: The adjoining areas have been and are devoted to farms and private residences. A commercial use would depress property values. No need exists in the area for this type of business enterprise, and present zoning should not be changed. The residents of the neighborhood had a meeting and registered their disapproval.

Mr.Shane also opposed. He is directly across from the Anderson's property. He wished to maintain the neighborhood as it is - a good development for large tracts and high class homes. He felt this area should be carefully restricted and this use is not in keeping with the present development. It would render the territory less desirable and would affect loan appraisals. He suggested that the Zoning Ordinance was written to protect property owners and nothing should be allowed which would depreciate property nor lower the standard of the neighborhood.

JB Thompson stated he would like to go on record as approving Mr. Shane's statements.

Mr. Cockrill also spoke opposing. He expressed the wish that the territory be allowed to remain as it is.

Mr. V. Smith noted that Mr. Cockrill was the most vitally affected.

Mr. Kiener opposed - also Mrs. Bendigo. Mr. B. Jones thought this might lead the way to even less desirable projects.

Mr. Schumann explained that the Board can grant a use for only the one thing applied for - it is not a rezoning.

Mr. Anderson said he had seen the same thing done in Tocoma Park and did not believe property had been depreciated. He felt that his installation would be an addition to the neighborhood.

Mr. V.Smith said he was well aware of the need of this kind of enterprise but he thought that Hunter Mill Road is developing into a very high class area and he questioned what this use, if granted, might do. He read from the Ordinance...."will not adversely affect neighboring property." He stated that property is devaluated in the minds of people and that is not a good thing especially for this kind of a neighborhood. He moved to deny the application because (he referred to Section 12-F, par. 2) the location of the use applied for will ultimately affect adversely the use and development of neighboring property. JB Smith seconded. Carried.

13 - J. T. Hodge, for permission to have duplex on Lot 8, Block 2, Fairview Subdivision, Mt. Vernon District. Mrs. Edna Foster, the owner appeared. She has the area and frontage required by the Ordinance. She owns two lots. There was no opposition. This is an old house which she wishes to convert into a two family dwelling. Mr. Brookfield moved to grant the application in view of the housing shortage in this area. Mr. Piggott seconded. Carried. Mr. V. Smith voted no.

14 - Donald Saunders, to allow garage to remain approximately 22 inches from both side and rear property lines, Lot 8, Block 4, Sect. I, Ft. Ward Heights., Falls Church District.

This is already built. It is of cinderblock construction. The neighbor most affected did not object. Mr. Brookfield moved to grant the application. Mr. Piggott seconded. Carried.

15 - Lloyd W. Hazelton, for(re-hearing) permission to operate pharmacology laboratory and uses incidental thereto on the premises, northerly side of Rt. 7, near Andrew Chapel, Providence District.

Dr. Hazelton appeared before the Board. He stated that he had asked for the rehearing to present additional evidence which could not reasonably be presented at the original hearing. He read a statement and elaborated on it as he read - covering the points he wished to bring out. This statement is in the records of this case.

Dr. Hazelton stated that he had felt that the nature of his work was not understood by the Board and by those at the original hearing. He expressed the belief that his evidence would show that this is a use entirely consistent with agricultural zoning, and was not a commercial enterprise in the usual sense.

Dr. Hazelton referred to Mr. Hitchcock's objections, particularly

to the dogs. The kennel license was granted before Mr. Hitchcock bought here. Also the depreciation in property values which had been brought out. He asked Mr. Durham to make a statement. Mr. Durham spoke (his remarks are also recorded with this case) having no objection to the laboratory. He spoke of the misunderstanding of the work being done here - labeling it purely an agricultural service and not commercial. He commended Dr. Hazelton on his position in the community, his integrity, and his wish to keep the locality free of commercial trends. Mr. Durham is owner of the Old Leigh place which borders Dr. Hazelton.

Dr. Hazelton referred to the odors which were objected to and the noise. Mr. Soresi spoke regarding these objections. He is the nearest to the laboratories - renting from Dr. Hazelton. He has no objection in any way and would like to buy where he now lives. There is an occassional odor - depending upon the wind. The noise is not as bad as neighborhood dogs.

Dr. Wickline, another near neighbor, was not able to be present. He also does not object. A letter was read from him - not opposing

The Board of Andrews Chapel met and passed the following resolution: "That the Church take no further action in opposing Dr. Hazelton's request for Change of Use Variance."

Mr. H. Whitmore also spoke - not opposing. Mr. Whitmore explained the work of the laboratory and Dr. Hazelton's great service to the community and the nation- in a very clear manner- saying this is in reality a miniature testing farm rather than a pharmacology laboratory. He explained the expense of the government or various chemical companies in testing on large cattle farms - stating that this was in reality the same thing- on a small scale- getting the same results. He discussed the manner of experimenting on valuable sprays and chemicals which were of vital importance to agricultural development and which could be tested more quickly and inexpensively in this manner. This is encouraged by theDepartment of Agriculture to get faster and cheaper results. He stated that there are comparatively few in this field and Dr. Hazelton is an expert and has contributed greatly in making agricultural work more effective. Since this type of experimentation is new it naturally is not understood. Such a plant is to raise information rathern than crops. This, Mr. Whitmore said, is unusual but factual, legitimate, agricultural use.

Dr. Hazelton listed steps he wished to prove: That the present use is in fact specialized agricultural Use, is not commercial in the common sense, that studies conducted contribute directly to farm safety and agricultural economy, contributes directly to the defense effort, that imposition of restrictions would work an economic hard-

ship to the laboratories and to the County.

Mr. Schumann said the Board had the power to interpret whether or not this was an agricultural use.

The Chairman asked for the opposition:

Mr. Brookfield said Mr. Hitchcock had called him that he could not be present at the hearing today - also that Lyle Smith would be absent. They asked that decision on this case be deferred to a later date when they both could be present. A letter from Mr. Hitchcock was read requesting this deferment. Mr. Brookfield said these people were objecting because of the devaluation of their land and the question of whether or not this is an agricultural use. Since these two objections could be decided without either Mr. Hitchcock or Mr. Smith, Mr. Brookfield suggested that the case be heard in its entirety. It was agreed by the other Board members to go ahead.

Mr. V. Smith read the uses commonly classed as agriculture in the Ordinance. He said this certainly could not be commonly classed as an agricultural use. If it were so classed one might carry the reasoning further and say that the making of machinery and gasoline were also agricultural uses - stretching it a little too far. Mr. Smith commended Dr. Hazelton for his work and his place in the community. He felt that the 5 year extension of this use was generous. He felt that at least Dr. Hazelton could specify a time limit which would be satisfactory to him. He felt that this certainly did have a commercial tinge and that it might affect adversely adjoining property.

Mr.Schumann said this was entirely up to the Board to determine whether or not this is an agricultural use and the Board could give a broad interpretation to the Ordinance.

Mr. V. Smith said he also thought all buildings should be 100 ft. from all property lines and they at present do not conform.

Mr.Dawson asked how about buying more land - to give the proper setbacks. Dr. Hazelton said he was hoping to get more land from Mr. Leigh. Mr. Leigh had given him the assurance that he would sell to him at a later time.

Mr. Whitmore cited a case in Montgomery County where this type of work was considered agricultural without question, an unusual agricultural use, however.

Mr. White called to the attention of the Board a case a few years ago when they had handled the Prisoner of War case which was appealed to the Board of Supervisors and was upheld, stating that this (a prisoner of war camp) was considered an agricultural use as the prisoners were used for labor on the farms.

Mr.Brookfield thought this might be a legal question. Mr. V.

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Smith suggested the advice of the Commonwealth's Attorney for interpretation. Mr.Brookfield thought the interpretation was up to the Board.

Mr. Brookfield moved that the Board interpret the law as considering a pharmacology laboratory to be an agricultural use, therefore, granting the application. Mr. Piggott seconded.Carried Mr. V. Smith voted No.

DEFERRED CASES:

Jessie Lansford, to operate a rest home, Lot 43, Sect. 2, Greenway Downs, Falls Church District.

This was deferred for inspection by the Fire Marshall. It was explained that Mrs. Lansford had gone to a great deal of trouble to get in touch with the Fire Marshall but had not been able to contact him. It was suggested that approval be given subject to the approval of the Fire Marshall. Mrs. Lansford said she would have from 7 to 10 people in the home. There are a total of 12 rooms in the house.

Mr. Schumann said the Board could give its approval in this way and the Zoning Office would have control of its operation through the issuance of an Occupancy Permit. It could be withheld until the Fire Marshall had given his approval.

Mr. Brookfield moved and Mr. Piggott seconded that the application be granted subject to the approval of the Fire Marshall. Carried. Mr. V. Smith not voting.

Eastern Construction Co., to complete dwelling which is located 25 feet from Graham Court, Lot 8, First Addition to Homecrest, Falls Church District.

Mr. Epstein appeared for the Company. The plats were discussed. The house is under roof. There were no objections. Mr. Brookfield moved to grant the application and Mr. Piggott seconded. Carried.

Woodley Corporation, to allow dwelling to remain 12.35 feet from side line and 31 feet from street right of way line, Lot 241, Section 3, Woodley, Falls Church District.

Mr. Hardie Chamblis appeared for the Company. He reviewed the case. The carport is constructed in accordance with the Ordinance, under the same section as an open porch. The owner of the joining lot is not opposed and stated that it would not affect him adversely. This is a cul-de-sac and will be no traffic hazard.

Mr. V. Smith moved to grant the application because it does not affect adversely joining property and it appears to be an honest mistake and would work a hardship on the prospective purchaser who is in the service to have the house moved. Mr. Piggott seconded. Carried. Mr. Brookfield not voting.

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Earl S. Posey, to construct and operate a tourist court on 1.904 acres on the west side of U. S. #1, 2000 feet south of junction with Route 628, Mt.Vernon District.

Mr. Andrew Clarke appeared for the applicant. This is a Rural Business District with tourist courts on both sides of this property. There is an open ditch through the property which Mr.Clarke said would have to be taken care of - that is closed up. They are now working on the approval of the Health Department. There were no objections.

Mr.Brookfield moved to grant the application subject to the approval of the Health Department. Mr. JB Smith seconded. Carried. The Board adjourned for lunch. Upon reconvening, Mr. Brookfield took the Chairmanship.

Fairfax Beach and Tennis Club, to construct and operate club house, recreation center, bathing beach, and pertinent facilities, athletic games, entertainment, restaurant therewith on 93.246 acres, Lake Barcroft Estates, Falls Church District.

Mr. Andrew Clarke represented the Company. Mr. Schumann said the Charter of the Club had been called to the attention of the Board-particularly the elastic conditions of the Charter. There is the possibility of a development on this ground which might be unacceptable to the Board if this application were granted. Mr. Clarke said theCharter had purposly been made broad and elastic purely for loan purposes, but that the development would be entirely in keeping with Lake Barcroft Estates.

It was asked if this was a stock company which might be sold. Mr. Clarke said it was. In such a case Mr. Va. Smith said the Board would be giving a blanket use and he thought it too broad. The Board would have no control.

Mr. Clarke said this would be run much the same as Belle Haven Club. It would be restricted as to membership and he had no thought that even another owner would change the character of the development.

Mr. V. Smith said the words "pertinent facilities" covered practically everything - that even a Glen Echo could be permitted and the Club could force a permit. He thought that under the present setup it would probably be all right but if it were transferred to other owners - which could be done - there was no assurance of what might be done. He felt the Board should look to the future. He also suggested extra building setbacks from the residential property.

Mr. Clarke said the construction of a Glen Echo would mean a business - but that under the Ordinance this was to be operated as a Club and not a commercial proposition in the true sense, that the

Ordinance does not allow commercializing on this property. He recalled that only the restaurant was necessary to come before the Board.

Mr. Dawson moved to grant the application including the restaurant with 150 foot setbacks for all buildings from all property lines. The present setback required by the Ordinance was discussed.

Mr. Clarke thought 100 feet setback from all lines was not unreasonable - but 150 feet too much. Mr. Dawson changes his motion to state 100 foot setback from all lines instead of the 150 feet. Mr. JB Smith seconded. Carried. Verlin Smith and Mr. Piggott not voting (Mr. Brookfield, Dawson, and JB Smith voting for the motion) Carried.

William G.Dodson, to construct dwelling on lot which contains 80 x 230 square feet, part of Lots 4 and 5, Annandale Acres, Falls Church District. Mr. Dawson was not present - having been excused for an appointment. Mr. Brookfield reviewed the case - the original division of the land and the Board refusing the original owner the right to build on less than the 1/2 acre. Mr. Mooreland was also present and went into the case. After the other lots were sold this small piece was left and now Mr. Dodson wishes to put a small house on it

Mr. Schumann said that by granting this the Board would reverse itself, since this same thing had been refused before.

Mr. V. Smith said the Board should be consistent since this was turned down before. He moved to deny the application because it does not conform to the minimum requirements and because of the history surrounding this land. Mr. Piggott seconded. Carried.

Potomac Rifle Club, to conduct rifle range by supervised club on ground located approximately 500 yards north of Rt. 236 and about 500 yards south of Rt. 613 and 1/2 mile west of the junction of 236 and 613, Falls Church District.

The Board had seen the property. There was no one present representing the Club and no opposition.

Mr. Schumann recalled the rifle club in Dranesville district which the Board had turned down. Mr. V. Smith said he had seen rifle ranges in operation under the most rigid restrictions but there was always someone who would sometimes shoot out of turn and he thought this a very dangerous location. The school and Pinecrest Subdivision are both near. Mr. Smith did not think the chance should be taken to allow this installation.

Mr. Schumann recalled the asphalt mixing plant which had been granted when people in the neighborhood were not aware of it and there was so much complaint in the area that the plant was never used. He thought if the neighborhood understood what was being planned here they would be greatly opposed.

Mr. Brookfield thought this a too thickly settled neighborhood and the responsibility would be on the Board for whatever might result. Mr. Piggott moved to deny the application. Mr. JB Smith seconed. Carried.

Samuel T. Weaver, to have kitchen facilities for two famileis in present dwelling, Lots 5 and 6, Section 4, Groveton Heights, Mt.Vernon District.

Mr. Weaver reviewed his case. TheBoard had seen the property. Mr. Weaver said his house was occupied by people in the Service, for whom he wished to provide cheap housing. He was not trying to make a large profit on the house. In fact he could rent it to a Colonel for a higher figure than he is now getting but prefers not to. Mr. V. Smith thought this might be a better proposition - from the standpoint of the zoning laws.

Mr. Schumann asked if there were two or three families in the house. There had been some discussion of this. Mr. Weaver said 3 families. Mr. Schumann said he could not possibly have that because that constituted an apartment, which could not be granted in this district.

Mr. Weaver said he could have as many families in the house as he chose as long as they used the same kitchen. Mr. V. Smith said he had not seen that in the Ordinance. He felt it was unfortunate for the service people but that we could not disregard the Ordinance for something that the Federal Goverment was responsible for - to provide adequate housing for Service people.

Mrs. Pope spoke for the opposition. She said they had bought into a one family neighborhood and she considered this an undesirable use. She referred to the petition filed at the last hearing where all the neighborhood objected.

Mr. Schumann said the Board had the right to grant 2 families since Mr. Weaver had the frontage and area - but not 3 families.

Mr. V.Smith suggested postponing action and getting the names of those in the building to see when they expected to vacate, then to deny the application so as not to work a hardship on the occupants.

Mr. Weaver said he wished to make a test case of this. Mr. Brookfield in that case it was better to deny the application.

Mr. V. Smith moved to deny the application because it does not conform to the Zoning Ordinance. JB Smith seconded. Carried.

Carlyle V. Parker, for two additions to dwelling, carport to come 28 feet from front right of way line and bedroom to come 36 feet from front right of way, Lots 164 and 165, Wellington Park Estates, Mt. Vernon District.

Mrs. Parker appeared before the Board. The house itself is 60 feet back from the curb. It is brick. She showed the architects drawing with the proposed additions.

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Mr.Schumann thought the restrictions in this subdivision were 25 feet. It is an old subdivision and if this is so - the requested setbacks would be all right.

Mr. V. Smith moved to defer the case until October 23 to determine what the recorded setback is before taking action. JB Smith seconded. Carried.

Bernice Carter Davis, to permit use of building on premises as residence, said building being 15 feet from rear lot line, Lot 4, Clydesdale, Mt. Vernon District.

Mrs. Davis' attorney was ill so she appeared in her own behalf. This case was deferred to determine if this was a lot of record. It was established that it is a lot of record. Mrs. Davis showed a photostatic copy of the deed proving that this and the plat of Clydesdale which did not include Lot 4. The two end lots of the subdivision were not changed. Mrs. Davis reviewed the case - how she had sold her house and expected to build on this lot, but could not have a septic field without taking out her lovely trees. She wished to live in this building until such time as she can hook on to the sewer system. A years time was suggested. Mrs. Davis said she did not wish to be limited to this period as materials may be short and she did not know when she could build or when she could connect with the sewer.

Mr. Douglas Adams represented the opposition. He said he had conferred with Mr. McCandlish who had given him to understand that the lot had been determined to be a lot of record - therefore the joining lot owner,whom Mr. Adams represented, did not think it necessary to appear. He said, however, that his client objected because he felt that Mrs. Davis did know the laws, having been before the Board so many times before and he felt the laws should be followed and one should not be allowed to wilfully disregard the Ordinance, by moving in to a building which was in violation then to ask the Board to legalize it.

Considerable discussion followed regarding those who objected and why. The Chairman asked that personal grievances not be injected into the record since they did not concern the Board.

Mr. Schumann said since it had not been shown that the owner on the joining lot was not being harmed and it would work a hardship on Mrs. Davis not to grant this - the Board had the right to allow this use for a limited time. At least to take care of the present emergency. He suggested that a compromise way of handling the case might be satisfactory.

Mr. Adams said his client thought 6 months period sufficient.

Mr. V. Smith suggested to Mrs. Davis that she did know the Ordinance, since she had had considerable experience with the Pro-

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cedures of the Board and Zoning Office. Mrs. Davis said this was an emergency. Her furniture was out in the rain - she had had to move in a hurry - and she had no place to stay but in this little house. She felt her record as a citizen should show that she had no desire to harm the community. She said in answer to Mr. Adams question that to put in a septic field she would have to cut down 30 or 40 trees.

Mr. V. Smith said he did not wish to work a hardship on Mrs. Davis and he had the greatest respect for her contribution to the community and the county but he would move to grant the application for a period of one year because of the hardship it would cause to do otherwise. Seconded, Mr. Piggott. Carried.

The Board adjourned.

S. Cooper Dawson
John W. Brookfield
S. Cooper Dawson, Chairman

* * *

October 23, 1951

A Special Meeting of the Fairfax County Board of Zoning Appeals was held October 23, 1951 in the Board Room of the Fairfax County Office Building at 10:00 a.m. with the following members present: Mrs. Dawson, Brookfield, JB Smith, and Verlin Smith. Mr. Schumann, Zoning Administrator, and Mr. Mooreland were also present.

1 - I. L. Florence, to have less setback than required from street right of way on Lot 3, Lewell Park, Mt. Vernon District.

Mr. Mooreland explained why the case came before the Board. The permit was issued for setback from a 40 foot street and it was discovered later that this was a 30 foot street which would require a 50 foot setback. This was no fault of the applicant but in order to clear his records for title purposes it was necessary to come before the Board. He has already cut off 2 feet from the size of his house as proposed but still could not meet the required setback. There were no objections. The house is built. If a road goes through here the additional width will be taken off the other side of the road. This property is as yet not subdivided.

Mr. Brookfield said he saw no choice in the matter but for the Board to grant this since it was a Zoning Office error and the Board certainly could not penalize Mr. Florence for something he had had no knowledge of and was not his error. He moved to grant the application with a 42.3 foot setback from the front right of way line. Mr. JB

Smith seconded. Carried.

2 - Fred and Beckert, for permission to construct and operate gasoline filling station on Parcel I, Section I, Delta Subdivision, Falls Church District.

Mr. Ebner Duncan appeared for the company. He stated that all the ground between Fort Worth and Fort Williams Drives was zoned for business. He estimated about 400 feet. The Board examined the plats which showed setbacks, entrances, and general outlay of the proposed service station. There was a question about just how much ground was zoned business fronting on Rt. 236. Mr. Wheeler showed a sketch of the entire subdivision which indicated about 300 feet were zoned business. Mr. Mooreland said he would check with the rezoning application for the exact distance. He found it to be 285 feet.

Mr.Duncan said the American Oil Company would build and operate the station. Mr. Blake of American Oil was present.

Col. Hall who lives on the lot immediately joining the proposed filling station objected. He said he had lived on his property for approximately 10 months. He had bought thinking this was an entirely residential section. He did not like the idea of a filling station being practically in his front yard. Also the station would be located in a little valley - between two high points in the road which he thought would create a traffic hazard. This corner is also a school bus stop and about 40 or 50 children congregate there to meet the bus. He considered this a hazard to the children. He also felt this installation would be a fire hazard and that it would greatly depreciate his property. He himself would not have bought here had he known a filling station might be installed.

Mr. Wheeler also objected. He presented a petition signed by 50 people in the immediate neighborhood - all objecting. The grounds listed in the petition objecting were: There are already 6 filling stations within a radius of one mile of this property - two within 400 yards - therefore, no need. It would create a nuisance with flood lights, noise, trash, and waste and would decrease property values in the area. It would cause undue traffic hazard especially because of its location - in a valley. It would cause fire hazard and would be an "attractive nuisance" for children. Mr. Wheeler elaborated on these objections.

Mr. Deacle also opposed - on the same grounds as the petition.

Sgt. Thrall objected. He has lived in the subdivision since it started. He would not have bought had he known this was commercial ground.

Mr. Wheeler said a covenant on the ground prohibited everything except one family residential dwellings. It was brought out that

this ground was actually excluded from the original subdivision and was not subject to those covenants. It was zoned without protest. It was also brought out that this was advertised as Parcel I, Section I, Delta Subdivision.

Mr. Duncan said the station would be brought to a proper level and would not actually be low when finished. Mr. Wheeler said they could not change the grade or height of the street. Mr. Duncan thought a filling station would tend to reduce speed in traffic rather than to create a speed hazard. He stated that the station would cost around $50,000, would be attractive and well kept up and he thought it would be a credit to the neighborhood.

Mr. Loe stated that he wished to locate the proposed station - that he did not know if he objected or not. He had thought Reliance Homes were going on this property. He also thought the service station business was being overdone in this locality. Many of the stations are even now fighting for business. He objected to the noise and signs.

Sgt. Thrall said that through his efforts and others in the neighborhood the speed limit in this area had been reduced from 50 to 35 miles per hour.

It was brought out that since this is a business zone some other type of business could go in here without having to come before the Board and the property owners would have no control - something more obnoxious than a filling station. The objectors said that was in the future - they were immediately concerned with what was before the Board.

Mr. V. Smith said the Board would have to act under Section 16 of the Zoning Ordinance. He read from this Section. He felt that the Board would have to deny this application because of this section in the Ordinance. He felt that the Board of Supervisors would not re-zone this particular piece of ground if it were before them at this time because it would allow scattering of business rather than locating it in compact groups. He moved to deny the application because it does not conform to the requirements of Section 16 of the Zoning Ordinance.

Mr. Brookfield suggested that he add that it would depreciate property values and there was no need. Mr. Smith said this was all covered in Section 16. Mr.Brookfield agreed and seconded to motion. It carried unanimously.

DEFERRED CASES:

Louis Carusillo, to erect automobile filling station on ground located on the south side of Rt. 7, approximately 1-1/2 mile west of Shirley Highway, Falls Church District.

This had been deferred to view the property but the Board had not

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had time to make this inspection. It was agreed to see the property at the close of this session and make the decision on the property. This was done and the Board granted the application.

Carlyle V. Parker, to construct two additions to dwelling to come 28 feet and 36 feet from front right of way, Lots 164 and 165, Wellington Park Estates, Mt. Vernon District.

This case was deferred to determine the setback requirements of the original subdivision. This was recorded before the Ordinance. It was found that the applicant was within the old recorded restrictions, therefore, the Board agreed that they had no jurisdictions and did not act on the case. Motion, Mr. Brookfield, seconded, Mr. JB Smith. Carried.

S. Cooper Dawson, Chairman

* * *

October 30, 1951

A Special Meeting of the Fairfax County Board of Zoning Appeals was held October 30, 1951, in the Board Room of the Fairfax County Courthouse at 10:00 a.m. with the following members present: Messrs Dawson, Brookfield, JB Smith, and Verlin Smith.

1 - Edward K. Lawless, to allow dwelling to remain as constructed nearer Bradford Drive than the required setback, Lot 61, Section 2, Brook Hill Estates, Falls Church District.

Mr. Lawless and his builder, Mr. Caufmann, appeared before the Board. Mr. Lawless said he had originally hired a builder and paid him on a contract. The builder dug the basement then took off. He then hired Mr. Caufmann who used the same diggings, which were not located according to the Ordinance with reference to the front line setback. There was a resubdivision of some of these lots when Sect. 2 was put on and the street here in front of this lot is actually 120 feet wide instead of the required 50 feet. Technically the applicant should be all right but the actual dedicated street puts him too close to the line. The house is being shingled now. All other setbacks are easily met. There were no objections.

Mr. Brookfield moved to grant the application, allowing the house to remain where it is because it will not damage anyone. Seconded, Mr. JB Smith. Carried.

2 - A. P. Qualls, and W. C. Hildreth, for permission to construct duplex dwelling with less than the required area, Lot 30, Windsor Estates, Mt. Vernon District. (Windsor Avenue and Beulah Road.)

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Mr. Qualls appeared before the Board. This property has 470 feet frontage on Windsor Drive. It is a long triangular piece of land. He can meet the required setbacks. Mr. Qualls and his brother bought this land to relieve a difficult financial situation. They each bought trailers and moved in. Their intention was to build on to their trailers as they could and eventually have the two trailers removed and the two additions connected to make a duplex. Both have had a great deal of trouble with the property - they were told they could build anything or live any way they chose as long as they did not keep hogs. They were told a trailer was permissible - also a duplex. They had not planned to build until 1952 but since the heat has been on the use of trailers they wish to legalize their construction.

Mr. Brookfield was familiar with the ground. It was, he said, previously owned by the Northern Virginia Construction Company and subdivided and sold by a man named Swarts. Mr. V. Smith thought it might be well to see the property. He said the applicant had his sympathy but he thought his recourse was with the agent who sold him the property. The agent has skipped, Mr. Qualls said, having sold all the property in this subdivision with the same disregard for county restrictions. Mr. Qualls said he felt he was not infringing on anyonelse - that their house would not be unattractive and would be no larger than an ordinary rambler. It would be frame.
It was suggested that one sell out to the other. Mr. Qualls said neither was financially able to do that. Mr. V. Smith thought the result of granting this might ultimately do more harm to the applicants than good.

Mr.Brookfield was afraid granting this would result in a series of similar applications.

Mr. Smith thought it might be well to see the property but since Mr. Brookfield and Mr. Dawson knew the locality it was thought better not to delay the case.

Mr.V. Smith said he thought the Board had a moral obligation as well as legal - he moved to grant the application because the strict application of the Ordinance would result in peculiar and exceptional practical difficulties and undue hardship on the owners. Seconded, JB Smith. Carried.

S.Cooper Dawson

S.Cooper Dawson, Chairman

* * *

November 6, 1951

A Special Meeting of the Fairfax County Board of Zoning Appeals was held November 6, 1951 in the Board Room of the Fairfax County Courthouse at 10:00 a.m. with the following members present: Messrs Dawson Brookfield, JB Smith, and Verlin Smith. Mr. Piggott was absent.

1 - Virginia Water Company, to construct ground storage reservoirs to provide a distribution system storage between the Occoquan Plant and the City of Alexandria and storage for resale of water to the Annandale Water Co., on 2 acres located approximately 400 feet east of Springfield Road and approximately 1/2 mile south of Rt. 617 and Rt. 236, Falls Church District.

Mr. Boothe and Mr. Richard were present for the company. Mr. Boothe said this was a necessary installation, it would be used in an emergency at Occoquan if the plant broke down - therefore service would not suffer. The same type of reservoirs have been installed in Alexandria. The construction will not be unsightly. It will have a capacity of 2 million gallons. There were no objections. Mr. Brookfield moved to grant the application because it is a public necessity. Mr. V. Smith seconded. Carried.

2 - Charles Puglisi, to use property for gasoline filling station and to allow pump island to be located 25 feet from right of way line of Leesburg Pike, Lot 20, Section I and 2, Worthington Heights Subdivision, Providence District.

Mr. Puglisi was present and located his ground on the map. This application was granted more than 6 months ago. The time for construction ran out and in the meantime the amendment to the Ordinance was passed requiring a use permit for a filling station. The ground is zoned Rural Business. An Amoco station is across the street on the SE corner. This is now on a 30 foot road but it will no doubt be widened. The building is 72 feet from the property line. The septic field location was discussed.

Mr. Brookfield moved to grant the application for use of a gasoline filling station and to allow the pump island to be 25 feet from the right of way line of Leesburg Pike. Mr. V. Smith seconded, as he thought this a good location for a filling station since one was located across the street - thus keeping businesses together. Carried.

3 - Thomas E. Knox, for permission to erect carport 7.6 feet from side property line on lot located approximately 1 mile west of Rt. 123, on the north side of Babcock Road, Providence District.

There were no objections. The neighbor most affected appeared favoring granting this application. After going over the plats it was discovered that Mr. Knox did not need to come before the Board. It was the understanding of the Zoning Office when the application was filed that this was to be an attached carport- which would have required a variance. But when the plats came in it showed a detached carport which was not in violation of the Ordinance.

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Mr. V. Smith said there was no need to take action on the application but asked that Mr. Knox' money be refunded because it was not necessary to make this application. The Board agreed with Mr.Smith.

DEFERRED CASES:

Frank Lea, for permission to erect and operate tourist court on ground located on the westerly side of U.S.#1, immediately joining Keystone Motor Courts, Mt. Vernon District.

This case had come before the Board before it was resoned to Rural Business. The Board deferred it until Mr. Lea would have time to petition the Board of Supervisors for a resoning. This was granted-all except the rear 75 feet which remained Residential.

Mr. Dawson said the Board would have to have plats showing the proposed locations and setbacks of the buildings. The plats presented were not sufficient. Mrs. Lawson got the plat which was presented with the resoning case but this did not show the proposed building locations.

Mr. Lea said he would probably start with 6 cabins. Because of the delay he said he probably would not start construction now until the Spring.

Mr. V. Smith said the Board could take no action on the plats shown.

Mr. Brookfield moved to defer the application until November 20 at which time the applicant should present complete plats showing the proposed building locations. Seconded, Mr. V. Smith. Carried.

S. Cooper Dawson
S. Cooper Dawson, Chairman

* * *

November 20, 1951

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held November 20, 1951 in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs S. Cooper Dawson, JB Smith, and J.W.Brookfield.
Mr. Mooreland was also present.

1 - Forestville Volunteer Fire Department, Inc., to erect addition to fire house to come closer to side line than allowed by the Zoning Ordinance, located on the south side of Rt. 193, at Forestville, Dranesville District.

Mr. O. V. Carper appeared for the applicant. The addition will be on the west side of the building and will have a 14.5 foot setback. This is about 90 feet from a business zone. Mr. Carper owns the joining ground and does not object to the variance. The building will not come closer to the Georgetown Pike than the present build-

ing. This addition enables two pieces of equipment to be housed - they are now out in the open. Mr. Brookfield moved to grant the application, Mr. JB Smith seconded. Carried.

2 - C. R. Haines, Jr., to construct dwelling to come closer to street right of way line than required by Ordinance, Lot 7, Parcel D, Jackson Mill Woods, north side of Millwood Road, Dranesville Dist.

Mr. Mooreland said the Board had granted a similar case in this vicinity about a year ago - because the rear of the lot drops abruptly into marshy ground. There were no objections. Also Millwood is a dead end street. It runs into a cliff-Difficult Run.

Mr. Brookfield moved to grant the application because of the topography of the lot and the marsh back of the house location does not allow it to be moved back farther to meet proper setback. Mr. Smith seconded. Carried.

3 - Penn Daw Village, Inc., to allow houses to remain at present setbacks: Lot 14 - 34.28 ft from Hill Street; Lot 27 - 9.90 ft. from side line; Lot 13 - 33.95 ft. setback from Hill Place, Section I, Penn Daw Village, Mt. Vernon District.

This is an Urban District and all are small variances asked. There were no objections. Mr. JB Smith moved and Mr. Brookfield seconded that these variances be granted for the reason of the small variances and no objections. Carried.

4 - H. C. Byrd, to construct two family dwelling on Lot D, Briarwood Farm, on the west side of Hunter Road, approximately 650 feet north of Lee Highway, Providence District.

Mr. Byrd has the width and area required. He wishes to have his daughter and family live in this second dwelling. The setbacks are o.k. and there were no objections. Mr. Brookfield moved to grant the application as it could do no harm to anyone and the property is sufficiently large both in area and frontage. Mr. Smith seconded. Carried.

5 - Hollin Hills, Inc., to locate dwelling 20 feet from front street right of way, Lot 177, Sect. 7, Hollin Hills Subdivision, Mt.Vernon District.

Mr. Davenport had phoned that he would be late. By vote this case was set aside until Mr. Davenport arrived. Motion Mr. Brookfield, seconded Mr. Smith.

6 - Asbury B. Hammon, to use present buildings as tourist court on 2.62 acres on the north side of Rt. 211, opposite Willow Springs Garage, Centerville District.

Mr. Mooreland stated that he had, in error, sent Mr. Hammon to the Board of Supervisors for a resoning but since this is in an Agricultural District it could come before the Board of Appeals. The Board of Supervisors have refunded Mr. Hammon's money and now he is appearing before this Board.

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Mr. Hammon has a small building on his property which he wishes to use for renting to transients and also two rooms in his dwelling to rent. He said the Health Department has approved this use. However, he had an insufficient plat and the Board did not wish to pass on the application. The plat did not show the location of the buildings with proper setbacks. The house, Mr. Hammon said, was about 3 feet from the side line.

Mr. Brookfield said he could not vote on this without seeing the house locations. Mr. Hammon said he would try to get an engineer to locate the buildings before the days session was over. No decision was made - pending Mr. Hammon's return with proper locations.

7 - L. R. Broyhill, to have less than required setback on Lots 24A; 23A; 57A; 58A, all with a 12 foot setback from side property line, Section I, Chesterfield Subdivision, Providence District.

These lots are on the four corners of Youngblood and Tucker Avanues, all corner lots. It is impossible to build without a variance as required setbacks cannot be met. Mr. Broyhill thought it was better to hold the 40 foot front setback and ask for the variance on the side. Mr. Brookfield said this was much more important. Mr. Dawson thought the request reasonable. The houses are not yet built. Mr. Broyhill said he saw the situation when laying out the houses and came to the Board at once. There were no ojbections. Mr.Brookfield moved to grant the application and Mr. Smith seconded. Carried.

The Chairman spoke of the death of Board Member, T. I. Piggott, and suggested that the Board send flowers. It was voted that Mrs.Lawson order a spray ($7.50) to be sent from the Board.

Since Mr. Davenport was present the Board took up the Hollin Hills case. (Motion, Mr. Brookfield, seconded, Mr. Smith)

There were no objections. Mr. Davenport showed the plat and plat plan of the area. If the house were set back the required 40 feet it would be 6 feet below the sewer but by moving it up 20 feet it could be sewered. The land drops off very rapidly. This does not violate the setback as far as other houses are concerned as this building is on a cul-de-sac which throws it back normally much farther than the houses on the street. However, this 20 foot variance will place it is a general setback line with houses on the straight part of the street and therefore will not be noticeable nor objectionable to the others. The curve of the circle making the difference.

Mr. Brookfield thought this was a justifiable request as it would not obstruct the view of the other houses on the street. He moved that in order to provide proper drainage for sewer for this house and the fact that it does not interfer with the building setback line of the other dwellings that the application be granted. Mr. Smith seconded. Carried.

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Mr. Hammon returned stating that he could not get a house location during the day. His case was deferred until December 18th.

8 - H. H. Senbower, to erect utility building with 78.9 foot setback from Horseshoe Drive, Lot 30, Old Courthouse Subdivision, Providence District.

Mr. Senbower said he could not meet the required setback because of the width of the lot. This is a corner lot. This building will be used for garden tools etc. It will be frame construction. There were no objections. Mr. Smith moved to grant the application and Mr. Brookfield seconded. Carried.

9 - Hanna E. Hadeed, to construct and operate a motel, Lot 3, and east 50 feet of Lot 2, Boulevard Courts, Providence District.

Mr. Orr appeared for the applicant. Mr. Orr said Mr. Hadeed would locate his buildings 10 feet from the side lines although this is bounded by business property. He will build 20 units - setting back 50 feet from the Highway right of way at the nearest point. This installation will continue the attractive type courts which are being built on 211 between Fairfax Circle and Vincent's Corner. There were no objections. Mr. Brookfield moved to grant the application. Mr. Smith seconded. Carried.

10 - Maryhill Day School, to operate day nursery school, Lot 46, Section 2, Greenway Downs, Falls Church District.

Mrs. Bennes appeared before theBoard. The building in which she wishes to operate is about 12 years old. It is stone construction. This is on a dead end street - just off Lee Highway. The back yard will be used for playground. According to her area Mrs. Bennes could have 42 children but will take a license for 20. She had checked with Miss Adams of the State and the Fire Marshall who has not yet seen the property. The sanitation office has also inspected and ok'd the ground for this use.

Mrs. Fowler and Mrs. Marsters appeared in opposition. They presented a petition with 25 names, most of whom live near Mrs. Bennes. The petition stated that this was on a small lot, would depreciate property values, and would create unnecessary noise and nuisance.

Mr. Brookfield said he would like to see the property. He moved to defer the case until December 18th to view the property. Mr. Smith seconded. Carried.

11 - Offutt Building Co., Inc., for continuance of construction of house with less than required setback from Munson Hill Road, Lot 9, Row's Addition to Lee Boulevard Heights, Falls Church District.

Mr. Glenn Deem appeared for the Company. He showed a plat of the entire subdivision. The road goes into a cul-de-sac (Row Place). The carpenters made the location mistake. He is asking only a 1 ft. 3" variance. Mr. Brookfield moved to grant the application since it

seemed to be an honest mistake and was a very small variance. Mr. Smith seconded. Carried.

12 - Constructors, Inc., to allow dwelling to remain 32 feet from Gouthier Road, Lot 304, Section 6, Bel-Air, NW corner Falls Church-Annandale Road and Gouthier, Falls Church District.

Mr. Potter appeared for the Company. This is a large lot and the variance requested would not disturb the appearance of the other buildings. The other setbacks are greater than required but the house was located in error by the field man. Mr. Mooreland said this subdivision had requested a very few variances. There were no objections. Mr. Brookfield moved to grant the application because it would cause undue hardship to have to move the house. Seconded, Mr. Smith. Carried.

13 - Frank A. and Annie I. Twitchell, to file subdivision plat with lot areas in accordance with the original ordinance pertaining to Urban Resident District, on ground located approximately 1500 feet south of Lee Boulevard and approximately 600 feet west of Falls Church-Annandale Road, Falls Church District.

Mr. Jack Wood appeared in this case. Mr. Wood said this is the final step in carrying out the general plan of this property. This is a strip of ground which was originally left as a buffer steip by the Board of Supervisors between Urban ground and larger lot sizes, which were to face on the Falls Church-Annandale Road. Later the Board of Supervisors rezoned the land between this buffer strip and Rt. 649 to smaller lots - 7200 square feet. This has been rezoned to Urban Residence but after the larger lot size amendment went into effect. Now, Mr. Wood is asking to divide this strip (which was originally a buffer strip) into the same size lots as the oridinace originally allowed - to conform to the other lots surrounding this piece. A similar application was granted on land joining this at the hearing before the Board of Appeals a month ago. Mr. Twitchell did not get his plat in under the old ordinance and the Board granted him the right to subdivide on 7200 square foot lots on the 9 acres joining this piece. It would cause an undue hardship for Mr. Twitchell not to divide in the same size lots because of joining streets etc.

Mr. Brookfield moved to grant the application to file a subdivision plat with lot areas of 7200 square feet in accordance with the original requirements of the Ordinance. Seconded Mr. Smith. Carried.

14 - Lewis Keys, et al, to construct and operate motor court at intersection of Shirley Highway and Rt. 613, Falls Church District.

Mr. Jack Wood appeared before the Board. This is at the southeast corner of Rt. 236 and the Shirley Highway and Route 613. Mr. Wood said they ahd the permission of the State Highway Department to have a connecting road with the interchange at the Shirley. Going north

on the ramp ato 236 it leads direct to the service road and into this property, which makes a good access. The buildings will be about 350 feet from the Shirley right of way line. Mr. Keys was present and showed the drawings and elevations of what he proposed to construct. It will be two story - 15 units now and 10 or 12 more in the spring. There were no objections.

Mr. Brookfield moved to grant the application as he saw no objections and all requirements are met. Mr. Smith seconded. Carried.

15 - John Barton Phillips, for permission to resubdivide lots 10-15, incl. Block 35, New Alexandria, Potomac Avenue, and Belle Haven Road, Mt. Vernon District, so each of the three dwellings existing on this land can be provided with a single lot to contain it and its building.

Mr. Holland was not present. This was put at the bottom of the list. Motion Mr. Brookfield, seconded, Mr. Smith.

16 - E. H. Beeson, to construct attached carport to come within 5 feet of side property line, Lot I, Block A, NW corner Springfield Road and Sipes Lane, Falls Church District.

Mrs. Beeson appeared before the Board. This is a Reliance house. She said back of the lot is their only wooded area, the bedroom windows are on the other side,there is no other logical place for the addition. If the driveway was put in to Springfield Road it would be hazardous as there is a hump in the road which would make a dangerous approach to their driveway. There were no objections. Mrs. Beeson said she had taked with her nearest neighbor who thought it would be an improvement and would not in any way harm her property. Mr. Dawson recalled that the Board had granted a similar application in this locality. Mr.Brookfield moved to grant the application, Mr Smith seconded. Carried.

Mr. Holland was present and the case of John Barton Phillips was taken up. Mr. Holland said these were old buildings- probably 25 years old. It is an estate which is now being settled and title cannot be cleared without some settlement about the lot lines. Mr. Holland urged the owners to come before the Planning Commission for advice in dividing the lots. Mr. Schumann advised that it would be necessary to go before the Board because the houses as located could not possibly meet the required setbacks. Mr. Holland worked out the plans and came up with the plat as presented with this case He has made three lots out of the original 6 lots. (These are old lots of record before the Ordinance). The street is 100 feet wide and the buildings are actually on the property line.

Mr. Brookfield asked if they might come back asking for more buildings on the property. Mr. Holland said - no - the area was far under the requirements, they couldnt get a building permit.

Mr. Smith and Mr. Brookfield both thought Mr. Holland had done a very good job of dividing the property under such circumstances.

Mr. Holland said the fence around the property is now actually in the street. Mr. Brookfield made the following motion: That the application in the settlement of the Arnold Estate, John Barton Phillips, Executor, be granted for the division of this property as per plat presented with the case and that no rights that the public may have in the street shall be prejudiced in any way. Seconded, Mr. Smith. Carried.

17 - Dunn Loring Volunteer Fire Co., Inc., for permission to construct addition to present fire house, to come 18 feet from road abutting on the south, Lot 8, George A. Merry Subdivision, west side of Dunn Loring Road, at intersection with Hunter Road, Providence District.

Mr. Mooreland represented the company as Mr. Stickley could not be present. He said this had been granted by the Board a year ago but the company did not have the money to start construction during the required time. Therefore, another application was necessary. This setback is from a dirt road. There were no objections. Mr. Brookfield moved to grant the application as this is a public service and would not harm joining property. Seconded, Mr. Smith. Carried.

18 - Yvonne G. Gall, to erect dwelling closer to Aqua Terrace than required, Lot 25, Sect. 1, Lake Barcroft, Falls Church District.

Mrs. Gall and Col Barger appeared before the Board. This is a large lot but with very little building space as the ground slopes abruptly and it is a corner lot. The applicant needs an extra 12 feet on the setback.

Mr. Dawson suggested pulling the building back 5 feet and allow the garage to be 10 feet from the side line, which is allowable under the Ordinance and therefore needing only a 7 foot variance from Aqua Terrace. Mr. Brookfield moved to grant the applicant a 7 foot variance from Aqua Terrace because of the small building area and this being a corner lot. Mr. Smith seconded. Carried.

19 - Clark C. Rodiman, to construct dwelling and garage with less than required setback, Lot 12, Sect. 2, Lake Barcroft, corner Lakeview Drive and Lakeview Terrace, Falls Church District.

Col Barger represented the applicant. There are only two lots in this little area which is surrounded by roads. No neighbors will be affected. Across the street is a steep hill - 150 feet high which backs up to Lakewood Subdivision. This is a large lot but because of the surrounding streets cannot meet the setbacks. Mr. Mooreland thought it the best that could be done with this particular lot. Mr. Brookfield moved to grant a 4 foot exception for the house and garage. Mr. Smith seconded. Carried.

20 - Fairfax Courthouse Development Corp., for operation of a Sanitary

land-fill on 18.375 acres, located 100 feet south of Hunting Creek Bridge, on the west side of U. S. #1, Mt. Vernon District.

Mr. Charles Pickett appeared before the Board saying that he had understood that this case was to be deferred but first he wished to make a statement. Mr. Pickett stated that in 1928 or 29 Judge Dryfus granted 40 acres under Hunting Creek to Mrs. Pullman. The law reads that if the stream is navigable it belongs to the people, if unnavigable it belongs to the individual, to the center of the stream. It is Mr. Pickett's contention that the land in question in this application is encompassed within Mrs. Pullman's land- therefore Mr. Ford has no jurisdiction over it. He suggested that before the Board takes action on this it be referred to the Commwonealth's Attorney to see if they have any jurisdiction in the matter. Mrs. Pullman wants to fill in this land with dirt and make permanent ground of it and she thinks Mr. Ford has no rights to it.

A letter was read asking the Board to defer action until more complete information can be had on the property. There were no reports from the Sanitary Engineer nor the Health Department.

Mr. Pckett said that unless Mr. Ford relinquished title to the land a suit will be filed to determine whether or not Mrs. Pullman's interests are in jeopardy.

Mr. Brookfield moved to defer the application to the next regular meeting and Mr. Smith seconded. Carried. (Deferred to Dec. 18th)

Several nearby land owners were present - objecting. They did not register their objections since the case is postponed.

21 - George W. Soules, to allow dwelling to remain as constructed, 3-1/2 feet fromCameron Street, Lot 18, and part of 19, Oak Park Subdivision, NW corner of Campbell Road and Cameron Street, Mt.Vernon Dist.

Mr. Fagelson appeared for the applicant. He said his firm had been hired as settlement attorneys. They ordered a survey and it developed that there is a street (Cameron St.) making the side line. The house is 3-1/2 feet from that line. While the street is not put through now it is dedicated and may in time lead to development which would put this dwelling is a bad spot. This is an old settlement but this house was recently built, completele disragarding setbacks, it was brought out. Mr. Fagelson said they could not settle with a condition like this on the property - therefore he had asked for this variance from the Board.

Mr. Brookfield said he did not see how they could disregard all zoning laws. He moved to defer the case until December 18th. Mr. Smith seconded. Carried.

The Board adjourned for lunch.

22 - North Willston Apartments, for permission to collect a service charge for receiving packages including dry cleaning, show repairing, etc.,

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at 1122 Peyton-Randolph Drive, North Willston Apartments, Falls Church District.

Mr. Fagelson represented this applicant. He stated that the owners wished to establish a package room for the convenience of the apartment dwellers, because of the great inconvenience to the tenants and people from the outside in making package deliveries. However, it would take about two regular employees and they did not feel they could give this service without a regular charge. Since this would put it in the category of a business he brought the case before the Board.

Mr. Dawson suggested that Willston already has a large shopping center and it would not be sensible to grant a business other than that district already established.

Mr. Fagelson said this small business would not justify renting a store and the Willston owners did not own the shopping center.

Mr. Brookfield said the applicant was asking to overlap one business upon another.

The Chairman asked Mr. Mooreland for his opinion. He said - no matter how you figured this, it was a business and therefore not allowed under the Ordinance; that if the operators wished to carry this on as a service - free to occupants of the apartment buildings it was satisfactory and no affair of the Board but by charging it came under the Zoning Ordinance.

Mr. Fagelson suggested that an extra charge be put in the least to cover this service. Mr. Mooreland said that would be all right. He said this could also be leased out as a concession - the Board could not police this as the county was already overtaxed with this sort of thing.

Mr. Brookfield moved to deny the application because he did not think it proper and the Board of Appeals did not have the authority to authorize one business overlapping another and that such personal service should be given by the apartment owners. Seconded, Mr. Smith. Carried.

DEFERRED CASES:

Frank E. Lea, to construct and operate tourist court on 3-1/2 acres on the west side of U. S. #1, immediately joining Keystone Courts on the south, Mt. Vernon District.

Mr. Lea had asked for a deferment on this until December 18th. It was granted by theBoard.

S. Cooper Dawson

S. Cooper Dawson, Chairman

* * *

December 18, 1951

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held December 18, 1951, in theBoard Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Dawson, J.B.Smith, Verlin Smith, and Harr, the new member.
Mr. Schumann, Zoning Administrator, was present.

1 - W. T. Carrico, to allow dwelling to remain 49.72 feet from right of way of Aspen Street, Lot 19, Section I, Willow Run, north side of Aspen Street, FallsChurchDistrict.

Mr. Carrico was present. This would be only a 3 inch exception. There was no opposition. Mr. V. Smith asked how this violation happened. Mr. Carrico said he did not know, that they usually set back 3 or 4 inches more than required. This was just an error. Mr. JB Smith moved togrant the application because it is a very small variation. V.Smith seconded. Carried.

2 - Lucy M. Mercer, to operate a nursing home, Lot 20, Shirley Villa, west side of Shirley Gate Road, 1/4 mile south of Rt. 211, Providence District.

Mrs. Mercer and Mrs. Whitsell appeared to support this case. Mrs. Mercer said she now has a similar home in Oakton but it is too small. This new building has more bed rooms. She will use only the rooms on the first floor. The building is fireproof and has been approved by the State Fire Inspector. Mrs. Mercer will have old ladies only. There are no houses near - it is mostly a wooded area. A petition was presented approving this use. Mrs. Whitsell also spoke favoring the use.

Mr. Schumann and Mr. V. Smith noted that the building was not 100 feet from all property lines. The lot contains 57,934 square feet.

Mr. V. Smith asked about approval of the Health Department. Mrs. Mercer said they had approved the septic field for a children's home which had been operating there and it was probably all right now. If it developes, however, that the field is not sufficient, the Health Department will require that it be enlarged. This is a new field.

Mr. Schumann said the application could not be granted without a variance on the setbacks as the building does not meet the 100 foot setback. Mr. V. Smith suggested Mrs. Mercer buying a strip from Lot 19. It would mean additional property on two sides in order to conform to the 100 foot setback and Mrs. Mercer did not know if she could buy on two sides of her property - but would try. Mr.V.Smith thought the front setback could be relieved satisfactorily but did not like to grant such an exception on the two sides, as this was in the Ordinance to protect residential districts.

It was noted that a variance was not included in the original

application and this would have to be re-advertised.

Mr. V.Smith moved to defer the case to give Mrs. Mercer time to re-advertise for the variance and to acquire adjoining property so the building will be 100 feet from all property lines. Mr. JB Smith seconded. Carried. This can be advertised for the special meeting to be held December 31st.

3 - Oscar L. Briggs, Jr., to have an auto-paint shop and body works on Lot 14, Section I, Beech Park, north of Lee Boulevard, near Fairfax Circle, Providence District.

Mr. Doerstler represented the applicant. The building is already there. This is a general business district. The proper setbacks are met. Mr. Schumann called the Planning Commission to get the zoning on either side of this property. Mr. V. Smith said he would like to see the property before voting. He moved to defer action until the next meeting to view the property. Seconded, JB Smith. Carried.

4 - C. and P. Telephone Co. of Virginia, to construct and operate a telephone repeater station, on ground 65 x 100 feet on the south side of Leesburg Pike about 3-1/2 miles west of Tyson's Corner, between poles 195 and 194, Providence District.

Mr. Mead represented the Company. The proposed building will be about 14 x 15 feet. It will be used for the necessary equipment. There was no opposition.

Mr.V. Smith asked if there was any possibility of this interfering with radio or television. Mr. Mead said definitely not. Mr. V.Smith moved to grant the application because it is a necessary utility. Seconded, JB Smith. Carried.

5 - Norman A. andElva Loe,, to have a duplex dwelling on Lots 1 and 2, Block I, Delta Subdivision, Major Barbara andCandida Street, Falls Church District.

Mr.Schumann read a Resolution from the Alexandria Council asking the County of Fairfax not to take any zoning action in the annexed territory (to Alexandria).

Mr.Dawson thought this Resolution should be upheld and the Board should not touch anything in the annexed area. Mr.V.Smith thought if the Board did take action it might cause litigation on property in the territory.

Mr.Schumann said that in this area anyone has the right to go to the Alexandria Board of Appeals for relief. The City of Alexandria has not yet adopted a zoning map for this area and they will follow the Fairfax County regulations until such time as they do adopt a map.

Mr. Loe reacled that he was not asking for a rezoning but merely a variance. He stated that now he has a rooms for rent sign out and he thought a duplex house would be much less detrimental to joining property. He quoted experts as saying this.

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Mr. V. Smith said he thought it foolish to act in the face of the Resolution because if Alexandria did not like it they would change this use, or it might be necessary to go to court and that it would be a more friendly gesture to make the request for a variance from Alexandria.

Mr.Schumann said the Board could very well grant this but Alexandria could immediately force discontinuance of a duplex and set this up as a one family area - that it was far better to go direct to the Alexandria Board ofZoning Appeals.

Mr. Hamilton, Mr. Pearcell, and Mrs Sumpter spoke opposing. They are all close neighbors.

Mr.V.Smith moved that the Board respect the Resolution presented by the City Council of Alexandria in view of annexation of this territory on January 1st. Seconded. JB Smith. Carried.

Mr.Schumann suggested that it would be better for Mr. Loe if he withdrew his application. No action was taken on this.

6 - Sol Netzer, for extension of temporary permit to have building 31 ft from right of way of Leesburg Pike for soda bar, on 10,000 square feet, on the east side of Leesburg Pike, 200 feet south of Powell Street, Falls Church District.

Mr. Netzer said this was an extension of an application that was granted for one year. A letter was read from Mr. Hollowell had had his property zoned General Business while theBoard of Supervisors had refused to zone his to the same classification. He was asking relief from a Rural Business setback. Mr. Hollowell is setting back 35 feet - farther than required. His is a midget kitchen which could easily be moved if the road is widened, Mr. Netzer said. He said the Highway Department already has the 25 feet extra they will ned to widen Rt. 7. His pumps are now 38 feet from the sidewalk. Mr. Schumann asked how much of Mr. Netzer's land the Highway Department would take to widen Rt. 7. Mr. Netzer said none.

Mr.V.Smith asked why the Board of Supervisors did not rezone Mr. Netzer's property to General Business. Mr. Schumann said they wish-to maintain the 50 foot setback from Rt. 7. Hollowell's property is the only piece zoned to General Business in that area but he is holding to Rural Business setbacks.

Mr.V.Smith thought the setbacks should be uniform, that the Board should not allow anything nearer the right of way than 35 feet.

Mr. Netzer said this was only temporary - this building- a year to year proposition.

Mr. JB Smith moved that the application be denied because the setbacks on Rt. 7 should be maintained. VSmith seconded. Carried.

Mr.V.Smith moved that Mr.Schumann take up with theBoard of Supervisors the idea of rezoning Mr. Hollowell's property from General to

Rural Business so the setbacks along Rt. 7 will be uniform and that the letter from Mr. Hollowell be made a part of this request. JBSmith seconded. Carried. (A letter from Mr. Hollowell was read opposing Mr. Netzer's application because of setbacks)

7 - P. E. Myers, for permission to extend motel, location - on the south side of Rt. 50, across from Arbogast Service Station, Providence District.

Mr. Lillard represented Mr. Myers. The reason of this application is to complete the original plan of construction. There were no objections. Mr.V. Smith said this was a good setup but the Board should have plans showing a survey and the exact location of the buildings. Mr.Schumann thought the plan presented was sufficient.

Mr. Myers said he had a certified blueprint in his car. The case was deferred for him to get the plan. Motion, V.Smith, seconded, JB Smith. Carried.

8 - Wallace N. and R. D. Hansborough, to divide lots with less width and area, on NW side of Ingleside Avenue, approximately 300 yards west of Rt. 123, Providence District.

Mr. Hansborough said there was not enough land to get the square footage required and the area. Each lot would have about 13,000 sq. feet with less than the 90 foot frontage. He said the Health Department would approve the septic field.

Mr.V. Smith said he did not think this good planning, there was no hardship involved and he was opposed to this division of land. He suggested buying more land in the rear to at least have the required area. He couldnt see granting less frontage and less area both. He moved to defer the application until January 15th for Mr. Hansborough to do what he could with getting more ground. Seconded, JB Smith Carried.

Mr. P. E. Myers returned with his blueprints, showing the distance from Rt. 50, however the drawings were not to scale. Mr. V.Smith thought theBoard should have a scale drawing so they would know what they were granting. Mr. Schumann suggested that Mr. Myer could have prints made from the original linen. Mr. V. Smith moved to grant the application provided Mr. Myer furnish two additional blueprints subject to the drawings as submitted. JB Smith seconded. Carried.

9 - E. L. Prince, for permission to extend motel, located on the south side of Lee Boulevard, approximately 2630.14 feet west of Fairfax Circle, Providence District. There was no opposition.

The Board thought the plats submitted by Mr. Prince were unsatisfactory. Mr. Prince said if the Board would defer the case for a few minutes he could furnish blueprints. Mr. V.Smith moved to defer action for proper plats. Seconded, JB Smith. Carried.

10 - Arla Gill, to erect dwelling within 30 feet of Brookside Drive, Lot

306, Section I, Chesterbrook Woods, Providence District.

Mrs. Gill showed the topography of the ground. In order to get the septic field in and not be too near the stream it was necessary to locate the house nearer to the street. A stream runs across the property and the ground is low. The Health Department had suggested getting this variance so the field could be located with the proper drainage. There was no opposition.

Mr. V.Smith suggested re-channeling the stream but it was agreed that this was too expensive. Mr.Smith said this was a new subdivision and he felt other variances would be asked for the same reason.

Mrs. Gill said the stream affected only three lots. Mr. Smith said he would prefer to see the property. He thought it might be granted on topography. Mr. Harr thought a little bulldozer work might help.

Mr. V. Smith moved to grant the application because of the topography of the ground and the problem encluntered in locating the septic field, because of the location of the stream. Mr. Harr seconded. Carried.

11 - C. and P. Telephone Company of Virginia, for permission to erect telephone exchange on ground located approximately 1000 feet east of Rt. I on the north side of Popkins Road, Mt. Vernon District.

Mr. Armistead Boothe and Mr. Mead appeared for the Company. This exchange is to take care of the telephones south of Hunting Creek. The building will cost $250,000 - brick. They have sufficient land to meet all required setbacks. It will be 60 feet from the street to allow for widening. There were no objections. Mr. Mead said the company had a similar building in Maryland.

Mr. V. Smith moved to grant the application because it is a necessary utility and will not affect adversely adjoining property. Mr. Harr seconded. Carried.

12 - Howard Steadman, L. B.Field, et al, for an interpretation of Section 9, Subsection A of the Fairfax County Zoning Ordinance, as same applies to the operation of the Virginia Concrete Company, Inc., operating on Lot 18 and part of 19, Gordon's Addition to West Falls Church, Falls Church District., this action having been preceded by a petition to the Zoning Administrator who after one week indicated he had been unable to decide and requested that same be sent to this Board.

Mr.Bloxton appeared supporting this case. Mr. Schumann introduced Mr. Liddell, assistant to Mr. Marsh, who has knowledge of this case.

Mr. Bloxton gave a summary of the background of this case. He said that the Virginia Concrete Company originally applied for Industrial zoning on Lot 18. This was granted and they conducted operations on that lot for some time. They had thought that Lot 19 was

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in the City of Falls Church and that it was zoned Industrial. The operations had extended to Lot 19. Therefore the Company asked for the rezoning of Lot 19 to Industrial and it was granted under protest from property owners in the neighborhood. Before the rezoning it had been determined by a boundary dispute that Lot 19 was in the county and during the time preceding the rezoning the Company was operating on Lot 19 in violation of the Ordinance, but nothing was said about it, although citizens had protested the use. The residences of the people objecting to this use are all within 2000 feet of the Use and therefore it is against the Ordinance to manufacture concrete. The question has come up whether or not the Company is manufacturing concrete. The defendant claims they are not manufacturing concrete therefore this section of the Ordinance (regarding the 2000 foot setback) does not apply.

Mr.Bloxton said the property in this vicinity is adversely affected, that theCompany is manufacturing concrete and operating within 2000 feet of residential property - therefore he asks the discontinuance of this use.

Mr.Bloxton said it was fantastic to claim that they were not manufacturing concrete - that it was purely a technical point - just when the actual manufacture of concrete takes place. He showed a ticket for purchase and delivery of concrete manufactured by this Company, on the premises. The claim, Mr.Bloxton said, that concrete was not manufactured until water was mixed with the other ingredients was without foundation because of the natural absorbtion of moisture in the sand and gravel - that when these materials, sand, gravel, and cement are put together the chemical process starts and concrete is in the making. The chemical process starts and continues from the first introduction of this moisture.

Mr. Bloxton referred to Section 9 of the Ordinance. He called attention to the intent of the Ordinance - to promote health, safety, morals, and general welfare of the community. The intent of the Ordinance is to protect people in the immediate vicinity from obnoxious business uses. In this case there was no thought given to noise and dust from the heavy equipment, which were certainly detrimental to nearby property owners and they should have been protected under the Ordinance. He defined manufacturing as being a continuing process - the process of changing from raw materials to a new process; the manufacture of concrete as the mixture of cement, sand, crushed rock and water and showing that chemical process goes on over a period of a long time. He quoted from a case which involved the location of the manufacture of concrete showing that the manufacture of concrete takes place over a period of time.

Mr.Bloxton said theVirginia Concrete is in the business of manufac-

uring cement - they offer it for sale and are operating in an Industrial Zone which is used especially for manufacturing. The applicant states that chemical action started when the sand was put in and the resultant moisture started chemical action.

Mr.Glen Richard represented the opposition to this petition. He said the Company had had no formal notice of this hearing. He gave the definition of manufacturing as a process of changing into a new form. Mr.Richard said that many of Mr.Bloxton's comments were in error - so in order that the Board be not misinformed he would give a brief background of this case. He said for a long time the Virginia Concrete Company had thought that Lot 19 was in the City of Falls Church and therefore was industrially zoned. They paid taxes to Falls Church for years. When it came to their attention that this was a mistake and that Lot 19 was in Fairfax County, they applied for rezoning of Lot 19 to Industrial - the same as Lot 17 and 18. He said the same arguments as presented today were presented before the Board of Supervisors at the rezoning - yet they rezoned Lot 19. He said the Board of Supervisors knew of the use proposed to be made of this property and of the 2000 feet restriction from residential property.

Mr.Richard said the makings of cement were on these premises but contrary to Mr.Bloxton's contention there was no mixing of the materials on the premises. The sand, gravel, and cement were taken to the job in separate piles, hauled out on a truck to the job - water was taken in another tank and mixed on the job. The materials were all dry until they reached the job - therefore no action was started. He said the Virginia Concrete Company admitted the manufacture of cement but not on Lots 18 and 19. He said Mr. Shepardson, an officer in the Virginia Concrete Company was present to answer questions.

The Chairman asked Mr.Schumann for a statement. Mr. Schumann said a conference had been held with Mr. Marsh at which all concerned were present - to determine if there had been a violation on Lot 19. Mr. Marsh said this was not a legal question but a question of fact and therefore it was up to the Board of Appeals. Mr. Schumann said he himself had not been convinced that there was a violation- he was not sure that manufacturing took place on the property, therefore had asked Mr.Bloxton to get a decision from the Board of Appeals.

Mr. V.Smith asked if materials could stand for three weeks without chemical action. Mr. Sheppardson said yes - they had done that He stated that the dry materials and water were weighed and mixed on the job.

There was discussion about the filing of the petition in protest. Mr. Schumann said it should be filed with the Zoning Administrator-

that this case was rightfully now before the Board of Appeals and if the losing side is dissatisfied the case could go to the courts.

Mr.Bloxton said the citizens in this neighborhood are simply asking for the laws to be obeyed. He said if this concrete company was operating as they say - mixing concrete on the job - it is operating differently from any he had ever heard of and such a method was unknown to the business in which they are engaged. The question for the Board to determine is whether or not concrete is being manufactured on the premises. The citizens in this area are discouraged because they have not been able to get satisfaction from officials of Fairfax County, and that they were being given the run-around.

Mr. Shephardson said the materials were taken to the job separately and mixed there - there was no question about that.

Mr. Liddell recalled the meeting with Mr. Marsh. He stated that in his opinion no court would make a decision on this case until the Board of Appeals had acted - that this was the only procedure the County could take and that the citizens in this area are not merely being put off as Mr. Bloxton said. It was the proper channel for a decision. If the decision here is unsatisfactory - appeal to the Courts.

Mr. Richard said, in his opinion, Mr. Bloxton's argument was based on the misapprehension that the materials are mixed on the property but that since they are piled in layers in trucks no agitation whatever takes place. This is the same process used by the Virginia Concrete Company in all their plants.

Mr.Field stated that since Mr. Marsh had said this was a case of fact rather than of law - then if it is established that the manufacture of concrete has been taking place on the premises - the Company is in violation because that manufacture is taking place within 2000 feet of a residential area. In other words, the question is whether or not manufacturing is taking place within the 2000 feet. Any manufacture, Mr. Field stated, is a process - one step after another and in this initial stage which takes place on the premises, moisture does gather and the actual process of manufactur has begun. He said that even if the materials were put together in layers it would in time go into a condition of concrete, therefore this is the beginning of the process. All materials are there and the process has begun. Are they engaged in any part of manufacturing? Mr.Field said he believed they were.

Mr.Dawson said it was evident that if manufacturing was carried on it was in violation as the residential lines are not 2000 feet away. He asked for those opposed to stand. Mr. Field said the room had been packed with those opposed when this was brought up before the Board of Supervisors. Mr.Richard said the Board will decide on the

facts presented, not by the number of people on the petition. The petition was read.

Mr. Prince returned with his blueprints. The Chairman asked to hear Mr. Prince then adjourn for lunch. Mr. Prince showed his plats with the plan he proposes to build. Mr. V. Smith moved to grant his application and Mr. Harr seconded. Carried.

The Board adjourned for lunch - convening and taking up the Steadman case.

Mr. V.Smith said if the Board were limited to acting under Section 9 he did not feel qualified to say whether or not manufacturing actually was taking place but since the people in this area have already indicated that they are affected adversely they might act under the Acts of the Assembly setting up the Zoning Ordinance relating to the "health, safety, and general welfare of the community", since the purpose of the Zoning Ordinance is to promote the general welfare of the community and has set out certain uses in certain areas. In his opinion, Mr. Smith said, the Board is not in a position legally to say if manufacturing is actually taking place - but the evidence of the people shows they are being affected adversely.

Mr.Schumann said if the Board of Appeals tied their decision to the provisions creating the Ordinance it might be well to seek the legal advice of Mr. Liddell. Since this case might well end up in litigation, the Board should be in the best position possible to defend its action. Mr. Mooreland went out to get Mr. Liddell.

Mr. Field said he thought the case should be decided on the basis of the laws creating the Ordinance. It was found that Mr. Liddell was out for the balance of the evening.

Mr. V.Smith said it was a very fine line between decisions. It could go either way. Mr. JB Smith felt there certainly was not a complete process of manufacture.

Mr. V. Smith said if the Board granted this application they should state that a nuisance exists.

Mr. Dawson said he could not feel that separate piles of sand, gravel, and ~~concrete~~ cement constituted the manufacture of concrete.

Mr. V. Smith made the following motion: That it is the opinion of the Board of Appeals that concrete is not being manufactured on Lot 18 and part of 19, Gordon's Addition to West Falls Church but that it is the opinion of the Board of Appeals that the storage of gravel sand, and cement and the loading of the same on to trucks is at variance with the intent of the Acts of the General Assembly of Virginia, approved, March 30, 1936, Chapter 427, Acts of 1936 and April 1, 1938, Chapter 415, Acts of 1938, specifically the section where the wording refers to the general welfare of the community.

Mr. Schumann said that this motion says in affect that the fact

that this is not prohibited by statutes and is not for the public welfare, that the Ordinance does not serve the purposes that the legislation intended.

Mr. V. Smith said we erred originally in permitting structures to be located less then 100 feet from property lines.

Mr.Field asked if it would be in order to include in the motion what constitutes the manufacture of crushed cement.

Mr.Schumann read the wording of the application. Mr. Field's suggestion was not acted upon.

Mr. V.Smith withdrew his motion - the last part- and made the following motion: That it is the opinion of the Board of Appeals that the Virginia Concrete Company is not manufacturing concrete on Lot 18 and part of 19, Gordon's Addition to West Falls Church.

Mr.Bloxton thought Mr. Smith's statement which indicated that there is a violation, adversely affecting the interests of the public,should be included in the motion. There was considerable discussion on this.

Mr.Richard said that since a court case will no doubt be filed however this decision goes he thought it would be better to leave the motion as it is. Mr. Smith left his motion as last stated. Mr. JB. Smith seconded. Carried.

Mr.Bloxton asked for a copy of the minutes since he would file an appeal.

DEFERRED CASES:

Maryhill Day School, to operate a day nursery school, Lot 46, Section 2, 109 Woodlawn Avenue, GreenwayDowns,Falls Church District.

Mr.Baskin appeared as attorney representing Mrs. Benes who was also present.

A petition with 24 names was read opposing this use.

The owner of the property in question was present saying he did not object to the use of his home as a school. Mrs. Murphy, next door,also said she did not oppose. She is renting but the owner of the property Mr. E. R. Jones, sent a letter opposing.

Mr. Baskin read a letter from Miss Adams of the State Welfare Department favoring this school. Mr. Baskin said this school would help to fill a crying need in Fairfax County for care of pre-school children, since the County schools could not take care of them-for workingmothers. It was also impractical to put schools of this kind in a commercial area, where ground is limited as well as light and air. Here the school would be in a pleasant atmosphere, no traffic problem, large enclosed back yard, and that the children would notbe allowed to run out or become a nuisance. They would be transported by a station wagon. If this ever became a nuisance it could always be controlled by law.

The opposition spoke. Mrs. Marintelli opposed - the street is narrow she said, and no parking space. Mr. Tyrrell, the owner of 109 spoke

favoring, saying that he certainly would not jeopardize his own property.

Mr. V. Smith said he was certainly in sympathy with the need for this kind of a school but he would move to deny the application because it affects adversely neighboring property. JB Smith seconded. Carried.

George W.Soules, to allow dwelling to remain 3-1/2 feet from Cameron Street, Lot 18, and part of 19, Oak Park, Mt. Vernon District. Mr. Fagelson appeared for the applicant. He said that Cameron Street had been dedicated many years ago (about 1926) but had never been put through. This house was built about 1941. The present owners bought the place in 1942. They have sold it and are waiting for this case to clear up the title, since a loan cannot be granted with the building so close to the line. Mr. Fagelson said it was a hardship case because the purchaser was living in a rented room with his wife and children, waiting for this house. This setback had not been in question until the loan company came into the picture. Mr. Fagelson has been hired as attorney to clear up the title, which is dependent upon this variance.

Mr.Dawson said there were probably many other old houses built the same way - and sold without every having a survey.

Mr. V. Smith moved to grant the application because the evidence indicates that the dwelling was built prior to the Ordinance and it will not ultimately affect the use of adjoining property. JB Smith seconded. Carried.

Asbury Hammond, to use present buildings as tourist court on 2.62 acres on the north side of Rt. 211, opposite Willow Springs Garage, Centerville District. A letter was read from Mr. Hammond asking for the law under which this Board operates, and asking for a continuance of his case. Motion to continue, V.Smith, seconded, Mr. Harr. Carried.

Frank Lea, to erect and operate tourist court on ground located on the westerly side of Rt. 1, immediately joining Keystone Court, Mt. Vernon District. Mr. Lea asked to continue his case as he could not be present. It was voted to defer this to the next meeting.

Fairfax Courthouse Development Corporation, to operate Sanitary Land Fill on 18.375 acres located 100 feet south of Hunting Creek Bridge, West side of U.S.#1, Mt.Vernon District.

No one was present and reports had not come in from the Samitary Engineer's office and the Health Department. It was moved by Mr. V. Smith to defer this case. Seconded, Mr. Harr. Carried.

S. Cooper Dawson, Chairman

December 31, 1951

A special meeting of the Fairfax County Board of Zoning Appeals was held December 31, 1951, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs S.Cooper Dawson, J.W. Brookfield, Verlin Smith, JB Smith, and Herbert Harr. Mr.Schumann Zoning Administrator, was present.

1 - Martha Nutting Brookings and Robert Somers Brookings,II, Trustees, for permission to erect an apartment house development on approximately 50 acres located on the north side ofBraddock Road about 11,200 feet west of intersection with Quaker Lane, FallsChurch District.

Mr.Edward Gasson presented Mrs.Brookings, whom he said would later discuss the case with the Board. Mr. Gasson made an opening statement - saying this application was actually filed before the Board of Supervisors had rezoned this land to Urban Residence because Mrs. Brookings has a prospective purchaser and she wished to obtain this variance before the close of the year. The basis for this request is that the immediate neighborhood justifies an apartment development in this area. It is bordered by two large apartment projects, Fairlington and very near - Parkfairfax, across Rt. 7 and by 20 acres of business property and by property that is definitely urban in character. When this rezoning was requested from the Board of Supervisors it was stated that the proposed use would be apartments and the Board had not objected to that. The only question before the Board of Supervisors was whether or not this ground was particularly designed for apartments and the answer was yes. Mr.Gasson asked Mrs. Brookings to speak to the Board.

Mr. Schumann asked first to make a statement. He called to the attention of the Board the Resolution forwarded to this County by the City Council of Alexandria asking that no zoning action be taken in the territory to be annexed. Mr. Schumann recalled that at the last meeting of theBoard of Appeals the Board had refused to act on a case located in this territory on the strength of this Resolution. To be consistent the Board might not wish to act on this. Mr. Schumann suggested that a vote be taken whether or not the Board would hear this case. It was moved by Mr.Brookfield that this Board has a right to act on any property properly in the County of Fairfax, therefore, that this case be heard. Mr. Harr seconded. Carried. (Dawson, Brookfield, and Harr voting Yes - JB not voting) Mr.Gasson said this application was filed in good faith and that officials of Alexandria knew of the filing and said nothing in protest. He hoped the Board would go ahead with the case. Mr.V.Smith voted Yes.

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Mrs. Brookings showed an aerial map which was taken in 1943 which gave the picture of the neighboring property - particularly the nearness of the two large apartment developments - Fairlington and Parkfairfax. This property, Mrs.Brookings said, had been zoned for apartments at one time but the development did not go ahead and the right to build the apartment had lapsed, and the property reverted to the original zoning. Mrs.Brookings showed a map dotting out the density of population in the neighborhood - justifying she thought the request for apartments. She said they did not apply for this use until they had a purchaser. The property is divided into two parts, that for commercial use and that for apartments. It had been understood that under the change of form of county government in Fairfax that the County would freeze all rezoning. Then it was understood that Alexandria would honor the present zoning in the annexed territory. Later it was agreed by the Alexandria Council that a master plan would be made for this newly annexed territory and the present zoning would not necessarily be honored. Therefore, since she had a purchaser, Mrs.Brookings thought it wise to have rezoned and get the special use if possible, with the hope that it would be honored by Alexandria. It was a chain of circumstances which led up to the filing of this application. There are now two purchasers lined up - one who would be satisfied with remaining in Fairfax County - the other who is satisfied with the annexation to Alexandria.

Mrs. Brookings said she had talked this move over with members of the staff at Episcopal High School and had found no opposition to this apartment use. This was in the beginning. She had since found that they had changed their minds and were opposing it.

Mr.Dawson asked about the number of apartments. Mrs. Brookings said Mr. Holland would answer that.

Mr. Holland said he was employed by the purchasers. The plans were practically complete in so far as they could be without final word from this Board. He showed elevations of the buildings and a layout of the location of the buildings. He said there would be some changes as in making a topographic map some parts of the land were found to be too steep for the type of building shown in the plans. However, the general plan was the same and he assured the Board that the architecture would be attractive, colonial in style, and very much the same thing as Parkfairfax. Each apartment has an upstairs and downstairs and each is operated as an individual unit. Each will have its own heating unit - gas. They will be mostly 3 bedroom units, only 10 percent having 2 bedrooms.

On the Braddock Road frontage, Mr. Holland said, they had left a much greater setback than required in order to make a better out-

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look for the Episcopal High School. They were setting back 70 feet from the property line. This will allow for a 30 foot widening of the Road and still maintain the 40 foot required setback. The buildings on that side will be especially well designed.

The setup will have 815 units. They have provided off street parking for 1 car per unit and have allowed play areas for children.

Mr.Dawson asked if the developers had thought of a buffer strip between the development and Braddock Road with homes on this strip. Mr. Holland said they had but that the officials of the High School had preferred the apartments to small inexpensive homes, sold off to individuals where there would be no control and perhaps the treatment would not be as attractive as having good looking buildings along this road. He said this was preferred by the developers (the wide setback) as leaving a deep setback and making the buildings attractive they could get more rent and it would be more beneficial all around.

The individual heating units were discussed. Mr. Dawson questioned whether or not this was being done in the cheaper type apartments. Mr. Holland said this was done in apartment developments which were spread out and only two stories as these would be. It was far more efficient than a central heating plant. There would be no boiler room nor smoke stack. He said he was working on a large development at Fort Bragg where this type of heating was used and it was very satisfactory. It was not done in justthe cheaper places.

The density on this project will amount to 16 to the acre.

The recommendation of the Planning Commission was read by Mr. Schumann - favoring this use.

Mr. Dawson asked for the opposition.

Mrs. Richard Starr asked questions. Her property was located on the map. She wondered if this would be opposed by Alexandria under their zoning regulations. Mrs. Brookings said everything possible had been done to satisfy both Alexandria and Fairfax County laws. She said they had discussed this development with everyone concerned and most had preferred apartments to small houses. The Dean at Episcopal High School had thought apartments might be well for the married students. She felt that this hearing was really asking for a vote of confidence.

Mrs. Starr asked if this would meet Alexandria's density requirements. Mr. Holland said Alexandria allowed between 21 and 27 units per acre while the density planner here is only 16 per acre.

Mrs. Starr thought it illogical to apply for this in Fairfax since it was known that this territory was going into Alexandria.

Mr. Holland said this was done because of Alexandria's decision regarding zoning in this area as indicated in the Resolution sent to

Mr. Harr asked when this project would start. Mr. Holland said immediately.

Mr. Richard Thompson, Head Master at Episcopal High School, spoke. He said he was appearing as Head Master and also as a representative of the citizens association in his community. He recalled the history of the case. He recalled Mrs. Brookings' statement about the rezoning in 1943 and the proposed apartments at that time. The Head Master at that time had not objected - not because he was unopposed to the development but his attitude was one of resignation. He could not oppose it because of the war situation and his friendship for theBrookings but he was sick at heart because of the projected plan.

Mr.Thompson stated that Mrs. Brookings had talked this over with officials at the school. He himself was thoroughly inexperienced in matters of zoning and is new now as Head Master. TheBrookings had for many years been good friends to the School and very generous and kind neighbors and he had felt that they had considered their property as a sacred trust and would never do anything to hurt the school. Everyone at the School trusted the Brookings and thought they would do nothing detrimental to the best interests of the school. Mrs.Brookings had presented her plan so diplomatically that they could not object. But when they finally realized the import of this development they were actively opposed. It did look like a right about face in the attitude of the School but was perfectly logical when seen from all viewpoints. This development, Mr. Thompson said, is in reality row-housing. They will have about 5000 people living in this concentrated area. By comparison with Parkfairfax, Mr.Thompson said, Parkfairfax has 200 acres while this development will have only 50. Parkfairfax has provided for sufficient recreational areas while this cannot with its limited acreage. The High School will be in the midst of a super-charged area. They have boys in the school to whom they are trying to give a clean wholesome outlook and they wish to keep an open uncrowded area surrounding. This is one of the finest prep-schools in the state and he suggested that the entire county and state will be harmed by allowing this blighted, dense area across from the school. He said Mrs.Brookings went to people in the area and they could not oppose this project - she had been too good a neighbor and friend- but that her friends were heartsick over it. This is one of the finest residential areas in the County. They all dislike opposing Mrs. Brookings as they love the Brookings - all - but they cannot do otherwise now. He realized the tremendous profit resulting from this sale but he felt that the greater harm to the neighborhood was more important than such profit. He thanked the Board for its

earnest consideration.

Mr. Dawson asked Mr. Thompson what he thought about a buffer strip. Mr. Thompson thought this might help - anything that would reduce the density would be of tremendous value.

Mr. V. Smith asked about the density of Parkfairfax. Mr. Holland said there were 1681 units (approximately 100 3 bedroom apartments, 863 - 2 bedroom, and 719 one bedroom - making a population of about 5,050.

Mr.Benton T. Boogher, Business Manager for the Seminary, spoke. He said Mrs. Brookings had come to him regarding this development and that the Dean at that time had preferred apartments to small housing. He said Mr. Holland is before theBoard to sell a bill of goods, naturally, that he proposed to do certain things but that the new topographic map shows that changes will have to be made. He believed that the entire project has not been thoroughly thought out. More time should be taken for study and planning. Fairfax County certainly has not the time now for study and neither has Alexandria. This, Mr. Boogher said, is really duplex housing. He was of the opinion that Alexandria would require a better type of housing than this plan shows. He referred to working with the Brookings - their kindness to the Seminary and their former cooperation in every way. He said he had told Major Brookings that apartments would be a good thing for the married students but that this was not the statement from the school. It was entirely his own observation. He/Mr. Thompson, pleaded for time, stating that even Mr. Holland had indicated that necessity. He suggested that possibly the contract of sale was tied up with this decision. Mr. Gasson said that was not so - that this action will have no affect whatever on the contract. The purchaser has nothing to do with this application.

Mr.Richard Starr spoke on behalf of the Seminary Hill Association which has approximately 100 members. This group has banded together to look after the best interests of the community. The majority of the members are greatly disturbed over this development. They want to maintain the character of the neighborhood and something of this type would so quick change the entire picture of the area. He felt that great consideration should be given before granting this use.

Mr. V. Smith asked how many people were at the meeting when this was discussed and the voting. Mr. Starr said approximately 100 were present and the motion asking him to represent the group and oppose this application was passed without opposition.

Mrs. Starr said they had lived in Parkfairfax during the war and had like it, as much as they could like any apartment. Now they have bought 8 acres and wish to maintain the country life. There are both expensive and simple homes in their neighborhood - all

types of people live on Seminary Hill and they like it that way. They do not want the change to urbanization. They wish to maintain the character of their locality.

Mr.Gasson said he had talked to Mr. Thompson some time ago and Mr. Thompson said he had taken this up with theBoard of Trustees and there were no objections.

Mr. Thompson objected to this. He said what Mr. Gasson probably had in mind was when the Brookings property was offered for sale he had taken that up with the Board of Trustees to see if they could buy the property - in order to protect the school or find a buyer for the property. But the Board did not have the money. That was all he had taken up with the Board of Trustees. Mr.Gasson accepted the correction.

Mr. Gasson said this was not a hurriedly worked out plan. Mrs. Brookings had thought this over for a long time and he felt that no more time was needed. Mrs. Brookings' friends knew of her plan, long before it was presented here.

Mr. Gasson said the Episcopal High School was very dear to him - he had gone to the school and loved it dearly and disliked having to oppose their wishes but that the change was inevitable and since there were apartments in the general neighborhood, the more expensive housing naturally would not fit here effectively. It would have to be either small homes or apartments to carry out the already established trend of development. The Brookings property must be sold because of the death of Major Brookings. Expenses are mounting, taxes etc. and the heirs must have the property distributed. Mrs.Brookings would like to hold on but that is impossible. If this sale is made there would be a control over what is put in. If it goes to small home development, the ultimate result could be much more undesirable. The past actions of the Brookings show that they wish to do the best for the community.

Mr. Holland said that while Parkfairfax has much more acreage there is much of the ground in that tract which is too steep for either buildings or play areas. There is also considerable ground put aside for shops, boiler rooms, and school. He said that normally final plans are not submitted until this use has been granted - then they are placed before the Planning Commission. In this case the plans are much further developed - at the expense of the purchaser. Since so much has already been put into the plans, they definitely do plan to use them. He said the High School cannot expect to keep this area in its present character - with the lovely homes on Seminary Road. It is fast becoming urban.

Mr. Dawson said that since Alexandria could change anything the Board might do here, wouldn't it create a certain amount of antag-

onism if the Board granted this. Mr. Holland thought not and suggested that the action of the Board might well be carried out by Alexandria. Also if litigation took place the decision of this Board would be a factor in the decision of the court.

Mrs.Brookings was asked why they had planned so many three bedroom apartments (90% 3 bedroom and 10% 2 bedroom). She said they were under the impression that FHA would finance apartments only with 3 bedrooms.

Mrs.Brookings referred to the statement of this being a 'blighted' area. She recalled the zoning directly across from the High School as already being a blighted area.

Mr. Boogher said this was at one time zoned for duplex dwellings but had been rezoned back to single family dwellings. It was a little colored settlement which had been there for many many years and many of the people living there had worked in the school. They had wanted to help these people and were glad to have the single family zoning. The colored school is there. They do not consider this obnoxious.

The comparative density of Parkfairfax and this 50 acres tract was discussed.

Mr. Thompson asied for a buffer strip between the high school and the apartment area. He asked for protection of the citizens in this neighborhood.

Mr. V. Smith said he thought Mrs. Brookings was entitled to right and protection from Fairfax County - that the Board is in a most difficult situation because of the annexation. He wished for the County to remain on a friendly basis with Alexandria and also to protect the High School. He thought a buffer strip might be the answer. He discussed with Mr. Holland the idea of no through street connecting Leesburg Pike with the Braddock Road. Mr. Holland said the Planning Commission would insist upon this through street to allow the flow of traffic from one street to another. He said this had been discussed but dropped immediately as they knew it would not conform to planning requirements.

Mr. V.Smith asked Mr. Holland about how much area is planned for recreation. Approximately 3 acres, Mr. Holland said.

Mr. Harr asked how much control could be exercised with another type of development - housing for example. Could this be controlled to meet the objections of those in the area.

Mr.Schumann said no control could be exercised architecturally in Fairfax County. He did not know about Alexandria.

Mr. Holland said no control on a single family development could be exercised by Alexandria. The only control they could have would be under a community unit plan. Then the Council could con-

trol through the plans submitted, if the developer goes before the Council for an exception as they would have to do in this case. Mr. Brookfield moved that the application be granted because in his opinion it is a proper development for this area. He said the fact that theBoard of Supervisors and the Planning Commission had both acted favorably on this application was evidence that it had been thought out and considered carefully. He was representing thePlanning Commission on this Board and wished to carry out their wishes. Mr. Harr seconded, because in his opinion if other development came into this area it probably would not be as desirable as this plan as presented.

Mr. V. Smith asked to see the aerial photographs. He said he thought it appeared as though this was a logical site for apartments but he did not think it necessary for this Board to follow the Board of Supervisors nor the Planning Commission. He thought the area should be protected by a buffer zone. He felt it would be a hardship on Mrs.Brookings to delay this further and that the Board should work out something.

Mr. Dawson asked all concerned what they thought of a buffer strip of 250 feet from Braddock Road.

Mr.V. Smith read from the Ordinance, Section 12, Paragraph F - relating to "harmony with the purpose and intent of the zoning regulations and map and will not tend to affect adversely the use of neighboring property." He thought as much recreation area for the children and parking area as possible should be provided.

Mr. Brookfield thought the 250 foot strip was satisfactory.

The use of this 250 foot strip was discussed - for play area, for housing, or for parking, or simply to be landscaped.

Mr. V.Smith thought it should be reserved for the largest lot sizes required in that area.

Mr. Holland thought that would not be effective as no one would want to build first class homes next to an apartment development. They could not secure an attractive use for this strip. The houses in this strip would be an isolated group - pushed up against apartments.

Extra frontage was discussed as a requirement for these lot. Mr. Schumann said the Board would be amending the Ordinance and that would not stick.

Mr. Holland thought this setback would be all right if it could be used as recreational area. Objectors thought this would not be an attractive frontage.

Mr. Thompson said he was still opposed to the apartment development but a buffer strip, if properly controlled, would certainly help.

The use of this strip was discussed at length - just how far the Board could control it. Mr. Schumann said they could not force a single family development. Mr. Starr opposed the recreational area in this strip. He thought it should be landscaped.

It was suggested that the Board adjourn for 5 minutes to frame another motion. Mr.Brookfield withdrew his former motion, and made the following motion which was re-worded by Mr. Schumann: That the application be granted provided that no multiple dwelling shall be built nearer than 250 feet to the existing northerly right of way line of Braddock Road. Mr. Harr seconded. Carried. Mr. V. Smith voted No and Mr. Cooper Dawson did not vote.

Mr. V. Smith said he felt there was no protection in this motion if theBoard could not restrict development in this buffer strip.

2 - Lucy M. Mercer, for permission to operate nursing home in a building with less than the required setbacks on Lot 20, Shirley Villa, west side of Shirley Gate Road, No. 655, and 1/4 mile south of Rt. 211, Providence District.

Mrs. Mercer appeared before the Board. The neighbor on one side (Lot 19) was willing to sell and the Board thought it very wise for her to purchase this as a protection to her future value and to give ample space for this nursing home. She had gotten the approval of both the State Fire Warden and the Health Department.

Mr.Brookfield thought this a very necessary thing since places for old prople in the county were limited. He moved to grant the application provided Mrs. Mercer purchases Lot 19 and add it to this property for the nursing home. Seconded, Mr. V. Smith.Carried.

Mr. Norman Loe came before the Board. At the last meeting of the Board they had refused to act on his application for a duplex dwelling in Delta Subdivision because this property is in the territlry to be annexed to Alexandria. Mr. Loe said in view of the fact that the Board had acted on theBrookings property which is also in this annexed territory he wished the Board would reconsider and act on his case.

Mr.Schumann said Mr. Loe had acted in good faith all along and had purchased this duplex house as such and since the Board had acted on the Brookings case he felt it perfectly in order to reopen Mr. Loe's case. Mr.V. Smith moved that the case be heard again. Mr. Brookfield seconded. Carried.

Mr. Loe said his house was still a duplex in fact but that he was not using it as such. He was now planning to have a rooming house which he thought much less desirable than a duplex. He owns the lot joining him which in the case of his having the duplex he would not use. However, if he cannot use his dwelling as a duplex, he will have a rooming house and also build on the vacant lot.

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Mr. Hamilton, Mr. Pearcall, and Mr. Sumpter objected. They said there were covenants on the property restricting to one family dwellings. Mr.Schumann said the Board could grant a duplex according to the Ordinance cut the convenants could restrict that use.

Mr. Loe said he had taken the trouble to notify his opposers that he was asking for this rehearing.

Mr.Brookfield moved to deny the case because this is a single family dwelling neighborhood. Mr. JB Smith seconded. Carried.

Since this was Mr. Cooper Dawson's last day on theBoard - his home is in the annexed territory - it was voted to take him to lunch. The Board then would come back and read minutes.
The meeting adjourned.

S. Cooper Dawson, Chairman
Read into H.H. Judge Hamel

* * *

January 15, 1952

The regular meeting of the Fairfax County Board of Zoning Appeals was held January 15, 1952 in theBoard Room of the County Courthouse at 10:00 a.m. with the following members present: Messrs Brookfield, who acted as Chairman, Verlin Smith, J.B.Smith. Mr. Haar was not present.

1 - Lamar Linder, to construct addition to dwelling closer to Javier Road than allowed by Ordinance, north side of Lee Boulevard, approximately 3 miles east of Fairfax Circle, Falls Church District.

Mr. Andrew Clarke represented the applicant. He said that about 7 years ago Mrs. Linder bought this property and built a cottage. It is a lot 200 x 150 feet. After her house was built the owner on the joining property to the west put in a 20 foot road along Mrs. Linder's property line. Now she wishes to put an addition to her house and because of the 20 foot road cannot meet the required setback.

Mrs. Linder said she wanted to add a living room and hall. She is 85 feet from Lee Boulevard and 46 feet from the 20 foot road. She has signed the contract with Mr. Bridwell who has put in the footings and paid him $810 on her contract.

Mr.Clarke said this was not a dedicated road - it was simply put in so Mr. Javier, the neighbor, could get back to his property and since Mrs. Linder has purchased her property before this road was

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was put in she should not be penalized. The contractor had been stopped until this case could come before the Board.

Mrs. Lawson said this was a deeicated road which had never been brought up to specifications and therefore had not yet been accepted by the state.

Mr. V.Smith moved to view the property at noon and act on it immediately after lunch. JB Smith seconded. Carried.

Mr. Clarke asked to have the case of the Fairfax Courthouse Development Corporation withdrawn because of title difficulties. The Board said they would act on that at the time scheduled on the Agenda.

2 - M. T.Broyhill & Sons, to allow dwelling on Lot 168 to remain 38.38 feet from Franklin Street and 34.95 feet from Herbert Street and dwelling to remain 47.78 feet from Franklin Street on Lot 167, Broyhill Crest, Falls Church District.

The original plan for location of the house was to turn it the long way of the lot but the field man staked it out wrong on the lot and therefore did not meet the proper setbacks. This was not discovered until a survey-location was made for the loan. The property across the street (Herbert) is a public park. The house is brick. It is under roof now. There were no objections.

It was noted that Herbert Street was very steep and probably would never be a through street. Mr. Verlin Smith asked where the garage would go if the owner wanted one. There is no place on the lot for a garage. JB Smith moved to grant the application because it was apparently an honest mistake. V. Smith seconded. Carried.

3 - N. L. Sasiadek, to construct and operate motor court on 2.3 acres on the south side of Rt. 211, approximately 1770 feet west of Fairfax Circle, Providence District.

Mr. Sasiadek appeared before the Board. He plans to build ten units plus his living quarters. He had talked with the Health Department and some grading will have to be done for the septic field. The sewer will eventually go across his property and he will hook on to that later on - so his septic field will be temporary. He showed the topography of his ground and the location of the buildings. Construction will be brick veneer and redwood. He will have mostly single units.

Verlin Smith said if the Board granted this it would be just for the units shown on the plat - not for "contemplated future" units. The Board agreed.

V. Smith moved that the application be granted for the proposed buildings as located on the rear part of the lot as shown on the plat submitted. Seconded, JB Smith. Carried.

4 - Roy L. Amick, to extend motor court, Lot 1, Boulevard Courts, south

side of Lee Boulevard, approximately 1/2 mile west of Fairfax Circle, Providence District.

Mr. Amick said he wished to add to his existing motor court. His plat showed the addition of three rooms and covering a terrace on one side. The addition will be 55 feet from the front property line. Verlim Smith said he could see no objection. JB Smith moved to grant the application for construction as shown on the plats, maintaining setbacks as shown. V. Smith seconded. Carried.

5 - Luria Brothers, to allow dwelling on Lot 5, Block 4, Section 3, to remain 14.7 feet from side line and allow carport to come 28 feet from Sycamore Drive on Lot 15, Block 2, Section 2, Holmes Run Acres Falls ChurchDistrict.

No one was present to support the case. It was put at the bottom of the list - motion V. Smith, seconded JB Smith.

6 - Luria Brothers, to allow dwelling to remain 49.8 feet from street property line, Lot 10, Section I, Sleepy Hollow Knoll, Falls Church District. Carried.

No one was present to support the case. Motion to put it at the bottom of the list - Mr. V. Smith, seconded JB Smith. Carried.

7 - Frederick F. Riley, to use cottage for servants quaters, property located on the south side of Old Courthouse Road, approximately 200 feet west of Route 123, Providence District.

Mr. Riley appeared before the Board. He went into the background of his case. He bought the property in 1948. There was a cottage on the back of the property which at that time was rented. He had some difficulty with his neighbor which could not be settled peacefully. He had opposed the rezoning of the neighbor's property and because of this opposition the neighbor filed a complaint with the zoning office against the use of this cottage as rental property. Mr. Riley first knew of his violation from a notice from the Zoning Office. He then asked for the variance. The people living in the cottage now helped his wife who is ill. The records show that the cottage is used for servants only. It is no longer rented. There was no opposition.

Mr. V.Smith asked how close the cottage is to the lot line. Mr. Riley said about 10 feet. He said the cottage was built first and occupied - then the main house was built and the cottage rented. This was one of the conditions of the sale - that the cottage could be rented. He did rent it for a time after he built his main house. He did not rent it after he knew he was in violation of the Ordinance. The neighbors on the other two sides did not object. The objecting neighbor had gone into the plumbing business and had been very noisy earley in the morning - to which Mr. Riley objected. Then the neighbor built a fence down the middle of the driveway - and a

series of small unpleasant things happened - which culminated in the filing of this application. Mr. Riley has a little over 1/2 acre.

Mr. V.Smith questioned granting two houses on such a small lot. However, he moved that the application for a second dwelling unit be granted to use this second dwelling as servants quarters for a period of one year. Seconded, JB Smith. Carried.

8 - K. E.Blunt, Jr., to remodel nonconforming building which is located closer to Rt. 629 and Rt. 1 than allowed by Ordinance, at junction of Rt. 629 and U. S. #1, Mt. Vernon District.

Andrew Clarke represented the applicant. The plan is to enclose a porch and enlarge the kitchen. The gasoline pumps which were there originally have been removed and the place will be run only as a restaurant. There were no objections. Mr. Clarke said there had been some thought of closing Old U.S.#1 as it was not greatly traveled. The new construction will not infringe further on the setback - it is now 18 feet from Old U.S.#1.

V. Smith moved to grant the application because it appears to be an improvement -setback to 18 feet from Old U.S.#1, and 45 feet from U.S.#1. JB Smith seconded. Carried.

9 - Eftychios Pikrallitas, to locate dwelling within 20 feet of side line, Lot 33, Boulevard Acres, Mt. Vernon District.

The applicant had sent a letter saying he had changes his plan to a smaller house and could meet the required setbacks - therefore he wished to withdraw this application. V.Smith moved that the case be withdrawn. Seconded, JB Smith. Carried.

10 - Marjorie Daw Nursery School, to conduct day nursery school on 2 acres at the northwest corner of Popkins Lane and Davis Street, Mt. Vernon District.

Mrs. Cooke, the applicant, appeared before the Board and explained her plats. She will use the present dwelling for the school but will probably, in the future, add another building for the school. There is no development back of her property. It it built up across the street. There were no objections. She will have about 20 cheldren. She has had the approval of the State Fire Control Board and of the Welfare Department. She is waiting for a report from the Health Department. Mrs.Cooke said she has an area of 40 x 40 feet on the first floor which is the part she will use for the school and will live upstairs. She is operating now in Alexandria.

Mr. V. Smith moved to grant the application subject to the approval of the State Fire Control Board, Health Department, and Welfare Board. JBSmith seconded. Carried.

11 - Irvin Payne, to replace nonconforming building 60.5 feet from centerline of Rt. 123, Providence District.

Mr. Moyer appeared for the applicant. This building had been des-

stroyed by fire and the applicant wishes to replace it. It will be attached to the building presently located on the property.

Verlin Smith said the Board would have to have certified plats but he thought this construction would be an excellent improvement. Mr. Moyer said all the buildings along there were too close but that this would be set back farther than the others. Mr. V. Smith moved to grant the application with a 60.5 foot setback from the center-line of Rt. 123. JB Smith seconded. Carried.

12 - Herman Slayton and Randolph Rouse, to construct additional units and restaurant facilities to Virginia Motor Lodge, south side of U.S.#1, approximately 1000 feet northeast of Quander Road, Mt. Vernon District.

Mr. Andrew Clarke and Mr. Rouse appeared before the Board. There is now one row of courts on the property. The applicant wishes to move the office and put in additional units.

Mr. V.Smith asked about the parking space. Mr. Clarke said more than one car per unit - the entire area could park more than 100 cars. This would take care of the restaurant. This area is surrounded by business. They have approximately 2 acres - have their own well and public sewage.

Mr. JB Smith said a certified plat was not presented and the Board had been requiring that in other cases. Mr. Clarke said that could be furnished.

Mr. JB Smith moved that the application be granted subject to the applicant furnishing certified plats which will conform to the drawing presented at this hearing. Seconded, Mr. V.Smith.Carried.

DEFERRED CASES:

Wallace Hansborough, to divide lots with less width and area than required, approximately 300 years west of Rt. 123, on the north-west side of Ingleside Avenue, ProvidenceDistrict.

This case was deferred to give the applicant a chance to obtain more land - to give more area to his lots. There were no objections. Mr. Hansborough said the lot on the corner of Ingleside and Poplar is sold and built upon, therefore no land could be purchased on that side, also Lot 3 joining on the opposite side is built upon. All lots joining this property are large.

Mr. V.Smith said by dividing these three lots the property was a subdivision and therefore should go before the Planning Commission. He thought the Board could not handle it. He suggested talking to Mr. Mooreland at the lunch hour and make a decision later in the day. He so moved. Seconded JB Smith. Carried.

Oscar L. Briggs, Jr., to have auto-paint shop and body works on Lot 14, Section I, Beech Park, Providence District.

Mr. Lytton Gibson appeared with the applicant. Mr. Orr was also

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present. Mr. Gibson said the applicant had built his building and used it as a paint shop - then he put on an addition and before he could get an occupancy permit an amendment to the Ordinance was passed requiring him to go before the Board of Appeals for an auto paint and body work shop , therefore the Zoning Office could not give him an occupancy permit until he had come up before the Board of Appeals for special use permit. Mr. Gibson said it was purely a technicality - the part of the building was already occupied by this use - but because of this amendment this action before the Board was necessary.

Mr. V. Smith moved to defer the case until after lunch as he had been unable to locate the property. Seconded JB Smith. Carried.

Mr.Gibson said that since he could not be there after lunch - if there was any question or possibility of denying the case to please defer it until the February meeting so he could be present. The Board agreed.

Mr. Andrew Clarke asked for and presented a letter requesting the withdrawal of Fairfax Courthouse Development Corporation because of title difficulties. Mr. V.Smith moved to withdraw the case, seconded, Mr. JB Smith. Carried.

Asbury Hammond, to use present buildings as tourist court on 2.62 acres on the north side of Rt. 211, opposite Willow Springs Garage, Centerville District.

Mr. Hammond had sent a letter to theBoard questioning their right to require a surveyor's plat. Mrs. Lawson asked the Board to clarify exactly what they required in the matter of tourist courts - a certified plat or one drawn to scale. The Board discussed this.

Mr. V. Smith thought that while the amendment did not say certified plats, it should, in order that the Board might know exactly what they were granting. He moved that it be recommended to the Planning Commission that Section 16, paragraph C be amended to require certified plats. Seconded, J.B.Smith. Carried.

Mr. V. Smith moved to defer this case until February 19th and require plats drawn to scale showing all buildings and their setbacks now located on the property. Seconded, JB Smith. Carried.

THE BOARD ADJOURNED FOR LUNCH

The Board reconvened and took up the Oscar L. Briggs case. Mr. V. Smith moved to grant the application subject to Section 16 and parts of the section applicable to an auto body shop and that no storage or wrecking of vehicles be allowed on the premises. Seconded, JB Smith. Carried.

The Lamar Linder case: JB Smith moved to grant the application and that the addition be located within 46 feet of the side property line. V. Smith seconded. Carried.

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The Hansborough case: Mr. Hansborough had talked with Mr. Kelly of the Planning Commission who said the PlanningCommission could not o.k. a subdivision plat with these smaller lots sizes without the approval of the Board of Appeals granting these three lots with less frontage and area than the Planning Commission would require. He said if the Board granted these three smaller lots to be divided they should require that the applicant put in a certified plat of the entire tract, then it could be approved by the Planning Commission.

The Chairman thought the plat should be put in to the Planning Commission then come to the Board for approval of the three lots which will be within the subdivision.

Mr. V. Smith thought that by granting this now, the Board would be amending the Ordinance which they did not have the right to do. He moved to defer the application for 30 days. JB Smith seconded. Carried.

Frank Lea, to erect and operate tourist court on the west side of U.S.#1, immediately joining Keystone Courts, Mt.Vernon District.

The secretary read a letter from Mr. Lea stating that he would postpone construction until prices were better. He did not ask for deferrment. The Board instructed the secretary to write Mr. Lea and ask if he wished deferrment or if he wished to drop the case.

It was decided to postpone election of officers for theBoard until the new member, who would take Mr. Dawson's place, would be appointed. General Wm. Henry Holcombe was discussed as a possible appointee to take Mr. Dawson's place. He was formerly District Engineer and also Commandant at Fort Belvoir. Mr. JB Smith moved that Mr. Brookfield go before the Board of Supervisors and recommend the appointment of General Holcomb to the Board of Appeals. Seconded, Mr. V. Smith. Carried, Unanimously

John W Brookfield,

J.W. Brookfield, Vice-Chairman

* * *

February 19, 1952

The regular meeting of the Fairfax County Board of Zoning Appeals was held February 19, 1952 in the Board Room of the Fairfax County Courthouse at 10:00 a.m. with the following members present: Messrs Brookfield, Verlin Smith, JB Smith, Mr. Harr, and the new member, Judge C. M. Hamel. Mr. White, Zoning Inspector, and Mr. Schumann, Zoning Administrator were also present.

Judge C M Hamel

Mr.Brookfield, acting as Chairman, asked for nominations for chairman. Mr. V. Smith nominated Mr.Brookfield. Mr. JB Smith seconded and moved that the nominations be closed. Carried unanimously. Mr. JB Smith nominated Mr. V. Smith for Vice-Chairman. Mr. Harr seconded and moved the nominations be closed. Carried. Unanimously.

1 - E. W. Trumpower, to have garage-workshop on approximately 1/2 acre on the south side of Rt. 644, approximately 300 yards west of intersection of Rt. 644 and 617, Mt. Vernon District.

Mr. Trumpower appeared before the Board. He said he wished to have a part time shop. The building is cinderblock. Mr. White saw the property and talked with neighbors who did not object - in fact were pleased to have this shop in the neighborhood. He saw no objection to granting the application.

Mr. Harr moved to grant the application provided there will be no storage of wrecked cars on the premises and subject to the provisions in Section 16 of the Ordinance. Seconded, V. Smith. Carried.

2 - Louise H. Shugar, to operate nursery school and kindergarten on 10 acres on the south side of Rt. 644, approximately .5 miles east of Ward's corner, Mt. Vernon District.

Mr. Leroy Benheim appeared with the applicant. Mrs. Shugar has been operating a kindergarten on these premises for one year - not knowing it was necessary to come before the Board. She has about 50 children attending. Her school has a high standing and offers many special features not usually found in schools of this kind. She has a regular staff of teachers, registered nurse, dietitian, dancing teacher, housekeeper, maids and nursery teacher. The Doctor comes 4 times a year. Ten parents were present whose children are in the school. They favored continuing the school. Mrs. Shugar said she had complied with all welfare and health regulations. Mr. Benheim said in his opinion this school was a credit to the County.

There was no opposition. Mr. V. Smith asked about the Fire Control Board. Mrs. Shugar said they had put in fire extinguishing apparatus at the request of the Alexandria Fire Department. Mr. Brookfield thought she should have the approval of the State as also Mr. V. Smith thought.

The building is a two story frame - 8 rooms.

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Mr. V. Smith movec to grant the application subject to approval of the State Fire Control Board because it meets the requirements for such use provided in Section 12 - F-2 of the Zoning Ordinance. Seconded, JB Smith. Carried.

3 - Arlandriafax, Corp., to allow dwelling to remain 24.9 feet from side property line, Lot 25A, Section 2, Mt. Zephyr, Mt. Vernon District.

Mr. Marshall appeared for the company. The house is built and sold. When the final survey was made it was found to be these few inches short of the required setback. There was no opposition.

Mr. White had seen the building. While he did not think it was too bad he expressed the need for conformance to requirements and thought the habit of mis-locating dwellings should be stopped.

Judge Hamel stated that he could see a possible error- but thought it might be necessary sooner or later to deny cases of this type.

Mr.Brookfield said this being a single case probably was an erro but he could see no justification of granting a group of houses. Mr. Mooreland said this was the first error in this particular subdivision.

Mr. JB Smith moved to grant the application because it appeared to be an honest mistake. Seconded, Mr. Haar. Carried.

4 - Arlandriafax Corp., to allow dwelling to remain 23.5 feet from side line, Lot 27A, Section 2, Mt.Zephyr, Mt. Vernon District.

Mr. Marshall said this was a similar case and asked the Board to grant it for the same reason as Lot 25A.

Judge Hamel moved to grant the application because it appeared to be an honest error. Seconded, JB Smith. Carried.

Mrs. Lawson asked the Board to take up the Beal case as his time wa past and Mr. Beal had to leave by plane within an hour. The Board agreed.

8 - Robert W. Beal, to locate detached grage within 6 inches of the sid property line, Lot 2, Block 3, Fairhaven, Mt. Vernon District.

Mr. Beal said because of the peculiar shape of the lot this was the only way he could locate a garage. In the back it slopes sharply and he wished to keep a very lovely tree which would be in the way of the garage, if properly located.

Mr. White agreed about the location of the garage but thought it was very close to the house. The construction will be asbestos shingle - which Mr. JB Smith said was not fireproof. The garage will not be behind the back line of the house and will be about 3 feet from the house.

Mr. Beal said he would build the garage of cinderblock if the Board wished. Mr. Mooreland said the building inspector (he thought

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would require a fire wall for a garage that close to the line.

Mr. V. Smith moved to defer the case until the next regular meeting in order to view the property. Seconded JB Smith. Carried.

Mr. Brookfield recalled that the Board had ruled that any garage located closer to a dwelling than 5 feet would be considered attached. Mr. V. Smith suggested that Mr. Mooreland check with the building Inspector regarding his requirements in a case like this.

5 - L. R.Broyhill, to allow dwellings to be erected closer to property line than allowed by Ordinance, Lots 40A and 41A, Chesterfield, Providence District.

This is a corner lot - subdivided before the amendment requiring wider corner lots. It is impossible to get a fair sized house on this lot and meet the required setbacks.

Mr.Schumann noted that by meeting the required setbacks only a 15 foot house could be built. There was no opposition.

Mr. V.Smith said he would like to see the property. Mr. Broyhill said he could stake out the house so the Board could see how the building would be located.

Mr.Schumann said that since this amendment was passed after this subdivision was on record, the County was forced to approve these corner lot sizes. While they knew it would not be possible to build a normal size house. They could not force the developer to create a larger lot than required by the Ordinance.

Mr. V.Smith said he did not think that excused the developer. It was brought out that Mr. Broyhill did not subdivide this property.

Mr. Brookfield suggested deferring this case. Mr. V. Smith thought the Board should establish what they were going to do with these cases which came under the old ordinance and should require a definite setback which the Board would grant. Mr. Smith moved to defer the case to view the property. Seconded JB Smith. Carried.

Mr.Schumann said he would check with the Planning Commission as to recommendation on corner lots in old subdivisions. Mr. Brookfield appointed V. Smith to confer with Mr.Schumann on this and report back at the next meeting.

13 - L. R.Broyhill, to locate dwellings as follows: Lot 26A - 37.9 feet from front property line and Lot 67A - 38.9 feet from front line, Chesterfield, Section I, Providence Dist.

Mr.Broyhill said these lots are built on. The original surveyor had located them incorrectly - this showed up in the final house location survey. When he discovered the error he fired his surveyor. Mr. Brookfield said Mr. Broyhill was not responsible for the error and thought he should not be penalized.

Mr. V. Smith moved to grant the application because it would be a hardship to move the houses and it appeared to be an honest error,

Seconded, JB Smith. Carried.

6 - B. V.Godwin, to erece dwelling with less than required setbacks from front and side lines, Lot 26, Section 2, Englandboro, Falls Church District.

Mr.Godwin said there were two springs on his property which made it impossible to locate the house properly. The ground is not solid.

Mr. White had seen the property and agreed that it was low and swampy. Mr. Godwin said the ground where he is locating his house is the only solid ground he has. He has not yet checked for a septic field.

Mr. V. Smith moved to grant the application to locate the dwelling not less than 48 feet from the front property line nor less than 20 feet from the side linee because of a topographic condition and because public water will soon be available. Seconded, Mr. Harr. Carried.

7 - Parson Weems Antique Shop, to conduct antique shop for an unlimited period or at least 7 years, on Lot 63, Section 2, Wellington, Mt. Vernon District.

Mrs. Slayden appeared before the Board. This case had been granted for a period of one year - which would terminate in September, 1952. Mrs. Slayden said she wanted to make extensive repairs to the building and to install new equipment but did not feel secure in doing this with only the one year permit. The opposition which had appeared at the first hearing was now resolved and the neighborhood was pleased with Mrs. Slayden's conduct of the place.

Mr. V. Smith moved to grant the application to the present opertors of Parson Weems Antique Shop, subject to provisions of Section 16, Par. D of the Ordinance, which would give any resident adversely affected the right to apply to the Board of Zoning Appeals for relief.. Mr. Harr seconded. Carried.

9 - Wm. H. Eskridge, to erect and operate motel on Lot 20, East Fairfax Park, Providence District. (Lee Blvd. and Oak Street)

Mr. Eskridge said he would construct an 8 unit court with his own living quarterm and a basement. Living quarters will be upstairs. It will be brick construction and cinderblock. This property joins the Circle Motor Court. The ingress and egress were discussed. Mr. Eskridge said the entrance would be from Lee Boulevard and an outlet to Oak Street, with space to drive all the way around the court Mr. V. Smith said the plans meet the requirements except the sketch did not show the ingress and egress - which had the approval of the Highway Department. There was no opposition.

Mr.V. Smith moved to grant the application as per plat submitted provided applicant provides an entrance from Lee Boulevard on the

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east side of the lot and an exit on Oak Street subject to the approval of the State Highway Department. Seconded, JB Smith. Carried.

10 - Meredith Capper, to construct 6 cabins for motor court - 5 feet from side property line, on 3-2/10 acres, on the west side of Rt. 7, about 1 mile west of Tyson's Corner, Providence District.

Mr. Capper appeared before the Board. He said the joining property was zoned business. Mr. V. Smith questioned whether or not the joining property was zoned back farther than 200 feet. He moved that this case be deferred to check this zoning. Seconded, JB Smith. Carried.

11 - Edward E. Hurbert, to conduct nursing Home on 6 acres on the west side of Spring Hill Road, approximately 200 feet south of Georgetown Pike, Providence District.

Mr. Hurbert and Mr. H. E. Bryan appeared before the Board. They have contacted the Health Department but have not yet received a report on the purity of the water. Mr. Bryan said the Fire Control Board had told them they did not have to approve such a business if there were less than 10 people in occupancy. Mr. Hubert will not have more than 10. The State Fire Marshall said the local Fire Marshall would check the building, since there would be only the 10, patients. It was brought out that Fairfax County has no Fire Marshall. The building to be used is brick construction, approximately 50 x 50 feet.

Judge Hamel questioned whether or not it was wise to grant something of this type on apermanent basis, since the character of the neighborhood might change and this would not longer be desirable. Mr. V. Smith stated that if it proved to be detrimental the neighborhood had the right to appeal to theBoard - the application should be granted on that basis.

Mr. White suggested that the application might be granted on the basis of only 10 people in occupancy, if it expanded the applicant would necessarily come to the Board. There were no objections to this use.

Mr. Harr moved to grant the application subject to the use for not more than 10 persons and subject to all State and County requirements.

Mr. Price suggested that the application be granted subject to the present ownership. Mr. Harr added this to his motion, "subject to the present operator and subject to requirements of Section 16, par. D of the Zoning Ordinance." V. Smith seconded. Carried.

Mr. Schumann returned with the zoning picture surrounding Meredith Capper's property. He found that the Regan property, joining Mr. Capper was rezoned to a depth of 250 feet which would leave the new units proposed to be constructed joining residential property. This would require a 15 foot side setback. Mr. Capper had asked for 5

feet.

Mr. Schumann asked Mr. Capper why he could not put the buildings farther forward - then they would border business property and could come to the property line. Mr. Capper said he had planned to put a gift shop and florist shop nearer the street - in front of the courts and directly across from his nursery.

Mr.Schumann said the Ordinance specifically requires a 15 foot setback (business joining Suburban Residence property) for the protection of the residential property. Mr. V. Smith said if this were allowd to come closer it might influence Mrs. Regan to ask for rezoning on her property. He saw no reason to grant such a variance.

Mr. Capper said he already had 6 cabins on this property. This is an extension of an existing use.

Mr. V. Smith moved to grant the applicant the right to locate 6 additional units on the property but that the buildings should be located 15 feet from the side line and 25 feet from the back line. JB Smith seconded. Mr. Smith added and Mr. JB Smith concurred - "subject to Section 16." Carried.

12 - D. D. Via, to complete dwelling with 14.28 foot setback from side property line, on 1/2 acre on the north side of Chain Bridge Road, approximately 1/4 mile west of McLean, Providence District.

The plat showed that Mr. Via has plenty of room but the house was shifted to an angle, not following the lot lines. This pushed one corner too near the side line. It is a 9 inch variance.

Mr. V. Smith moved to grant the application because it has the necessary frontage and if the house were properly situated itwould meet the required setbacks and it would be a hardship to move the dwelling. Seconded, Judge Hamel. Carried.

14 - Edith Thompson, to operate a motel on 2 acres on Lee Highway across from Pleansant Acres Tourist Court, Centerville District.

The proposed construction would be cinderblock-studdo. There was no opposition.

Mr.Schumann said the Board should be very careful in granting permitted uses in an area where there was no business zoning, to be sure the use blends with the character of the location and would not be cengrary to uses along the Boulevard. Mr. White agreed. In this case he thought it would be an improvement since the neighborhood was not too good. An antique shop, garage and restaurant are all near - none of which would be hurt.

Mr. Brookfield thought the present building in the location might be more of a detriment to this court than the other way about. The court would cost about $40,000 - 13 rental units, 2 rooms for caretaker, and later a laundry room.

Mr. JB Smith moved to grant the application, Mr. Harr seconded.

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Carried.

15 - Nellie Grissom, to construct two dwellings each to be located 55 ft. from center line of Rt. 635, 8 acres, approximately, on the north side of Rt. 635 - .04 mile east of Beulah Road, Mt. Vernon District.

Mrs.Grissom appeared before the Board. She has an irregular shaped piece of ground - wide at one end and tapering to a point. Directly back of the narrow end of her ground is a gravel pit which in time will be filled and she will try to buy a strip to fill out her ground and make it wider and more buildable. At present if she builds along Rt. 635 it would not be possible to set back the full 50 feet required. It is a matter of topography. The ground slopes too much and is too rugged to set back properly. Therefore Mrs. Grimsom asked to set the houses in line all along Rt. 635, which would be about 55 feet from the centerline of the road.

Mr. V. Smith suggested filling in to get the proper level so the applicant could meet the setbacks. Mrs. Grisson said that would be too expensive and if she did meet the setback on the first lot it would throw it out of line with the others which obviously could not meet the setback. She said this was rather a poor neighborhood-colored people joining on one side and not a good development. This was the only way she could get a reasonable use of her land . There were no objections.

Mr. V.Smith said the Board had consistently tried to maintain setbacks on roads, having been asked by the state to do so.

Mr.Schumann said in his opinion topography was the only reason the Board could grant this.

Mr. V.Smith moved to defer the application to view the property. Seconded JB Smith. Carried.

16 - Stafford Properties, Inc., to divide lot with less than required area, 20,468 square feet, Lot 20, Resubdivision of Lots in Staffordald, FallsChurch District.

Mr. Stafford stated that lots in this area except his property are 10,000 square feet and this one falls short a very small amount of having the 1/2 acre required.

Judge Hamel moved to grant the application because the area is only slightly less than required and required setbacks can be met. Mr. Harr seconded. Carried. Verlin Smith voted No.

Mrs. Lawson asked if Mr.Wright, on the Citadel Construction cases could be heard as the time advertised had passed and Mr.Wright had a Civil Defense appointment in Washington early in the afternoon. Mr. V. Smith moved to take these cases now - JB Smith seconded. Carried.

21 thru 29 Citadel Construction Corporation, to complete dwellings located 6.91 feet from side property line on 9 lots through 373 - 381, Section 8,

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Bel-Air Subdivision, Falls Church District.

These cases were taken all together as they are on one street and all involve the same setback and are asking this variance for the same reason.

Mr. Harry Otis Wright represented the applicant. He said the original house location survey was started from the wrong pipe - therefore throwing off the entire street. There is the required distance between houses (more than 20 feet) there is actually 26 feet, but the actual lot line is too close to one side of each house If the lot line were changed, that is, if more property were bought to add to the end lot therefore relocating the lot line for each house, it would destroy one entire lot, not having enough in that lot for proper frontage and area.

Mr.Schumann suggested it was difficult to eliminate the human element, that possible errors cannot always be avoided.

Judge Hamel said that in effect the Ordinance was not being violated, since there are 26 feet between houses. It was just a matter of lot lines and he did not see the practicability of requiring the destroying of another lot just to relocate the side lines. He moved to grant the applications for Lots 373 through 381. Seconded, Mr. Harr. Carried. Mr. Brookfield voted No.

17 - The Jack Stone Co., Inc., to erect sign larger than allowed, existing sign being 120 square feet, on Willston Shopping Center, Falls Church District.

Mr. Minton repressnted the company. He showed pictures and drawings of the proposed signs. This sign would be on the south side of the Food Fair building, facing Lee Boulevard. Mr. Minton said the owners felt that they were losing a great deal of business because their sign was visible from only one direction and because the buildings set back so far from the Boulevard.

Mr. V.Smith was of the opinion that there was sufficient sign already on the building and allowing another one, especially of this size, would create a traffic hazard. The present sign is easily seen by the trade coming out Lee Boulevard, Mr. Smithh said, and to allow this was practically to let the bars down for similar requests. He moved to deny the application because it does not conform to the minimum requirements of the Zoning Ordinance. Seconded, Judge Hamel. Carried.

18 - R. E. and V. V. Strobel, to divide Lot I into two lots each of which will be 65 feet wide, Lot I, First Addition to Fairview, Mt.Vernon District.

Each lot Mr. Strobel pointed out will be 62 feet x approximately 200 feet. There is a house on what would be one lot. These lots should be 80 feet wide and have 12,000 square feet. Sewer and

water are available.

Mr. Schumann said one year ago these lots would have conformed to the requirements but the amendment has required larger lot sizes.

Judge Hamel asked what lot sizes were general in the neighborhood. Mr. Strobel said most of them did not have the required area but did have more frontage than he is asking. There was no objection, from the area.

Mr.V. Smith moved to deny the application because it does not conform to the minimum requirements of the Ordinance and to act otherwise would have a tendency to encourage numerous other comparable lot owners to ask for the same thing. Seconded, Judge Hamel.Carried

19 - Maynard Mickler, to divide lots with less than the required area and frontage than required by the Ordinance, 9-1/2 acres, Mickler's Addition to Pimmit Hills, ProvidenceDistrict.

Mr. Lytton Gibson appeared for the petitioner. Mr.Gibson said the only reason this application was brought to theBoard was because they had understood that theBoard had granted a similar application a short time ago. This property is practically surrounded by lots with 10,000 square feet area. Water and sewer are available and curb and gutter will be installed.

Mr.Schumann recalled the Twitchell case, which was the one Mr.Gibson referred to as having been granted smaller lot sizes by the Board. This property was entirely surrounded by smaller lots and the Board of Supervisors had rezoned joining property which it had been determined would be left in larger lots as a buffer strip between the large and small lots. Mr. Schumann did not consider the two cases parallel.

Mr. Gibson stated that he actually doubted the Board's authority to grant this size lot - he doubted it in the Twitchell case, but since they did grant the Twitchell case- his clients wished to apply for the same thing and asked that it be granted under the same authority the Board thought they had had in the Twitchell case. He said the roads planned would connect with established roads.

Judge Hamel doubted the wisdom and propriety of granting such an application even if it were legal.

Mr. V. Smith read from the minutes of the Twitchell case and suggested that the background of that case was entirely different. It was an exceptional situation which the Ordinance would allow the Board to grant. The need for the buffer strip which had been left between the large and small lots had been wiped out by the action of the Board of Supervisors in rezoning the larger lots to the same size as the others surrounding the buffer strip.

Mr.Gibson asked that theBoard clarify its policy in such matters by its decision in this case.

Mr. V. Smith thought the applicant would not be denied the use of his land by an adverse dicision. There was no opposition.

Judge Hamel moved to deny the application because of the circumstances shown. Seconded, V. Smith. Carried.

20 - Huntington Development Corporation, to operate Sanitary Land-Fill on 47.8 acres in the marsh land of Hunting Creek, approximately 2000 feet NW of U.S.#1, adjoining Huntington Subdivision Mt.Vernon District.

Mr. Andrew Clarke was present and asked if this case would be deferred. Reports were not in from the Sanitary Engineer nor from the Health Department. Mr. Harr moved to defer until the next meeting. Seconded, Judge Hamel. Carried.

30 - Helen Mar Stevens, to operate nursery school, Lot 21, Courtland Park, 6511 Church Street, Falls Church District.

Mr.Gill appeared with Mrs. Stevens. Mrs. Stevens said the front part of this property is commercial. There is a large frame house and garage on the property. The Health Department has given its ok on this use of the property. Mrs. Stevens contacted the Fire Control Board whose representative, Mr. Ellis, said the building as it stands now is not acceptable to theFire Control Board regulations but that by the first of April it is expected the fire regulations will be changed, probably liberalizing several requirements. If these changes are made the building will not have to have such extensive changes to conform. Mrs. Stevens would like to have approval of her application subject to the future approval of the State Fire Control Board. However, she would not operate until such time as this approval became available. This will be until after April 1st. , Mr. Grill said.

Mr. V. Smith questioned how many children Mrs. Stevens would have in the building. Approximately 30, none of whom would be upstairs, Mrs. Stevens said. There are three outside entrances on the lower floor.

Mr. Grill stated that there are approximately 3 acres in the lot. There were no objections from the community.

Mr. V. Smith moved to grant the application subject to the approval of the State Fire Control Board and the County Fire Control, adopted prior to the issuance of the permit and that approval notice be given to Mrs. Stevens after approval by the State and County Fire Control Board, and also that this permit is issued to Mrs. Stevens only. Seconded, JB Smith. Carried.

DEFERRED CASES:

Wallace N. Hansborough, for permission to divide lots with less width and area than required, Resubdivision of Lot 1 and part of 2, Beattie Property, located approximately 300 yards west of Rt. 123,

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on the NW side of Ingleside Avenue, Providence District.

This case was deferred for plats showing the actual subdivision of the lots in this tract. Mr. Hansborough said he could not purchase more ground to give more area to these lots since all the ground joining is sold to individuals who do not want to sell. He also stated that water is available and lots in the area were about 75 x 125 feet in area. This is an old area and the lots were not divided according to the Ordinance. Mr. Hansborough stated that the general development around these lots was not too good, but from these lots on out to the fire house was a better area. There would be no other requests for a similar division.

Mr. Schumann suggested that if the Board granted this application they should tack on the provision of approval of the Health Department.

Mr. V. Smith said the Board had questioned its authority to make this division and he still felt that legality in such an action was questionable.

Mr. Schumann read from the Ordinance regarding "extraordinary and exceptional conditions." He stated that the lots came very close to the required area and would be greatly in excess of requirements if the case were denied.

Judge Hamel suggested that the purpose of the Board was to determine where a difficult situation existed and if the Board allowed variances within reasonable limits and did not destroy the intent of the Ordinance it had the right to grant slight variances within reason without establishing a precedent.

Mr. V. Smith said he could see no particular personal hardship here.

Mr. Hansborough stated that he himself lived in this area and hoped to stay there the rest of his life and had no wish to harm the community. He also stated that septic conditions were good in the area.

Mr. Harr moved to grant the application provided additional area be provided on Lots 2B and 1D and that the approval from the Health Department be obtained for construction of septic tanks. Judge Hamel seconded. It was noted that this in effect denied the gas variance Lot 1D as this lot will have the required area. Carried. V. Smith voted No.

Luria Brothers, for permission to allow dwelling to remain 14.7 ft. from side line on Lot 5 and Lot 15 to allow carport to come 28 feet from Sycamore Drive, Holmes Run Acres, Falls Church District.

There were no objections to this. This case had been deferred as the applicant did not appear at the last hearing. The variance on Lot 5 being very small Mr. JB Smith moved to grant and Mr. Harr seconded. Carried.

There was adverse discussion of carports on the front of dwellings

as requested on Lot 15.

Mr.Schumann said theBoard had permitted carports within 30 feet of the front line - in fact an open porch was considered on the same basis as a carport and this was a very small variance. This is an existing structure.

Mr. Luria said there were many other buildings in the subdivision built like this but meeting the setbacks and there had been no objection to them. If the case were denied the structure would have to be moved back less than 2 feet.

Mr.Brookfield thought it did not interfere with the view as a carport would.

Mr. Mooreland stated that Luria Brothers had agreed that there would be no other similar requests in their subdivision. They had continued this type of house since it was started some time ago, that this same condition exists in many other old subdivisions.

Judge Hamel moved to grant the application on Lot 15 in view of the hardship caused in moving the structure. Seconded JB Smith Carried.

Luria Bros, to allow dwelling to remain 49.6 feet from front property line on Lot 10, Sect. I, Sleepy Hollow Knoll, Falls Church District.

This case, like the last one, was deferred when the applicant did not appear. There were no objections from the neighborhood.

Judge Hamel moved to grant this application becuase the variance is very small. Seconded Mr. Harr. Carried.

Asbury Hammond, to use present buildings as tourist court on 2.62 acres located on the north side of Rt. 211, opposite Willow Springs Garage, Centerville District.

This case was deferred for plats showing location of all buildings on the ground. Mr. Hammond stated that this was part of an old farm. When a portion of the farm was sold it left these buildings too close to the line. This was done before the Ordinance was in effect. There was no opposition.

Mr. V. Smith moved to grant the application to Mr. Hammond only and subject to Section 16 of the Ordinance. Seconded, JB Smith. Carried.

Mr. Moreland reported on the building Inspector's requirement of a firewall in case of a garage too close to the line for safety. That office does not require the firewall but suggests it.

Mr.V. Smith suggested that the Board not grant nursery schools and nursing homes until they have the approval of the Fire Control Board and the Health Department. The Board agreed and recommended for future action that no approval be given in these cases until such approval was shown to the Board.

J.W.Brookfield,

J.W.Brookfield, Chairman

March 19, 1952

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, March 18,1952 in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Brookfield, Verlin Smith, JB Smith, Harr, and Judge Hamel. Mr. Schumann, Zoning Administrator, was present.

Mr. Ralph L. Ellis, State Fire Marshall's office, Culpepper (126 south Main Street) spoke to the Board about modification of the State Fire Code which will be effective April 1, 1952. He stated that various agencies had thought the fire regulations too strict and it was possible certain restrictions now in the Code would be changed at this meeting.

V. Smith asked what was felt to be too rigid.

Especially the automatic alarm system, Mr. Ellis said, which system was an expensive installation. He asked the Board not to made a decision on any nursery school applications until after this meeting as theControl Board did not wish to require installations which might, in a couple of weeks, be removed from the Code and to defer any cases until after April 1st.

Mr.Bragg appeared for Mrs. Shugar whose case was granted at the last Board of Appeals meeting subject to the approval of the State Fire Control Board. This school is in operation, Mrs. Shugar not having known about the need to get a Use Permit from this Board. She did not wish to have to close her school since she does not meet the present regulations. Mr. Ellis said Mrs. Shugar had complied with all the changes he had asked her to make and he thought her school would comply with all the regulations if certain changes are made April st. He did not wish to make requirements on her school which might be unnecessary in a short time.

Mr. V. Smith said the Board could not give approval as the case stood now and if Mrs. Shugar continued to operate before approval was given she was doing so at her own risk. He suggested that the Board take no action.

Mr. Ellis said Mrs. Shugar had been notified that she was in violation as the Code now stands.

Mr. V.Smith moved to proceed with the meeting and leave the Shugar case as it stands until after April 1st, then if the amendments to the Code are not strict enough the Board should request the local fire department to recommend improvements for safety. JB Smith seconded. Carried.

Mr. Ellis said Chief Mullen wished him to thank the Board for its splendid cooperation.

Jonathan Woodner Co. asked the extension of a construction shack on

March 18, 1952

Lot 260, Section 4, Woodley Subdivision, this having been granted for one year and the time has expires.

The Board determined that they could not extend this use without a formal application - advertising and posting of the property.

1 - George E. Hadeed, to construct addition to tourist court, Lot 15, 16, Katherine T. Moore Subdivision, CentervilleDistrict.

Mr. Hadeed wished to put on one room to use as an office. There were no objections from the community. He showed a drawing of the proposed addition. It will be of brick construction.

Mr. V.Smith moved to grant the application for the addition to the existing cabins as approved by the building inspector, Feb. 12, 1952, which addition is shown to be 12 ft. x 16 ft. JB Smith seconded. Carried.

2 - W. C.Wills, to construct service station and garage, Lots 45, 46, and part of 44, Dunn Dubdivision, 200 feet east of Springfield Rd. North side of Little River Pike, Falls Church District.

The setbacks as shown on the plats were all right. Construction will be brick or enamel - at least fireproof and will meet all building requirements. The entrances and exits have been checked with the Highway Department and are satisfactory. This property borders business on both sides.

Judge Hamel asked Mr.Schumann if he thought this was all right.

Mr. Schumann thought it was - that the building inspector could not issue a permit until the Health Department was satisfied but from the zoning sptandpoint he thought it was satisfactory.

Road compl. 5/20/52 Matt

Mr.V.Smith moved to grant the application as per plat attached, subject to the approval of the State Highway Department for entrances. Judge Hamel seconded. Carried.

3 - Robert L. Epps, to construct addition to present building to come 45 feet from Shield Avenue, on approximately 1/2 acre on the east side of U. S. #1, at the SE corner of U.S.#1 andShields Avenue, Mt. Vernon District.

Mr. Epps said he gave 50 feet for a right of way and it left his property too cramped to meet the required setback. He wishes to put in a 30 foot building, for a drug store.

Mr. Schumann thought this was reasonable.

Judge Hamel moved to grant the application with a 3-1/2 foot variance instead of the 5 feet requested. Seconded, Mr. Harr. Carried

4 - L. R. Broyhill, to locate dwelling 13.8 feet from side property line, Lot 53-A, Chesterfield Subdivision, Section I, Providence District.

Mr.Broyhill said the original survey had several errors. He saw this after he had bought the subdivision and had Johnson and Williams make a new survey and thought he had cleared all the errors-

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but had missed this one,

JB Smith moved to grant the application because the error was not the fault of the applicant. Seconded, Judge Hamel. Carried.

Mr. Broyhill also has a case coming up in the deferred list and Mr. Schuamnn suggested that theBoard defer this as they are expecting to move the street and thought it well to wait until this was accomplished. Mr. Brookfield said the Board would defer this case at the scheduled hour on the agenda. It would not be necessary for Mr. Broyhill to be present.

5 - Dan Levenson, to construct and operate Motor Court on Lots 56 thru 60, East Fairfax Park, Providence District.

Mr. Levenson, Mr. Rice, and Miss Mary Bell, Attorney, appeared before the Board. Miss Bell outlined the case - Mr. Levenson showed his plats, elevations, and layout of the proposed court. It will be brick and cinderblock construction. The plats showed a deep front setback. The yard will be landscaped.

Mr. V. Smith asked if sufficient parking space was allowed. Mr. Patton said it took 40 feet per car for proper parking. He asked how close the applicant intended to come to the street with his parking.

Mr. Schumann told Mr. Levenson that the Board would meet March 25 and suggested that the Board defer the case until that date for him topresent a plat showing the parking area as the plats presented were inadequate. Mr. Brookfield thought the plat should show parking space for each unit.

There were no objections for the neighborhood.

Mr. Mooreland said this ground was zoned 200 feet back from the Highway for business and that Mr. Levenson had put in for rezoning to Rural Business of the lot just back of his property and joining. At present he was asking for this use permit on just the ground which is zoned rural business.

Mr. Patton asked what the applicant was going to do about sewage. He did not think he had sufficient area to take care of this size installation - 34 units on approximately one acre - when the Health Department usually required 1/2 acre per dwelling.

Mr. Levenson stated that a special sewage plant would be put in- he had discussed it with the Health Department and they thought it would be satisfactory. However, he did not have complete plans for the sewage plant as he was told it was necessary to get the use permit first. If he got the Use Permit then he would go ahead with these plans and would without question comply with all requirements of the Health Department.

Mr.Schumann scaled the plats and showed that the buildings were partly located in the area that was not zoned for business. He felt

the plats should show the exact location of the buildings along with the parking areas.

Miss Bell said if there were any errors on the plats- that was what they wanted to know - they would have Mr. Wright correct them.

Judge Hamel thought all applicants should have complete plans before asking the Board to pass on such installation.

Mr. Schumann agreed and said the applicant should also have the approval of the Health Department.

Mr. Levenson stated that he was well aware of the necessity of these approvals . He thought the Board could grant a use permit subject to the approval of all the other requirements, that he could not proceed without these approvals from all the different agencies.

Mr.Schumann thought granting an application in this manner was putting too much pressure on the Health Department.

Miss Bell and Mr. Levenson thought it was impractical to spend so much on preliminary plans until a use permit had been given or until they knew if the land could be used for this purpose. If these plans could be approved with corrections to be made then final plans would be drawn up.

Mr. Schumann asked if one week delay was asking too much. Mr. Levensen requested no delay.

Mr. Patton suggested that by granting approval subject to the Health Department's approval the Board was putting pressure on the Health Depart. to make the ground work for septic purposes. He did not think 34 rooms with bath on this small area would work with any kind of septic installation.

Judge Hamel thought the Board should not be put in the embarrassing position of not having sufficient plats, that the Board should know that it is possible for the septic tank ~~would~~ to work before sending a case to the Health Department.

Mr. V. Smith suggested that the Board was probably not qualified to know whether or not a septic system would work - that the Health Department has requirements and they would not approve anything that was inadequate. He felt that the Board could very well approve subject to the approval of the Health Department and that would place no pressure or feeling of compulsion on that department. Each office operates under its own regulations, Mr. Smith said.

Judge Hamel saw no objection to that - since the Health Department would approve anyhow/entirely on their own.

Mr. Patton said the type of septic plant mentioned was a surface spray and that there was no place for the water to go if such a plant were installed, since there was not sufficient ground.

Mr. Levenson said he thought it was up to him to provide a septic system which would be approved and would work. If he couldnt do

that he could not operate. He thought the routine was to get the use permit first, then follow through with the requirements.

Mr. Schumann suggested that the Board and the Health Officer and Mr. Testamen from the Health office meet and formulate a policy to go by for cases such as this. He suggested deferrment for one week.

JB Smith moved to defer the case for one week (March 25th) at which time the applicant would present plats drawn to scale and showing the parking plans. Seconded, Judge Hamel. Carried.

6 - F.D. Patton, to construct addition to present motor hotel, on 6 acres on the north side of Lee Boulevard, approximately 3000 feet west of Fairfax Circle, Providence District.

Mr. Patton has in operation 21 units - he wishes to add 6. All of the front yard is drainage field, however within a few months he claimed he would have town sewage which will take care of the additional units.

There were no objections from the community.

Judge Hamel moved to grant the application subject to the approval of the Health Department. Seconded, Mr. Harr. Carried.

7 - C. W. and Elizabeth Stipe, to install Trailer Park Court on 5-1/2 acres at the southwest corner of King's Highway and Poag Street, across from Substation No. 2, Mt. Vernon District.

Mr.Stipe showed his plats. He already has tourist cabins on the ground. He would install 19 units for the Trailer park. He has public sewer and water. This ground is zoned for business.

Mr. Schumann said there were no Trailer Camps in the area except one on the opposite side of U. S. #1. He could see no reason to grant this as it would establish a use contrary to the uses that are on this side of King's Highway.

The Chairman asked for the opposition.

Mr. Harry Carrico and Bernard Fagelson appeared representing a large group of people opposing. There were about 30 present, all living in the immediate area. Mr. Carrixo said there were ~~many~~ many present whom they might call opposing this use, if the Board cared to hear them. They were all of the opinion that such an installation would depreciate property values, that a residential area was not the proper location for this use, it would crowd the schools and would create an extra tax load for the County since no revenue is derived from Trailers.

Mr. Carrico called on Mr. Shaffer, who answered questions put by Mr. Carrico. This use would decrease land values, lower morals, and crowd the schools and create an extra tax load. Mr. Shaffer stated that development in this area was good but if this were installed it would decrease values to the extent that it would affect loans and consequently require smaller homes. Mr. Shaffer has land

joining this property at one corner and he hopes to develop his ground in conformance with the surrounding area. He felt that this use would reduce the loans he could get. He also mentioned the lack of revenue to the county from trailers, burden on police, fire, trash and garbage collection, and burden on schools.

Letters from individuals opposing were read: Fair Haven Citizen's Association, Margy H. Edson, F. M. Reeves, R. A. Stanton, A. M. McClure, Ruth Payne, J. Curtin, Mrs. H. G. Morrison, G. C. Payne, C. H. Neff, P. B. Payne, and two petitions with a total of 64 names.

Mr. Carrico said he did not wish to take the time of the Board to call of those he had expected to have testify against this use.

Mr. Fagelson spoke representing people in the neighborhood opposing. He restated the opposition as outlined above. He emphasized the overcrowding of schools, which are just now preparing to go back on a full day schedule. He saw advantage in this installation only to the owner but every disadvantage to the community and to the county.

Mrs. Stanton from the Mt.Eagle Elementary school spoke opposing.

The Chairman asked Mr. Stipes if he had anything to say in rebuttal. He said - no - if the people didnt want it there - he just wouldnt be able to have it.

Mr. V. Smith moved to deny the application because under the provisions of Section 16, par. D of the Zoning Ordinance such a use would be detrimental to the public welfare and injurious to property in the neighborhood. Seconded, Judge Hamel. Carried.

8 - S. J. Donchez, to construct addition to dwelling to come 22 feet from front property line, Lot 47, Section 2, Hollin Hills, Corner Bedford and Stafford, Mt. Vernon District.

Mr. Donchez said he needed a place for his car and tools. His neighbors do not object.

Mr. Brookfield suggested locating the addition at the side or back. Mr. Donchez said the lot slopes down to the house. He had had to put a retaining wall around his house to keep the water out. This addition if put to the back or side would require taking out part of the retaining wall and tearing out several very large trees which would be expensive. Mr. Brookfield thought this carport jutting out front would obstruct the fiew and under any circumstances he did not think a carport on the front of the house a good thing.

Mr. Donchez said he was very embarrased because he had already started his carport - in fact had it half up. He was told by a local building that there was a 25 foot setback on this. He said approaching from a northerly direction it was back so far it did

not obstruct the fiew. Approaching from the south, the hill was more of an obstruction than the addition itself.

Mr. V. Smith looked up the McMichael case which the Board had granted a 5 foot exception on in Hollin Hills. This was done because of the 50 foot street and a park across from the dwelling. JB Smith moved to defer the case to view the property. Judge Hamel seconded. Carried.

9 - Sam Enix, to construct dwelling with less sideyard setback than required, Lot 12, Englandboro, Falls ChurchDistrict.

Mr. Enix said there was such a demand for ramblers that even with a 100 foot frontage he could not meet the setbacks on this lot. He has a garage on one side of the house which uses the 5 foot projection into the prohibited area allowed by the Ordinance but wants a 5 foot variance on the opposite side for the dwelling.

Mr. V. Smith said the Ordinance was amended especially to give additional area for garages - to take care of ramblers and he felt that was sufficient. He could see no reason for encroaching further on the required setbacks.

Mr. Enix said he had a good deal of money tied up in this property and wanted to develop it with good houses but could not do so if he were restricted to putting up smaller houses.

Mr. V. Smith suggested Mr. Enix discuss with Mr. Schumann the idea of rezoning this property to Suburban Residence to give the lesser setback.

Mr. Enix said he could not make the lots larger, they were too expensive and he would lose one whole lot. He wanted to keep the dwellings in the 15 or $20,000 class to get loans.

Mr. V. Smith moved to defer the case until March 25th for Mr.Enix to discuss his problem with Mr. Schumann. Seconded Judge Hamel. Carried.

10 - B.M.Smith Subdivision, by Mr. Devers, to construct and operate a motel on Lot I, B.M.Smith Subdivision, SE side of U.S.#1, Mt.Vernon District.

Mr. Devers said he could meet all setbacks. He would like to build 10 units, brick construction. There is an old established setback on Marshall street which he will meet.

Mr. Harr had seen the property and thought this installation would be an improvement to the district. These buildings and planting will screen some rather bad buildings on the property joining.

Mr. O'Flaherty, who lives opposite the property on Marshall St., said he was approving the application, with reservations. He does not wish the business property to be used for business beyond the 200 feet from U.S.#1. However, he thought 10 units would crowd the ground and that Mr. Devers would not have sufficient parking space.

He also wanted the assurance that the lot immediately opposite him would revert to a residential status. He said Marshall street was all residential, built up with good homes and he did not wish the business use to spread into this area - that is the 200 feet back of U.S.#1, as it would devaluate property. He hadno objection to this application as long as it did not extend beyond 200 feet. He would like for Mr. Devers to rezone the lot immediately across from him - to be assured that it would not be used for business.

Mr. Devers said he would pull the building back another 10 feet toward U.S.#1 which would keep it within the 200 feet of U.S.1.

Judge Hamel moved to grant the application provided the proposed building be moved back another 10 feet toward U.S.#1. Seconded, JB Smith. Carried.

11 - Marshall and Thomas Gordon, to operate filling station on approximately 1 acre on the north side of Rt. 7 and east and south side of Rt. 694, Providence District.

This had been a nonconforming use but the use was abandoned for more than 6 months. The applicant requests a renewal. He also wanted to have a repair garage - but this was not included in the application.

Mr. V. Smith knew the property and thought there was no need for a filling station here. This location is 2 miles from Tyson's Corner and 3 miles on the other side is a filling station. This 5 mile stretch, Mr. Smith said, is built up with good residential development and he thought it should be kept so. It was time to stop unnecessary nonconforming uses. He moved to deny the application. Seconded, Judge Hamel. Carried.

12 - Mary W. Wrenn, to conduct a nursery school on parts of Lots 13 and 14, Mari-Dale Subdivision, Falls Church District.

Mrs. Wrenn showed plans to enlarge the present dwelling to take care of a nursery school. This will in time be used entirely as their home. She will also have a kindergarten. This school will help to pay for the addition. The addition extends to the back of the present building and will not change side setbacks.

Mr. V.Smith asked if there was an immediate need to go ahead with this work. Mrs. Wrenn said she would like to have the work completed ready for school in the fall.

Mr. Smith thought the Board should not act on a nursery school application in view of the request of theFire Control Board to wait until after the April 1st meeting. He moved to defer the case for 30 days. Mr. Harr seconded. Carried.

13 - Magazine Brothers, to allow dwelling to come within 38.5 feet of Quander Road, Lot 15, Fordham Village Subdivision, Mt. Vernon Dist.

There were no objections to this and since the variance was small Judge Hamel moved to grant the application. Seconded, Mr. Harr. Carried

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14 - Roy E. Peterson, to erect carport which will come 3 feet 9 inches from side property line, Lot 5, Block B, Fairdale Subdivision, Falls Church District.

There were no objections from the community. Mr. Peterson said the house being located in the center of the lot made it impossible for him to have the carport and meet proper setbacks.

Mr. Brookfield saw no objection, the community was built of Reliance Homes, the lots were small and this was the only way the applicant could have a carport.

Judge Hamel moved to grant the application. Seconded, JB Smith. Carried. Verlin Smith not voting.

DEFERRED CASES:

Robert W. Beall, to locate detached garage within 6 inches of side line, Lot 3, Block 3, Fairhaven, Mt. Vernon District.

This was deferred to view the property. Mrs. Beal said they would build the garage of cinderblock to make it fireproof if the Board so desired.

Mr. JB Smith thought granting this might cause others to ask the same thing. Mrs. Beal said the other lots were regular in shape and did not have the same problem as they. They could not put the garage back farther because of the slope in the ground and they wished to preserve a very large tree which would have to be taken out.

Mr. V.Smith said this case was deferred for Mr. Mooreland to talk with the Building Inspector about a garage in this location and he would like to hear what Mr. Mooreland had to say - he thought the Board should cooperate with the Building Inspector.

Mr. Mooreland recalled that the Board had ruled that a garage, to be detached, should be at least 5 feet from the house. Less than 5 feet it would be considered attached. The Building INSPECTOR had thought it would be 10 feet from the house - less than that it should have a firewall - but he had been unable to enforce that ruling since it was not actually in the Code.

Mr. V.Smith thought this could be granted on topography.

Judge Hamel moved to grant the application if it is of fireproof construction and subject to the approval of the Building Inspector. Mr. Harr seconded. Carried. V.Smith voting No.

Nellie Grissom, to construct two dwellings each to be located 55 ft. from centerline of Rt. 635, on 8 acres on the north side of Rt. 635 .04 mile east of Beulah Road, Mt. Vernon District.

Mrs. Grissom said she needed money and wanted to use this ground to the best advantage. If she located the first house back, the proper distance she could not meet that same setback on the other houses she would build because the land is rugged and it narrows

abruptly - running to a point at the end, too narrow to meet setbacks.

Mr. V. Smith and JB Smith, and Harr had seen the property.

Mr. V. Smith thought the ground was too low and damp for a septic field - he didnt think the Building inspector nor the Health Department would give a permit for this location. He told Mrs. Grissom if she sold more than one piece of ground she would have to put in a subdivision plat, and the lots would have to conform to the required frontage and area in accordance with the Ordinance. Mrs. Grissom said she had thought of that and had found that it would be very expensive. She asked the Board to grant a 65 foot setback.

V. Smith moved to deny the application because it would set a precedent and would encourage others to ask the same exception. JB Smith seconded. Carried.

The L.R.Broyhill case on Lots 40-A and 41-A, Chesterfield, was deferred until March 25th as requested earlier by Mr. Schumann.

The Huntington Development Corp. case for Sanitary Land-Fill was deferred until April 15th as there were no reports from the Sanitary Engineer nor the Health Department.

Mr. Mooreland asked to have an opinion from the Board on two questions. If more than one case comes up at a special meeting shall the second applicant pay the $125 the same as the first.

The Board agreed that each case coming up at a special meeting should pay the full fee. This excepts deferred cases.

Mr. Mooreland brought up the case of the violation in Willston Shopping Center - the operating of the package room which had been denied by the Board. He also spoke of the Weaver case where he had been unable to evict the extra three families living in the single family dwelling and which use the Board had denied.

Mr. Mooreland spoke of his inability to get action onthese and similar cases from the Commonwealth's Attorney and wondered what the Board wished him to do. He said most violating cases were cooperative if he wrote them they were in violation but for those who were not cooperative he had nothing to back him up since he did not feel that the Commonwealth's attorney was inclined to take action.

Judge Hamel moved that the two cases in violation be submitted to the Board, (in Triplicate) indicating ~~that~~ the violation and stating that the individual had not followed the decision of the Board. V.Smith seconded. Carried.

The meeting adjourned.

John W. Brookfield,

J.W.Brookfield, Chairman

* * *

March 25,1952

A Special Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, March 25,1952 in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Brookfield, V.Smith, JB Smith, Harr, and Judge Hamel. Mr. Schumann, Zoning Administrator, was also present.

1 - W. C. Wills, to locate building 10 feet from right of way line of Columbia Pike and 20 feet from Springfield Road, and 15 feet from Little River Turnpike, all on the Anna L. Bates property, 2-3/4 acres located at the SW corner of Columbia Pike and Springfield Road, Falls Church District.

Mr. Robert Lowe appeared with the applicant. Mr. Lowe located the property. He stated that Mr. Wills had been to Richmond to discuss these setbacks with the State Highway Commission. These 2-3/4 acres are practically surrounded by three streets. This is valuable property and the applicant is trying to use it to the best advantage without adversely affecting the growing business district in Annandale. If the required setback is observed, Mr. Lowe said, there would actually be less parking space than ifthe building is located with these proposed setbacks and parking is provided in the rear. If the setbacks are met it would eliminate rear lot parking. Also the setbacks Mr. Wills proposes will allow for expansion of the Highway right of way as requested by that Department at the present time.

Mr. Wills went into his meeting with the Highway Department. At present they would like a 70 foot right of way for Rt. 236, 57 feet right of way on Springfield Road and Columbia Pike. These widths can be maintained, Mr. Wills said, and would ultimately provide an 80 foot right of way on Rt. 236, and 67 foot right of way on both Springfield Road and Columbia Pike, allowing a 7-1/2 foot sidewalk. These widths can be attained without moving any buildings.

Mr.Brookfield asked Mr. Ross of the Highway Department if there was any plan for the approach of Springfield Road into Rt. 236. Mr. Ross said he realized this was a bad intersection but he nor Mr. Aichel knew of no immediate plan for it. They agreed to look into a future plan.

Mr. Wills said if he met the required setbacks he would have room to park about 44 cars whereas by using rear parking he could park 178 cars. This would also give him 7000 square feet more of building space.

His plat showed a 20 foot lane coming into the parking space in the rear from both Rt. 236 and Columbia Pike. This would be his own business parking space - not for the general public. The store building will have 50,000 square feet - one story.

The amount of parking space necessary for each car was discussed. Mr.Schumann said the question was whether it was more feasible to

to provide off street parking, between the buildings and the right of way or to have parking in the rear. Mr. Wills agreed that front parking was more desirable but didnt think it practical here.

The Chairman asked Mr. Schumann for the opinion of the Planning Commission. Mr. Schumann said he had at first been entirely opposed to Mr. Wills proposal but after some study he thought it had sufficient merit to deserve further consideration. He felt, however, that the entire layout should have more study before making a decision because it would be establishing a pattern in Annandale. He requested the Board to refer this application to the Planning Commission for study and recommendation.

Mr. Lowe thought all the material necessary was before the Board and since all questions could very well be answered it was not necessary to defer action. Mr. Wills had a large investment and time was of the essence - he would be seriously handicapped by delay.

Judge Hamel asked Mr.Schumann if the case was deferred until the April 15th regular meeting could the Planning Commission have a report. Mr. Schumann would like 60 days but said the Commission would do the best they could in that time. He had not thought Mr. Wills expected to go ahead immediately anyhow.

Mr. Lowe said Mr. Wills would start his building immediately and enlarge it later.

Victor Ghent spoke favoring the application. He said Annandale had asked the Board of Supervisors for a master plan of Annandale two years ago and had not yet heard from them - he could not see where much could be gained by a three weeks delay. He said the pattern had already been set for Annandale.

The Board generally agreed that this was too important a decision to make without a recommendation from the PlanningCommission.

The Chairman called on Mr. Ross of the Highway Department who said the State was concerned especially with the right of way of Rt. 236, Springfield Road, and Columbia Pike at this intersection. The rights of way they were requesting were the necessary widths at the present time. He made no prediction for the future. The minimum now requested are: 70 feet on 236; 57 feet on Springfield Road and Columbia Pike.

Mr.Schumann suggested to Mr. Ross that this was not sufficient right of way for the future. Mr. Ross re-stated that these rights of way were for the present only.

Mr. V.Smith asked Mr. Schumann what was the reason in the Ordinance requiring a 35 foot setback. Mr. Schumann said for parking and for street widening. Mr.Schumann explained the requirements of the Ordinance regarding corner clearance.

Mrs. Sheppard who owns the ground joining Mr. Wills on Columbia

Pike did not oppose Mrs. Wills application. There was no opposition from the community.

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Mr. Schumann told the Board that this was a very substantial variation from the Ordinance and he thought the Board should have a very sound reason included in their motion if they granted this application because if buildings are granted so much closer to the right of way than permitted by the Ordinance there would be many other applications of the same nature. The Board should be well able to support their decision and this should be shown in the minutes. For that reason, Mr. Schumann said, he recommended deferrment for study and report from the Planning Commission.

Judge Hamel said he did not feel in a position to make a decision without the report from the Planning Commission. The Board generally agreed.

Mr. Lowe suggested that the other applications filed by Mr. Wills for hearing this day might meet with the same answer. Mr. Wills protested the delay.

Judge Hamel moved that the Planning Commission beasked to give its views on the whole problem at the next regular meeting of the Board of Appeals and request the Planning Commission to make a study and report at that time. V. Smith seconded. Carried.

Mr. Schumann said he would like Mr. Wills and Mr. Lowe to appear at the Planning Commission meeting March 31st at 8 o'clock to discuss this with them.

2 - W. C. Wills, to have special use permit for service station to be located 10 feet from right of way line of Columbia Pike, which setback will be effective on his entire frontage on Columbia Pike, and also a 10 foot setback on both sides of the two proposed streets which will run south from Columbia Pike toward Rt. 236, as per plat submitted, said property located on the south side of Columbia Pike, approximately 1000 feet SW of intersection of Gallows Road and Columbia Pike, Falls Church District.

V. Smith moved for deferrment for recommendation from the Planning Commission as stated in the motion on the last case - report to be submitted at the same time. Seconded, Judge Hamel. Carried.

3 - W. C. Wills, to construct and operate repair garage with a 10 foot setback from right of way line of Little River Turnpike and a 15 foot setback from Springfield Road, Falls Church District, Lots 128 thru 134 and part of Lot 127A, Dunn Subdivision, north side of Little River Pike at intersection (NW) with Springfield Road, Falls Church District.

Mr. Wills said this would ~~give~~ allow a 67 foot right of way on Springfield Road and if a by-pass was put through from Falls Church-Annandale Road to Springfield Road as suggested by Mr. Schumann, this set-

back on Springfield Road would not interfere.

The 10 foot setback on Rt. 236 is already established, therefore the only request to be considered in this application is the Springfield setback.

Mr. Schumann said the setback should be 44 feet from the right of way and that this is a very big variance. Again, the Board should include in its motion to grant, if they do so, a very substantial reason to protect them in future requests.

V. Smith thought the Board should have proper plats showing the proposed building location and parking space. Mr. Wills drew in the proposed building on his plats. This garage will have a ramp to the second floor for car parking.

Mr. Schumann cautioned the Board about sufficient parking space.

Mr. Lowe said Mr. Wills would use the deck for parking and the used car lot joining this property. At present no buildings will be put on this used car lot. (This faces Columbia Pike). This business will not need a great deal of parking space, Mr. Lowe said since it will take care of just the cars which come in for service.

Mr. Wills drew in the access road which was not shown on his plat.

Mr. Schumann thought this could develop into a bad parking condition. Discussion followed regarding the location of parking and the proper amount per car.

Mr. V. Smith moved to defer this application pending study and recommendation by the Planning Commission, the same as the two previous cases, in order to coordinate the plan of this section of Annandale and that necessary plats be provided as required by the Zoning Ordinance and that this recommendation and report by the Planning Commission be presented at the regular meeting of April 15th. Seconded, Judge Hamel. Carried.

Mr. Wills said if the Board would not act on the setback would they give him a use permit so he could get started on this building and he would meet the required setback on Springfield Road. Then if at a later date a variance on this setback were granted he could extend his building on that end.

Judge Hamel moved to grant the use permit only - with the required setbacks on Springfield Road.

The parking question came up again. V. Smith said Mr. Wills could build up the entire lot if the parking were not designated definitely. Mr. Wills said if stores were put on this ground he could get a permit without even coming to the Board and only the Zoning Administrator would pass on the parking. He asked to put in a 60 foot building and use his entire ground, including the used car lot on Columbia Pike) for parking.

Mr. V. Smith withdrew his motion - Judge Hamel agreed, and moved

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to grant the use permit to Mr. Wills to construct and operate a repair garage on Lots 127A, 125, 129,130, 131, 132 and part of 133, not to come closer to Springfield Road with the building than the required setback and Lots 125, 123, 122, 121, 120, 119 be used as parking. Mr.Wills objected and Mr. Smith withdrew his motion.

Judge Hamel said any permit would be subject to being held up if proper space were not provided for parking. Also Mr. Schumann said the Building Inspector would not approve a building permit without PlanningCommission approval of the parking space - therefore construction could be held up. The parking space would have to be sufficient, Mr. Schumann said.

Mr.Wills asked how one arrived at sufficient space for parking- he thought a garage should be judged differently from a store. He felt that with the second floor parking space that was sufficient. He would park only the cars being worked on.

Mr. V. Smith moved to grant the use permit - building to be 65 feet long on Lots 128,129,130,131,132,133, part of 139 not needed to maintain the required setback and the necessary ramp to serve parking facilities to be constructed above said repair garage as mentioned in the application and parking space for vehicles must be confined to the lots in question or within a legal parking zone surrounding the building.

Mr. Wills objected to this and Mr. Smith withdrew his motion. Mr. Brookfield asked Mr. Smith to takethe chair for him to make a motion. He moved to defer action on this application, pending consideration by the Planning Commission as on the two previous cases, said report from the Planning Commission to be presented at the next regular meeting of the Board. Seconded, Mr. Harr. Carried.

4 - Dr. Angel E. Salazar, to construct and operate a clinic-hospital on approximately 4 acres located on the east side of Rt. 657, about 3/4 mile north of intersection with Rt. 50, Dranesville District.

Dr. Salazar said he would have a small building at present for his residence and his office. He wants to expand as soon as he can to take care of installation of a clinic-hospital. There will be no bed patients. He can meet all required setbacks and requirements of the state and county ordinances and standards. He showed his plans.

Mr. Mooreland stepped out of his role of Assistant Zoning Administrator and spoke for this application, saying it was a commendable venture, much needed in Fairfax County, and hoped it would some day grow into a general hospital. It will be inspected by the State medical authorities. There was no opposition from the community.

Dr. Salazar said he had seen Richmond authorities and his plans are approved. V.Smith moved that the application be granted to construct and operate a hospital as provided in Section 4, Par. A-15-F,

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because it does not affect adversely the use of neighborhood and property as provided in Section 12, Par. F, said hospital to be located on not less than 4 acres and subject to other provisions of the Ordinance,as per plat submitted with the application. Seconded, Judge Hamel. Carried.

The Board adjourned for lunch.

DEFERRED CASES:

Dan Levenson, to construct and operate motor court on Lots 56 thru 60, East Fairfax Park, Providence District.

This was deferred for plats to show parking facilities sufficient to take care of the units planned. There were no objections. Mr. Levenson and Jack Wood appeared before the Board. The plats shown were satisfactory to the Board. Judge Hamel moved to grant the application. Mr. Harr seconded. Carried.

S. J. Donchez, to construct addition to dwelling to come 22 feet from front property line, Lot 47, Hollin Hills, Mt.Vernon District.

Mr.Brookfield and V. Smith had seen the property. They did not like the idea of the enclosed storage room on the front of the house. There was considerable discussion about visibility. The carport could not be located any place else on the lot because of the drainage and terrain.

Mr. Donchez said they had poured the slab and put up the frame. They stopped when they realized they were in violation. This was put on to add privacy to their home-the living area ~~will area~~ will be in the rear. The driveway was in when they bought. She presented a petition from neighbors approving the addition.

Mr. Schumann said the carport could come within 30 feet of the property line but not the storage room. He said the application could be granted on topography.

Mr. Harr moved to grant the application except that the space indicated for storage be included in the carport area and no solid wall should be built. Seconded, Judge Hamel. Carried.

Sam Enix, to construct dwelling with less sideyard than required, Lot 12, Englandboro, Falls Church District.

Mr. Enix went over his difficulties in meeting the setback with the present demand for wider houses. The garage uses the extra 5 feet allowed by the ordinance on one side and he wanted 5 feet on the opposite side for the house. The lots are all too big and too expensive to break up to add more width to this one.

Mr. Schumann said the land near this subdivision was zoned Suburban Residence with 15 foot sideyards. There were no objections from the community.

Mr. Harr moved to grant the application, Judge Hamel seconded. (reason- small variance and wishing to keep up the good class of

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homes being built in this area)

Mr. Enix asked extension of time on Lot 16, Section 2 of Englandboro. He hadn't been able to start within the 6 months required because of difficulty in purchase of the land. Judge Hamel moved to extend this for 6 months. Seconded, Mr. Harr. Carried.

L. R. Broyhill, to allow dwellings to be erected closer to property lines than allowed by the Ordinance, Lots 40-A and 41-A, Chesterfield, Providence District. This was continued until the next meeting.

The meeting was adjourned.

John W. Brookfield.

J.W. Brookfield, Chairman

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